

ABDUCTIONS AND TORTURE IN EASTERN UKRAINE

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INTRODUCTION

“My face was smashed – he punched me in the face with his fist, he was trying to beat me everywhere, I was covering myself with my hands... I was huddled in the corner, curled up in a ball with my hands around my knees. He was angry that I was trying to protect myself. He went out and came back with a knife.”

Hanna, abducted by armed men in Donetsk on 27 May 2014

Hanna and her boyfriend Fedor were abducted by armed men in Donetsk on 27 May and held for six days before being released as part of a prisoner exchange. It seems they were targeted because they were known to be pro-Ukrainian activists. Hanna told Amnesty International that she was sitting in her flat, when there was a knock on the door. Seven armed men wearing balaclavas and camouflage fatigues barged in. They said they were from the Donetsk National Republic (DNR), and proceeded to search the flat. When they found a Ukrainian flag and pro-Ukrainian leaflets, they used the flag to blindfold Hanna and Fedor and drove them to the Police Department for Combatting Organized Crime for questioning. Hanna and Fedor were initially taken to a basement where they were threatened, including with sexual violence, before being separated for questioning. Fedor told Amnesty International that the beating started before any questioning, and that the first questions were apparently intended to intimidate rather than solicit any information of any practical value. Anna was asked about her participation in the Maydan protests, and accused of being a member of “Pravy Sektor”.¹ She told Amnesty International that after about half an hour of questioning, her interrogator became violent, and after going to out to get a knife he started to cut her. The interrogator cut her on the neck, arms and leg and she had a particularly deep wound on one finger because she had put out her hand to protect herself.

“I was in shock, so I didn’t feel any pain, but you look at these cuts and you think that it’s not you. It was sick. Your own countrymen interrogating you with such cruelty. I was lost, I was so worried, I thought it was the end... I thought I might be killed... At the end of the interrogation [he said] “Pray now – I’m going to kill you”, and then he slit [the back of] my neck with the knife.”

Her interrogator then forced her to write ‘I love Donbass’ on the wall in her own blood. Anna had the impression that her torturer received an order from someone higher up the chain of command, and he stopped torturing her. She and her boyfriend were then forced to clean out vehicles that they believed had been used for carrying dead bodies.

Hanna and Fedor are just two of hundreds of people who have been abducted and often subjected to torture and other ill-treatment by separatist and pro-Russian armed groups in

¹ Pravy Sektor (Right Sector) is a political party that combines various right-wing, nationalist and paramilitary groups. It came to the fore during the EuroMaydan demonstrations in Kyiv starting in November 2013. Dmytro Yarosh who ran as presidential candidate for Pravy Sektor in the presidential elections gained 0.7% of the vote. Anybody sympathizing with the Ukrainian viewpoint is commonly labelled as being “Pravy Sektor” in eastern Ukraine.

Eastern Ukraine. Ukraine has seen a steady escalation in the number of abductions since the “EuroMaydan” protests in Kyiv which began in November 2013. As the violence escalated during the protests in January 2014 there were a number of abductions in Kyiv, and there have also been abductions in Crimea. As the situation in the east of the country has escalated into armed conflict there has been an increasing number of such human rights violations.

International human rights conventions to which Ukraine is a party such as the International Covenant on Civil and Political Rights and the European Convention on Human Rights demand that nobody should be subjected to arbitrary arrest or detention. The taking of hostages is also a violation of international humanitarian law. Common Article 3 to the Geneva Conventions and Article 4.2(c) of Additional Protocol II, which govern the conduct of non-international conflicts, prohibit the taking of hostages and the abduction of civilians.

As the conflict continues and Ukrainian forces seek to regain control of cities and towns from armed groups in Eastern Ukraine the local population are at risk from both sides in the conflict. The fact that military operations are taking place in densely inhabited areas means that civilians risk being caught in the crossfire or hit by artillery or aerial bombardment. Amnesty International delegates visited Mariupol in June 2014 shortly after the city had been retaken by Ukrainian government forces. The organization is also in contact with IGO representatives, NGOs and journalists working in the region and with Amnesty International activists living in eastern Ukraine. The organization has documented unlawful deprivation of liberty, torture and other ill-treatment, abusive use of force, and violations of the right to life during the conflict in the east. For example Amnesty International has expressed concern that excessive force may have been used on 24 April by Ukrainian forces when five armed men were reportedly shot at a road block in Slovyansk, and on 11 May when two members of the public reportedly died when Ukrainian law enforcement officers opened fire on a crowd in Krasnoarmeisk. We have also called on the self-proclaimed “Donetsk People’s Republic” to release hostages and refrain from torture and other ill-treatment.

