

BREAKING BODIES

TORTURE AND SUMMARY
KILLINGS IN EASTERN
UKRAINE

AMNESTY
INTERNATIONAL



Amnesty International Publications

First published in 2015 by
Amnesty International Publications
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom
www.amnesty.org

© Amnesty International Publications 2015

Index: EUR 50/1683/2015
Original Language: English
Printed by Amnesty International, International Secretariat, United Kingdom

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EXECUTIVE SUMMARY

Last November, three building contractors on their way home to Donetsk from a job site were stopped by pro-Kyiv paramilitary fighters at a military checkpoint in eastern Ukraine, and later handed over to the Ukrainian security services. Within hours, one of them had been tied to a chair and beaten with a pipe, and another was nursing a broken nose. The third contractor, who had the bad luck of sharing a surname with a well-known separatist official, was kicked in the head so viciously that after he was released without charge a few days later, he spent nearly three weeks in the hospital.

“His condition was very serious,” the doctor who treated the third contractor told Amnesty International. “He had a brain hematoma, a dangerous brain injury ... Had he not gotten treatment when he did, he could have died.”

Around the same time, across the front lines, Ukrainian serviceman Volodymyr Krutolevych, who had been wounded and captured by separatist forces on 28 August 2014, was languishing in solitary confinement and subjected to daily interrogation and beatings that went on for six weeks. An interrogator told him his memory would be “erased like a flash drive.”

The stories of torture and other ill-treatment of prisoners held by both sides in connection with the conflict in eastern Ukraine are not only shocking, they are all too common. Amnesty International interviewed 33 former prisoners for this briefing paper, 17 of whom had been held by separatists, and 16 by pro-Kyiv military and police forces, including the Security Service of Ukraine (SBU). All but one of them described severe beatings or other serious abuse, particularly during the initial days of captivity.

Prisoners described being beaten until their bones broke, tortured with electric shocks, kicked, stabbed, and hung from the ceiling, deprived of sleep for days, threatened with death, denied medical care, and subjected to mock executions. They showed Amnesty International delegates x-rays of broken bones, hospital records, photographs of bruises and other injuries, scars, and missing teeth. The evidence overwhelmingly indicates that both Ukrainian forces and pro-Kyiv militia on the one side and separatist forces on the other have committed the war crime of torture on persons in their custody.

Amnesty International has also identified three recent cases in which separatist fighters appear to have summarily killed pro-Kyiv captives. In the best-documented case, Arseniy “Motorola” Pavlov, the commander of the Donetsk-based Sparta battalion, is alleged to have deliberately killed Ihor Branovytsky, a soldier with Ukraine’s 81st Brigade.¹ Amnesty International interviewed two former prisoners who witnessed the killing, which took place on 21 January 2015. They say that Branovytsky—who was part of a group of 12 Ukrainian

¹ A note regarding nomenclature: nearly all of the irregular armed groups operating in eastern Ukraine refer to themselves as “battalions,” even when they are not formal military units. Amnesty International uses such terms for the sake of identifying these groups, without meaning to convey any official status.

soldiers taken captive during fighting at the Donetsk airport—was first severely beaten by Sparta battalion fighters, then shot in the head by Pavlov.

Amnesty International's serious concerns about the mistreatment of prisoners in eastern Ukraine are not restricted to any particular police or military unit, separatist force, or irregular armed group. Having interviewed former prisoners held by a diverse array of captors on the two sides of the conflict, we have seen compelling evidence to suggest that prisoner abuse is both frequent and widespread. Nonetheless, Amnesty International has seen strong indications that certain groups - those outside the official or de facto chains of command on both sides - appear to be more lawless and violent in their treatment of prisoners than others.

On the separatists' side, Amnesty International has found evidence that the various semi-autonomous battalions operating in the Donetsk and Luhansk Regions—including the Prizrak battalion, which operates from the city of Alchevsk, and the Sparta battalion, in Donetsk—are especially brutal to prisoners.

On the pro-Kyiv side, Amnesty International has particular concerns about Right Sector, a volunteer militia created by a pro-Kyiv nationalist political grouping.² Former Right Sector prisoners detailed a horrifying spectrum of abuses, including mock executions, hostage-taking, extortion, extremely violent beatings, death threats and the denial of urgently-needed medical care. Using an abandoned Pioneer camp near the village of Velykomyhailivka, near Dnipropetrovsk, as an ad hoc prison, Right Sector has reportedly held dozens of civilian prisoners as hostages, extorting large amounts of money from them and their families.