In areas controlled by armed groups the police are either reportedly loyal to the de facto authorities or absent, and even in a city such as Mariupol, there is very little security for the local inhabitants. When the Amnesty International delegation visited Mariupol on 25 and 26 June it was evident that local inhabitants did not feel safe. There were no police officers visible in the street during Amnesty International’s visit, and in any case the loyalty of the local police to Kyiv was questioned by a number of people from Mariupol. In these circumstances, the local population can expect little protection from abduction and other violence from members of armed groups or members of pro-Ukrainian self-defence groups. The situation of victims of abductions and other human right abuses at the hands of separatist armed groups in other parts of Ukraine is even more precarious than in “liberated” Mariupol.

BACKGROUND

THE BEGINNING OF A CONFLICT

The three months of “EuroMaydan” protests in Kyiv, in November 2013 – February 2014, resulted in the ousting of the then President Viktor Yanukovich and the creation of an interim government. An early presidential election was called, which took place on 25 May, when Piotr Poroshenko was elected in the first round.

These events were welcomed by the street protesters in Kyiv and by many in western and central Ukraine. However, many people in Ukraine’s predominantly Russian-speaking regions in the east, which had been the stronghold of the ousted president and his ruling Party of Regions, were less enthusiastic. There were thousands-strong street protests against the new authorities in Kyiv across the region. The protesters opposed the interim authorities in Kyiv as “illegitimate”, and countered the appointment of new regional governors from Kyiv by announcing “people’s governors” and “people’s mayors” at big protest gatherings. The Ukrainian parliament’s decision to effectively downgrade the status of the Russian language, by repealing an earlier language law, served to raise tensions. Although this decision was vetoed by the acting president, it had already contributed to the climate of discontent in the east. The public protests across the region were also driven by a concern that the new authorities in Kyiv would take Ukraine closer to the EU and the West at the expense of economic and other ties with Russia, on which the wellbeing of many residents of Ukraine’s industrial east directly depended.

Supporters of the new Kyiv authorities organized their own rallies across eastern Ukraine, and there were increasingly violent clashes between the opposing crowds. The failure of the police to provide adequate protection, and to intervene to prevent clashes, contributed to the violence and forced both sides to arm themselves for street clashes.

In March, protesters in the east began resorting to occupation of administrative buildings, similarly to what EuroMaydan participants had done in Kyiv, during which they raised Russian flags and used other symbols which antagonized supporters of Ukrainian unity. The interim authorities’ attempts to take back the buildings and prosecute those who led the anti-Kyiv protest further galvanized the protest. During the month of April protesters across eastern Ukraine established themselves permanently in many regional and local government buildings in the regional capitals Donetsk and Luhansk, and other towns such as Slovyansk and Kramatorsk. They also began capturing arsenals belonging to the police and other law enforcement agencies and arming themselves. In several towns, police and other law enforcement agencies refused to oppose their actions, and in many instances openly took their side.

The announcement of a “referendum” on 16 March 2014 on independence from Ukraine in the Russia-occupied Crimea, and the peninsula’s subsequent swift occupation by Russia, which appears to have been backed by the majority of its ethnic Russian population, prompted similar initiatives in the east. “Referenda” were announced for 11 May in towns across eastern Ukraine over which Kyiv had lost, or was beginning to lose, control.

On 7 April, a special law enforcement operation (*silovaya operatsiya*) began in the east, and on 15 April the acting President of Ukraine Oleksand Turchynov announced the beginning of an “anti-terrorist” operation, which on 24 April escalated to an armed offensive launched to retake control of the town of Slovyansk. This attempt was unsuccessful, and the situation quickly escalated into an armed conflict involving Ukrainian police troops, intelligence and military units and forces on the one hand, and separatist armed groups on the other. There has been sporadic heavy fighting as Ukrainian forces tried to regain control of various towns in the Donetsk and Luhansk regions, including on the border with Russia.

The Ukrainian authorities have accused Russia of supplying the armed groups in the east with weapons, military instructors and volunteers. Although the Russian authorities have consistently denied doing so, the credibility of such denials has been in doubt since the occupation of Crimea, and there is evidence to the contrary, such as the use of tanks, armoured vehicles artillery systems and other sophisticated weaponry by armed groups which it seems unlikely they could have captured in such numbers from the Ukrainian side. At the time of writing, the conflict continues to escalate, and the future of Ukraine’s eastern regions, and of the country as a whole, remains uncertain.

ABDUCTIONS DURING EUROMAYDAN

There have been reports of abductions in Ukraine since the beginning of the EuroMaydan protests. The first reported abductions were those of political activists in Kyiv during the protests against the government of the then President Viktor Yanukovych. Some EuroMaydan activists alleged that they were abducted, beaten and driven to forests and left there by unknown men. For instance, on 21 January 2014, activist Yury Verbytsky and a well-known journalist and EuroMaydan activist Igor Lutsenko were abducted by unidentified men at a hospital where they were seeking medical treatment. Igor Lutsenko was kept blindfolded and then dumped by his captors in a forest outside of Kyiv in freezing temperatures but managed to find help and is alive. He alleged that he had been badly beaten and otherwise ill-treated by his captors. Yury Verbytsky was found dead in the forest. His ribs were broken and there were traces of duct tape round his head.

There are no official figures for the number of people who were abducted during this period, but according to the NGO, EuroMaydan SOS, 37 individuals are still missing after they disappeared during the protest events in Kyiv.² Not all of these have necessarily been abducted, and there are other plausible explanations. For instance, some of them may have perished in the fire when the House of Trades Unions (which had been occupied by protesters and used as, amongst other, a makeshift hospital) burnt down.

ABDUCTIONS IN CRIMEA

Abductions also became a common feature in Crimea as the peninsula came under the control of armed groups starting at the end of February 2014. Following the “referendum” of 16 March 2014, and the occupation of Crimea by Russia on 18 March 2014, armed men in camouflage uniform – commonly known by then as Crimean “self-defence” units (*krymskaya samooborona*) – continued to operate openly in Crimea alongside law enforcement officials and the Russian military. Members of these paramilitary units were reportedly behind a

² <http://euromaidansos.org/uk/znykl>.

number of incidents of unlawful detention and beating of ethnic Crimean Tatars³ which the Crimean authorities have failed to investigate.

For instance, on 3 March, 39-year old Reshat Ametov, a Crimean Tatar, was led away by three men from the “self-defence” forces after he had held a one-man protest in front of the Crimean Council of Ministers building in the region’s capital, Simferopol. Video footage exists which shows him being led away by paramilitaries. His body was found almost two weeks later, showing signs of torture.⁴ A criminal case has been opened, but the abductors have not been identified.

There were also reports of abductions of pro-Kyiv activists in Crimea. Oleksandra Ryazantseva and Kateryna Butko, both AutoMaydan activists from the Kyiv-based group that organized automobile protest actions during the EuroMaydan demonstrations were abducted after being stopped at a checkpoint, reportedly manned by riot police officers and the Crimean “self-defence” paramilitaries armed with guns and knives. They were released on 12 March,⁵ but did not want to comment on their detention and the conditions of their release.

UNLAWFUL DEPRIVATION OF LIBERTY

The taking of hostages is a violation of international humanitarian law. Common Article 3 to the Geneva Conventions and Article 4.2(c) of Additional Protocol II, which govern the conduct of non-international conflicts, prohibit the taking of hostages and the abduction of civilians. The arbitrary deprivation of liberty is also a violation of human rights law. Article 5 of the European Convention on Human Rights states that nobody should be deprived of their liberty except in accordance with procedures prescribed by law. During the current conflict in eastern Ukraine, Amnesty International has documented both the abduction of civilians by separatist armed groups, and unlawful deprivation of liberty by individuals and fighters loyal to the government in Kyiv.

ABDUCTIONS BY SEPARATIST ARMED GROUPS IN EASTERN UKRAINE

With the outbreak of the conflict in eastern Ukraine reports of abductions soon followed. Among the first people targeted were members of local administrations, pro-Ukrainian political activists, journalists and international observers (in particular, members of a number of OSCE missions).

Reasons for abductions

There are a number of explanations for the growing phenomenon of abductions. The separatist fighters themselves have given various justifications for their acts. In a press conference on 23 April, the then self-proclaimed “People’s Mayor” of Slovyansk Vyacheslav Ponomarev acknowledged that forces loyal to him were holding a number of people as “bargaining chips”. He accused the Kyiv government of detaining and torturing his “comrades”. It appears that many of the hostages are taken by separatist groups in order to be exchanged for prisoners taken by the Ukrainian forces. Some of the former hostages who

³ <http://www.amnesty.org/en/library/info/EUR50/023/2014/en>

⁴ Ibid.