One former prisoner told Amnesty International how people who introduced themselves as Right Sector smashed him in the face with the butt of a gun, knocking out several of his front teeth. Telling him they were going to kill him, they threw him into a hole in the ground and began to bury him alive. He recalled: "One of them said, 'if you don't want to be in Ukraine, you can be in the grave.' I tried to push my way up but they pushed me down. They completely covered me with dirt until I couldn't move my head. I lost consciousness." Responding to enquiries made by Amnesty International, Right Sector denied all allegations

² Right Sector (Pravyi Sektor) is a political grouping that was formed from a coalition of several nationalist groups and came to prominence during the so-called EuroMaydan protests in Kyiv in November 2013 – February 2014. It has registered a political party and established a paramilitary force, both under the same name. Its leader Dmytro Yarosh ran for president in the 2014 elections, in which he received 0.7 percent of the vote. Dmytro Yarosh was appointed as an adviser to the Ukrainian chief of staff on 5 April 2015, tasked with bringing all the Ukrainian volunteer battalions under central command. On 11 April 2015 Stepan Poltorak, the Ukrainian Minister of Defence, announced that all military units on the frontline in eastern Ukraine had been put under the official command of the Military Forces of Ukraine or the National Guard of Ukraine. However, on 29 April, Poltorak acknowledged that not all volunteer battalions had been integrated into the official command structure, including Right Sector. On 14 May 2015 Yarosh announced that an agreement on how to integrate Right Sector had been reached and that a special law for the battalion would be proposed to the Ukrainian parliament.

of ill-treatment of captives but admitted that they had detained prisoners at their base.

Most of the worst abuses that prisoners on both sides described took place not in officially designated places of detention like police stations and prisons, but in informal, unrecognised sites. Prisoners are typically held in such locations for the initial period of their detention, often a few days in length, but sometimes longer. Among the unofficial detention sites mentioned by former prisoners in pro-Kyiv custody were a university building in Sloviansk, a railway office in Volnovakha, and an underground bomb shelter near Sloviansk. Former prisoners held by separatist militia were held at a former traffic police office in Alchevsk, a shooting range belonging to the Sparta battalion near Donetsk Airport, and other informal locations.

While the large majority of prisoners held by pro-Kyiv forces were eventually brought before a judge and moved into the regular criminal justice system, the response of judges to indications of prisoner abuse has been disappointing. Even in cases in which prisoners reportedly showed clear signs of abuse, such as bruised faces, split lips and black eyes, judges did not order investigations. Former prisoners all reported that the physical abuse stopped once they had entered official places of detention.

METHODOLOGY

This briefing is based primarily on interviews with 33 former prisoners who were held in connection with the conflict in eastern Ukraine for varying periods of time between July 2014 and April 2015. In some cases, Amnesty International also interviewed members of prisoners' families, and/or others with first-hand information about their treatment. The organization conducted nearly all of these interviews in March and April 2015.

Amnesty International interviewed detainees, witnesses and relatives associated with both sides of the conflict, including regular soldiers, members of irregular armed groups, and ordinary civilians. Some of the former prisoners had scars or visible injuries from ill-treatment during captivity; others showed Amnesty International medical documents, x-rays of broken bones, and photos taken just after their release that showed marks of abuse. Two of the former prisoners were interviewed while still in hospital.

Amnesty International delegates spoke to interviewees separately and in private, including former prisoners who had been held together, allowing us to compare and corroborate their accounts of their treatment in custody. A few of the interviewees have chosen to remain anonymous for fear of reprisals against themselves or members of their families or because they expressed their intention to fight in eastern Ukraine or have already done so.³

Amnesty International also obtained the death certificates and post-mortem photos of at least four people who were captured alive, as shown on video footage subsequently posted on YouTube. Amnesty International also spoke to four witnesses who saw separatists kill Ukrainian prisoners or shoot at them with live ammunition. One witness talked to a heavily injured prisoner moments before they were separated; the witness then heard three shots; the body of the prisoner was later shown in a YouTube video with a bullet wound to his forehead that was not part of his original injuries.

Amnesty International interviewed former prisoners who had been held by a variety of different groups. On the pro-Kyiv side, the captors included the National Guard, the Security

³ Amnesty International also received two reports from the Fund for Study of Democracy, a Russian NGO. These documents contain extensive catalogues of testimonies of ill-treatment and other abuses of prisoners by pro-Kyiv forces, together with names of over 100 alleged victims (although it is possible that some cases were counted more than once as some victims are indicated by their first names only) and, in some instances, the names of the alleged perpetrators. Amnesty International requested further details, including contact details of the victims and, where available, documentary evidence of, and other corroboration of the information on, the abuses. However, at the time of writing, the Fund for Study of Democracy was unable to provide any such information, and Amnesty International has been unable to verify independently the relevant allegations. Both reports only examined abuses by one side, namely the pro-Kyiv forces. However, some of the information set out in these reports is consistent with the information that Amnesty International collected during its own research, as in the cases highlighted in this document.

Service of Ukraine (SBU), Right Sector forces, and different volunteer battalions, including the so-called (former) Dnipro 2 and Kharkiv battalions. On the separatist side, the captors included the de facto authorities of the self-styled Donetsk People's Republic and Luhansk People's Republic, and the so-called Sparta and Prizrak battalions.

Amnesty International also spoke to several representatives of unofficial and official groups that are engaged in the negotiation of prisoner exchanges.

In early April 2015, Amnesty International wrote to the Prosecutor General of Ukraine. The organization reported a number of specific allegations of unlawful detention, torture and other ill-treatment by pro-Kyiv forces, and asked the Prosecutor General's Office to clarify the legal status of pro-government militia groups and, amongst others, the legal basis for Right Sector's practice of detention of suspected separatist fighters. At the time of writing Amnesty International had received no reply to these enquiries.

Finally, Amnesty International carried out extensive desk research, reviewing extensive video and photographic evidence relating to prisoners held in connection with the conflict in eastern Ukraine.

BACKGROUND

The conflict in eastern Ukraine began in spring 2014, after the annexation of the Crimean peninsula by the Russian Federation. In April and May 2014, opponents of the new Kyiv government occupied buildings belonging to the local administrations and law enforcement agencies in several towns in the Donetsk and Luhansk Regions of eastern Ukraine (Donbass). Demanding increased local autonomy or independence from Ukraine, and closer ties with Russia, protest organisers formed armed groups, justifying their actions by raising concerns about the rights of the region's Russian-speaking residents. In response to the separatists' flouting of central government power, the authorities in Kyiv launched what they characterized as a "counter terrorist operation" (*antiteroristichna operatsiya* – ATO) aimed at retaking control of the area.

Sustained fighting erupted in eastern Ukraine that summer, amidst compelling evidence of Russian military involvement. The intensity of the fighting has ebbed and flowed since that time. To date, more than 6,200 people have been killed as a result of the conflict; over a million have been displaced—some fleeing to neighboring countries—and tens of thousands of civilian homes have been damaged or destroyed.⁴

A cease-fire agreement between the Ukrainian government and the separatists was reached on 5 September 2014 at negotiations in Minsk, Belarus; it reduced but did not stop the fighting. Additional protocols, aimed at ensuring the implementation of the cease-fire, were signed later, but these have also failed to put an end to hostilities.

Most recently, on 11 February 2015, the "Minsk II" protocol was signed by Ukraine, Russia, separatists and the OSCE.⁵ Although its provisions have not been fully implemented, it has, to date, significantly reduced the intensity of the fighting. Nonetheless, armed clashes continue in some areas, and many fear that more intense fighting could recommence at any time.⁶

⁴ According to a conservative estimate of the UN Human Rights Monitoring Mission in Ukraine (HRMMU) and World Health Organization (WHO) based on available official data, between mid-April 2014 and 8 May 2015, at least 6,254 people have been documented as killed and 15,696 as wounded in the conflict zone of eastern Ukraine, with 1,255,700 internally displaced persons registered within the country and over 800,000 Ukrainians having left the country and sought asylum, residence permits or other forms of legal stay in neighbouring countries. For details, see United Nations Office for the Coordination of Humanitarian Affairs (OCHA), *Situation Report No. 39 – Ukraine*, available at http://reliefweb.int/sites/reliefweb.int/files/resources/ocha_ukraine_situation_report_39_-_8_may_2015.pdf (accessed on 19 May 2015).