⁵ <http://amnesty.org/en/library/info/EUR50/015/2014/en>

spoke to Amnesty International said that they had been exchanged and that prior to their release there had been talk of exchange. In a telephone conversation with Amnesty International on 9 May the spokesperson for Vyacheslav Ponomarev claimed that the men being held were not hostages, but had been detained “on suspicion of espionage”, and that it remained to be decided what measures were to be taken against them. On 16 June, the commander of the separatist fighters in Horlovka, Igor Bezler (known as Bes), announced that he intended to use hostages as human shields by placing them on the roofs of buildings occupied by his forces and targeted by the Ukrainian air force for aerial bombardment.⁶

There is evidence that in some cases people are abducted for ransom money, but in these cases the abductees are usually reluctant to talk about the arrangements. It is also often alleged that the hostages are used for forced labour; Anna and her boyfriend are not the only ones who reported this. Certainly, abductions also serve as a means of intimidation and control of the local population.

HELD AND TORTURED FOR RANSOM

Sasha, 19 years old, fled to Kiev after he was abducted at gunpoint in Luhansk. He told Amnesty International that he had been beaten repeatedly for 24 hours. Sasha was a member of a self-defence group in Luhansk, he explained that because of the lack of police presence during demonstrations the pro-Ukrainian demonstrators were forced to set up self-defence groups to defend themselves during clashes with separatist demonstrators. Sasha was captured on 12 June and after he followed instructions to meet another member of the self-defence group. As he approached his colleague three armed men in camouflage approached him from a car parked nearby, started to shoot in air and told him lie on the ground. He was beaten, handcuffed, put in the car and driven to the State Security Headquarters in Luhansk. On the way they continued beating him. They asked where he lived and he told them thinking that at least his mother would know where he was. On the way they stopped and raided his flat where they removed computers and valuables. At the State Security Building he was taken to the second floor and again beaten:

“They beat me with their fists, a chair, anything they could find. They stubbed out cigarettes on my leg and electrocuted me. It went on for so long, I couldn’t feel anything anymore. I just passed out.”

When he passed out he was taken to the basement, where there were three other men. When he regained consciousness he was taken upstairs and interrogated and beaten again. This was repeated again and again and at times up to ten men were beating and torturing him. During one session they put electric wires on to his handcuffs and then his hands and applied electric current. He was taken to the gym in the building where four men forced him to the ground beat him and threatened him that he would be killed. During the time he was held his mother went to the city administration building to find out what had happened to him and was told that he was going to be executed. He was released after his father paid a US\$60,000 ransom.

Abductions in Slovyansk

Some of the first abductions in the east of Ukraine were reported in the town of Slovyansk, some 100 km north of the regional capital Donetsk. Artem Deynega was abducted from his flat on 13 April 2014 by unidentified people after he had attempted to film the occupation by armed men of the SBU (State Security Service) building across the street. Three days

⁶ <http://fakty.ua/183297-gorlovskie-boeviki-predupredili-chto-budut-pryatatsya-ot-ukrainskoj-aviacii-za-spinami-plennyh-foto>

later, on 17 April, Ukrainian journalist Serhiy Lefter was similarly taken captive while reporting in the city. They were released in early May, and Serhiy Lefter told Radio Free Europe about the conditions in which they had been held:

“It was a basement. Three rooms. We slept on the floor, of course. Those who were there for a long time were allowed to sleep on a makeshift bed that we made out of some doors and some warm clothes that they gave us. And they slept on that bed. That was the biggest room. All the others -- the new ones that were brought in -- sat on benches and slept sort of half sitting. At first, I also slept like that on some sort of crates -- half sitting, half lying down. It was cold, of course. It was a basement, after all.”

The abductions continued and included foreign correspondents as well as Ukrainian journalists. On 20 April, Irma Krat, a reporter and a prominent EuroMaydan activist, was abducted after travelling to Slovyansk to cover the recent events. Russian TV channel LifeNews published an exclusive video interview with her in which she is blindfolded at all times while she is being asked questions by the channel's correspondent, and is led away at the end, still blindfolded, by a plain-clothed man carrying what appears to be either a firearm or a metal pipe.⁷ The same day the armed group which held Irma Krat called a news conference where she was paraded in front of national and international media. Irma Krat was released on 5 July along with other hostages held in Slovyansk when the town was retaken by the Ukrainian forces. As the separatists started to gain control of other cities in eastern Ukraine during April and May the phenomenon spread.

ABDUCTIONS IN LUHANSK

Hanna Mokrousova and Oleksei Beda were among some of the first to be abducted in Luhansk on 3 May. They were both known locally for their pro-Ukrainian position and activism, and that day they had gone to witness the capture of the local military conscription office by armed men. Some locals recognized them – accused them of belonging to “Pravy Sector”, and handed over to the armed people in the SBU building. There they were taken to separate rooms on the third floor for questioning. She was threatened, but not beaten. She told Amnesty International that she was interrogated by two men who tied her up then pointed guns at her, and put knives to her body, but did not injure her. One of the men introduced himself as an “investigator of the Luhansk People's Republic”. She was asked about other pro-Ukrainian activists and asked to invite them to meetings (she “invited” them in such a way that they would get a hint and not come). They were both taken captive at about 4pm and released the following day. They were aware that at about 10-11pm some negotiations concerning their release began. Following her release Hanna started to receive threats including via social media and for that reason she felt compelled to leave Luhansk and has settled in Kyiv, where she has set up a self-help initiative assisting other former hostages.

Since then, numerous other cases of abduction, unlawful detention and torture and other ill-treatment by members of armed groups, across many other towns affected by the conflict in the east of Ukraine have been reported. Amnesty International has issued repeated demands for the release of journalists and other captives of whom it was aware.⁸ Of these, some were

⁷ <http://racurs.ua/news/26070-rossiyskiy-telekanal-rasskazal-o-pohischenii-ukrainskoy-jurnalistki-v-slavyanske-video>

⁸ <http://www.amnesty.org/en/library/asset/EUR50/025/2014/en/726a42ab-51b9-4b15-a35f-6791927c93cc/eur500252014en.html>

released,⁹ but at the time of writing at least three persons known to Amnesty International continue to be held by their abductors, and their fate and whereabouts remain unknown.

STATISTICS

“It is very hard to investigate abductions in the east now. Whereas they used to abduct activists and journalists that travelled to the east, those now stopped coming and they tend to seize locals without providing information about the names.”

Yekaterina Sergatskova, civic activists speaking to Amnesty international in June 2014

There are no comprehensive or reliable figures for the number of abducted persons in the east of Ukraine. This is due in part to the fact that the authorities in Kyiv have no direct access to areas controlled by the armed groups in the east, which makes it difficult to record and evaluate human rights abuses. It became clear during meetings which Amnesty International had with officials in Kyiv at the end of June, that there has been no attempt to try to create a single register of incidents of reported abductions. As a result the information is not very well coordinated between the different law enforcement agencies involved in dealing with the conflict in the east of Ukraine.

Many abductions have never been reported, because the victims of abductions and ill-treatment in the east cannot formally complain about their ordeal: the Ukrainian authorities do not have an effective presence in the areas where human rights abuses by the armed groups take place, and the local police forces in such areas – which continue to operate – are seen as loyal to the armed groups and therefore incapable of protecting people from the abuses perpetrated by them. In many cases the victims themselves are unwilling to go public about what had happened to them, and sometimes even about the fact of their abduction, as this may lead to further reprisals, both against the victims and their family members.

As a result much of the information available on abductions and torture and other ill-treatment of captives is second-hand and not always reliable.

Despite these difficulties, various organizations have attempted to put together a detailed and updated list of abductees. In its second report published on 15 June,¹⁰ the UN Human Rights Monitoring Mission for Ukraine (HRMMU) noted that it had “credible reports illustrating an escalation of abductions, arbitrary detentions, ill-treatment, looting, as well as the occupation of public and administration buildings”,¹¹ and stated that it had recorded 222 cases of abductions and detentions by armed groups since 13 April. Of these 4 were killed; 137 released; and 81 remained detained as of 7 June.¹² The report quoted Ukrainian

<http://www.amnesty.org/en/library/info/EUR50/021/2014/en>

⁹ <http://www.amnesty.org/en/library/info/EUR50/022/2014/en>

¹⁰ http://www.un.org.ua/images/stories/Ukraine_15_June_OHCHR_Report.pdf

¹¹ Ibid., paragraph 152.

¹² Ibid., paragraph 197.

Ministry of the Interior figures according to which between April and 7 June 2014, armed groups had abducted 387 people, among them 39 journalists.¹³ However, in meetings with Amnesty International only a week after the report was published, UN HRMMU members stressed that by the time of the publication the information on abductions was already dated, and new incidents of abductions were continuing to be reported in the east.

Much of the information on abducted individuals in the east is compiled by various grass-roots groups and networks of activists which emerged as EuroMaydan self-help groups, and which have since been working to help individuals who have escaped captivity to get basic medical and psychological aid and logistical support after they come to Kyiv. One of these is a Coordinating Centre based in a hospital in Kyiv which, at the time of Amnesty International's meeting with them (on 27 June 2014) had provided such aid to nine such individuals in the same hospital and to one other such individual in another hospital in Kyiv. During our meeting, their coordinator expressed concern that there had been no new cases of people seeking their support during the preceding week. According to her this could either mean that ex-abductees escaping from the east had been looking for help elsewhere in Ukraine or, quite plausibly and worryingly, that whilst the number of abductees was growing, the number of those released by the armed groups was not.

During the same week Amnesty International met with Hanna Mokrousova, (a former victim of abduction see above) coordinator of Vostok-SOS initiative. She shared with us her list of people who had been targeted for abduction in the east, including 36 individuals in Luhansk, 7 in Donetsk, and 31 elsewhere (Alchevsk, Antratsit, Belovodsk, Gorlivka, Kramatorsk, Krasnogorivka, Kremen, Lutukhine, Novhorodske, Schastye, Severodonsk, Shakhtarsk, Shiroke, Slavyansk, Stakhanov). Of these, 28 were still missing as of 25 June 2014, and 47 released of whom two subsequently died because of injuries received while in captivity. Most had been tortured and otherwise ill-treated while in captivity. Most have been targeted by the abductors as political activists, but the list also included businessmen, individuals involved with the presidential elections or those who failed to cooperate with the separatists in the conduct of their "referenda", members of local administrations and local elected councils, and at least two lawyers, as well as several individuals in whose cases it was unclear why they were targeted. In addition, Hanna Mokrousova's list included 16 servicemen (police, intelligence and military) as well as members of the OSCE monitoring missions who were later released by their captors.

Among those who has attempted to put such a list together and keep it updated is activist Yekaterina Sergatskova.¹⁴ As of 17 June 2014, her list had over 100 cases, several dozen of which she was unable to make public at the request of families.

One of the more comprehensive figures is that provided by the Polish NGO Open Dialogue. As of 21 June, it has documented abductions of 24 servicemen (police, intelligence or military) and 82 civilians in eastern Ukraine, including 10 journalists, six politicians and several

¹³ Ibid., paragraph 196.

¹⁴ <http://www.thedailybeast.com/articles/2014/06/17/the-26-year-old-woman-searching-for-ukraine-s-disappeared.html#>

activists, as well as a taxi driver and a doctor (these figures do not include the abducted OSCE monitors). Of these, 11 are known to have been released. It was recorded that 29 have been abducted in Donetsk, six in Luhansk, nine in Kramatorsk, five in Makiyivka, four in Luhansk and 10 in Slavyansk, while the location of some of the abductions has been unrecorded. However, the NGO is fully conscious that their information is incomplete and not all the cases may be up to date. Keeping a track of all the abductions is very resource-intensive. Besides, anyone monitoring the situation is bound to be relying on incomplete, and often confusing and possibly deliberately misleading information.

During a meeting with Amnesty International on 27 June 2014, members of the Ministry of the Interior in Kyiv were not able to provide us with any statistics regarding the abductions. During a visit to Mariupol in the last week of June, Amnesty International delegates were told by local activists that around 50 persons had been liberated from captivity when control of the city had been recovered by Ukrainian forces from armed groups on 13 June 2014. The Ministry of the Interior in Kyiv could not confirm this figure but put Amnesty International in touch with one person who had been held in captivity in Mariupol until 13 June. While held captive, this person claimed to have come across three other abductees, but did not rule out that others could have been held captive in other buildings occupied by the armed groups in Mariupol.

It has also proven very difficult to verify any cases directly whilst in Mariupol. Whereas control over the city had nominally been recovered by Kyiv, in a swift operation on 13 June which resulted in the killing of three and arrest of some 30 members of armed groups there, local residents do not feel safe and were unwilling to talk.

UNLAWFUL DEPRIVATION OF LIBERTY BY PRO-KYIV FORCES

Allegations of abductions are also regularly made against pro-Kyiv forces as well. In meetings with a range of officials in Kyiv in June, Amnesty International has raised these allegations – including a specific incident involving a controversial politician and member of the Ukrainian parliament Oleh Lyashko¹⁵ – of arrest or detention carried out by persons other than competent officials or persons authorized to exercise those powers, and ill-treated while in captivity.

UNLAWFUL DEPRIVATION OF LIBERTY AND ILL-TREATMENT OF CAPTIVES

On 7 May 2014, the website of Oleh Lyashko published a report and video footage of the interrogation and ill-treatment of two men inside a car, reportedly at an airfield near Mariupol. The two captives, who are initially blindfolded, are seen with their hands tied behind their backs being interrogated by Oleh Lyashko, who also appears to be in charge of a group of armed men. One of the captives introduces himself as Igor Khakmizyanov, former minister of defence of the self-styled People's Republic of Donetsk. He is almost totally naked, with two distinct bleeding cuts on his body. At least eight men can be seen outside the car, wearing

¹⁵ <http://www.amnesty.org/en/library/info/EUR50/020/2014/en>

unidentifiable black uniforms. Four of them are wearing facemasks and holding Kalashnikov assault rifles. At the end of the footage Igor Khakmizyanov is blindfolded again, and he and the other captive are transferred to a helicopter and taken to an unknown destination.

With regards to Oleh Lyashko, it was confirmed to Amnesty International that he is not a law enforcement official, but none of the officials we have met was able to tell us if any investigation into the circumstances of the incident highlighted by Amnesty International had been undertaken, but we were assured that the Ukrainian authorities are taking seriously any allegations of abusive use of force and ill-treatment of detained individuals and trying to ensure that such incidents do not take place in future.

Some of the officials met by Amnesty International did not deny that detentions of individuals suspected of membership of armed groups and separatism-related crimes were being carried out by members of self-defence units or other civilians, rather than members of the relevant law enforcement agencies, but they sought to assure the organization that the detainees are delivered and handed over to the relevant competent officials. It was argued that Article 207 part 2 of the Code of Criminal Procedure, concerning "Lawful detention", provided the legal basis such arrests. It states: "[a]nyone has the right to detain, without a decision of the investigating judge of the court, any person other than the persons referred to in Article 482 of this Code [judges and members of parliament]: (1) for committing or attempting to commit a criminal offense; [or] (2) immediately after the commission of a criminal offense or during the continuous pursuit of a person suspected of committing it." Part 3 of the same Article states that "[e]veryone who is not an authorized officer (the person who is lawfully entitled to exercise detention) and holds a person in the manner prescribed by part 2 of this Article, shall immediately deliver [the detainee] to an authorized officer or immediately inform an authorized officer of the detention and whereabouts of the person suspected of having committed a criminal offense".

This legal provision leaves room for abuse, particularly in the circumstances of civil unrest and conflict.

The potential for abuse is increased by the fact that faced with a lack of loyal, and reliable law enforcement officials to fight in the east, the Kyiv authorities started to actively recruit volunteers and formed new battalions composed of volunteers under the auspices of the Ministry of the Interior, Ministry of Defence, and State Security Services. Furthermore, it was widely reported on 17 April 2014 that businessman and Deputy Governor of Dnipropetrovsk Region Ihor Kolomoysky promised to pay USD 10,000 to anyone who captured a Russian mercenary.¹⁶

Amnesty International does not have information on the scale of the problem, but has received reports of abductions of individuals by pro-Kyiv forces, including of at least one minor.

¹⁶ <http://korrespondent.net/ukraine/politics/3350710-kolomoiskyi-zaplatyt-10-000-za-holovu-rossyiskoho-dyversanta>

THE CASE OF “VLAD THE STREAMER”

Vladislav Aleksandrovich, 16 years old, known as “Vlad the Streamer” (for the video footage he had made of law enforcement operations in Mariupol in May 2014 involving the use of firearms and armoured vehicles and resulting in a number of casualties), was abducted in the streets of Mariupol on 25 June 2014. In a video made after his release and published on 28 June,¹⁷ he said the following about his captivity.

Vladislav was in a park, smoking, when he was approached by two men and forced face down on the ground while one grabbed him by his neck. There was a car nearby in which he believed he saw a man armed with an assault rifle. He was blindfolded and put in the car, and driven to Mariupol airport (which is where some pro-Kyiv forces were stationed). Vlad claims that he was tortured there, hit with rifle butts in his back, and punched. He showed some scabs on his face (on the right cheek/chin - five can be seen on the video, the two longest about 1 cm-long each) as a proof of beatings.

Vladislav was questioned about his contacts in the “Donetsk People’s Republic” (DNR).

Vladislav was forced to write a “statement to the people of Ukraine”, and shout pro-Ukrainian nationalist slogans. Prior to his release, his captors threatened that they would publish this video if he decided to go to the “DNR”.

In a video published on 28 June 2014, Vlad can be seen sitting behind a masked man in camouflage uniform.¹⁸ The man has a hand on Vladislav’s head and is threatening him and others who put Ukraine’s unity in danger with reprisals. Vladislav, who appears very scared, is then forced to shout a nationalist slogan – “Glory to Ukraine” (Slava Ukrainy) and “Donetsk is Ukraine”.

According to media reports he was handed over to the Ukrainian State Security Services and released the following day.

TORTURE AND OTHER ILL-TREATMENT

From the early stages of the conflict there have been concerns that those abducted by separatist armed groups may have been subjected to torture and other ill-treatment. On 22 April, the bodies of two men were found near the river Torets in Slovyansk bearing signs of torture. One of them has been identified as Volodymyr Rybak, a Horlivka city council member from the Batkivshchyna Party who was reportedly abducted on 17 April. Video footage taken that day and posted on a local news site showed the official being violently attacked by several men, one of whom was masked and wearing camouflage. According to the *Kyiv Post*, Volodymyr Rybak’s body was found tied to a sandbag and with a slash across his stomach, and it is believed he was still alive when he was thrown into the river.

Many former captives have subsequently described the treatment they received at the hands of their captors which in many cases amounts to torture and other ill-treatment.

¹⁷ https://www.youtube.com/watch?v=uONAS04fz_o

¹⁸ <https://www.youtube.com/watch?v=l-czHpZR2eE>

“PEOPLE THERE REALLY ENJOY TORTURING”

Serhiy Shapoval, a journalist working for the Volyn Post was detained in Donetsk on 25 April, and held on the eighth floor of the Regional Administration Building until he was exchanged for other prisoners on 18 May. He had attempted to enlist as a fighter for the Donetsk People’s Republic in order to work as an under-cover journalist, but when his story aroused suspicion he was detained and interrogated. He described how he was subjected to torture and other ill-treatment for four hours on the night of 25 – 26 April. His captors tied his hands, blindfolded him, and dragged him down the corridor into a room that he suspects was deliberately kept for torture. They sat him on a chair and undressed his upper body to check if he had any characteristic marks indicating that he had been a fighter previously. They took away all his documents and money. After placing a wet towel on his shoulder they applied electric shocks and simultaneously cut his right finger with a knife threatening to cut it off. He was also beaten on the head with a thick book, and kicked and punched on his head and body. At one point, one of his interrogators punched him in the face with such force that he knocked him off the chair. At one point they put a bullet-proof vest on him and pointed a gun at him betting on whether a bullet would go through the vest or not. Periodically groups of fighters came asking his guards to hand him over to them: “People there really enjoy torture. They [the captors] did not hand me over easily to them as I am a journalist, but others they would easily give to them”. One of the fighters told him later “we were planning to kill you.”

Other captives interviewed by Amnesty International have described being cut with knives, burnt with cigarettes and threatened with sexual violence or execution.

CONCLUSIONS

The stories of the former hostages interviewed by Amnesty International vividly illustrate the breakdown in law and order in eastern Ukraine where local inhabitants, journalists, and international observers are at risk of abduction, and torture and other ill-treatment at the hands of anti- and pro-Kyiv armed groups. The abductions of journalists and international observers create obstacles to recording violations of human rights and International Humanitarian Law and risk creating an informational vacuum in the conflict zone.

The lawless situation in eastern Ukraine has been facilitated by the erosion of the rule of law over the past six months which has seen repeated amnesties for perpetrators of crimes (both demonstrators and law enforcement officers) during EuroMaydan, and a failure to demonstrate the political will to investigate such crimes.

In its work against torture and other ill-treatment in Ukraine over many years Amnesty International has documented the vulnerability of ordinary people at the hands of corrupt officials and the continuing failure to properly investigate such human rights violations and prosecute the perpetrators. If Ukraine is to re-establish the rule of law once the conflict is over it must ensure that every allegation of human rights violations committed by both sides in the conflict are promptly, effectively and independently investigated. This is a vital element in creating peace and reconciling both sides of this conflict.

RECOMMENDATIONS

Amnesty International calls on all those engaged in the armed conflict in eastern Ukraine to:

- abide by the standards of international humanitarian and human rights law and in particular to refrain from taking hostages; and
- ensure that nobody is subjected to torture and other ill-treatment.

Amnesty international calls on all armed groups opposing the authorities in Kyiv to:

- immediately and unconditionally release any hostages that are still being held and to ensure that until their release they are protected from torture and other ill-treatment.

Amnesty International calls on the Ukrainian authorities to:

- ensure the immediate release of anybody held by any groups or individuals who are not competent officials or persons authorized to exercise powers of detention;
- conduct prompt, effective, and independent investigations into allegations of unlawful detention in the contexts of the “anti-terrorist operation” in the east and south east of the country;
- to take measures to ensure that the provisions of the Criminal Procedural Code regarding Lawful Detention are not misused and that anybody detained by individuals who are not law enforcement officers is immediately handed over to the lawful authorities; and
- create a single and regularly updated register of incidents of reported abductions, noting allegations of abusive use of force and ill-treatment of detained individuals. They must ensure the investigation of all such credible allegations, and the prosecution of all those against whom there is credible evidence of involvement in crimes under international law. All efforts must be made to ensure that such incidents do not take place in future.

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