⁵ "Minsk agreement on Ukraine crisis: text in full," *The Telegraph*, 12 February 2015.

⁶ See, for example, Alex Luhn, "Upswing in fighting in Ukraine sends civilians fleeing and puts truce in doubt," *The Guardian*, 3 May 2015.

INTERNATIONAL LEGAL STANDARDS

Persons held by both sides in connection with the armed conflict in eastern Ukraine are protected under international human rights law and international humanitarian law. In both of these bodies of law, the ban on torture and other ill-treatment is one of the most fundamental prohibitions. According to Common Article 3 of the Geneva Conventions of 1949, applicable during non-international armed conflict, anyone in the custody of a party to the conflict must be protected against “violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture.”⁷ The provision also bars “outrages upon personal dignity, in particular humiliating and degrading treatment.” Similarly, the International Covenant on Civil and Political Rights specifically bars torture and cruel, inhuman or degrading treatment or punishment.⁸ Prisoners must be provided with adequate food, water, clothing, shelter, and medical care.

Under human rights law, which applies even during a public emergency, persons in the custody of the state are entitled to judicial review of the legality of their detention.⁹ Unacknowledged detention is prohibited at all times. The deliberate killing of prisoners in the context of an armed conflict is a war crime, as well as a violation of the fundamental human right to life.¹⁰ The torture of prisoners is also a war crime.¹¹

Both international human rights law and international humanitarian law require that cases of deliberate killing, torture, and other ill-treatment of prisoners be investigated, and that, when the evidence warrants it, the perpetrators be prosecuted. Amnesty International therefore calls on the competent authorities to investigate the deaths of prisoners reported to have been killed in custody, as well as the instances of torture and other ill-treatment described in this report.

⁷ See Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field. Geneva, 12 August 1949, available at <https://www.icrc.org/ihl/WebART/365-570006>.

⁸ ICCPR, art. 7; see also ICCPR, art. 10, which provides that prisoners “shall be treated with humanity and with respect for the inherent dignity of the human person.”

⁹ See UN Working Group on Arbitrary Detention, Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of His or Her Liberty by Arrest or Detention to Bring Proceedings Before Court, May 2015.

¹⁰ See International Committee of the Red Cross (Jean-Marie Henckaerts and Louise Doswald-Beck), Customary International Humanitarian Rules (2005), Rule 156 (Definition of War Crimes); ICCPR, art. 6.

¹¹ See, for example, Rome Statute, art. 7.

DETENTION AND PRISONER EXCHANGES IN EASTERN UKRAINE

Thousands of prisoners have been held in connection with the conflict in eastern Ukraine, and many hundreds, if not thousands, remain in the custody of the two sides. The Minsk II protocol stipulated that “all hostages and illegally-held persons” on both sides were to be exchanged by 6 March 2015.¹²

It is impossible to estimate with precision the number of prisoners currently held by the two sides. Amnesty International has received different estimates from different actors in the conflict, none of which have been consistent with the others.¹³ The detention situation in eastern Ukraine is complicated by the fact that myriad groups are holding prisoners: from official Ukrainian detention authorities, such as the SBU, to the de facto authorities in control of eastern Ukraine, to the numerous irregular armed groups participating in the conflict on both sides, such as Right Sector, the Sparta battalion, and the Prizrak battalion. None of these groups, including the SBU, have made public the number of detainees that they are holding, or provided much if any information about who is being held, where they are being held, and in what conditions. The lack of clear chains of command, particularly on the separatist side, complicates matters further.¹⁴

Because of this lack of transparency, many families have had to search for weeks or months before ascertaining whether their relatives are in custody. Some families still do not know whether their loved ones were killed or are being held prisoner somewhere.¹⁵

¹² Minsk agreement, para. 6.

¹³ For example, Liliya Radionova of the DNR prisoner committee estimated that the pro-Kyiv side was holding some 2,000 separatist fighters and pro-separatist civilians (Liliya Radionova, in interview with Amnesty International, Donetsk, 12 March 2015). Vasiliy Budik an advisor to the Ukrainian Deputy Minister of Defence, told Amnesty International that the separatist forces presented a list of some 1,000 persons whom they wanted to have exchanged for the prisoners they were holding, which was later reduced to less than 200 because, according to him, people on the original list did not exist or were held in Ukrainian prisons since before the conflict started (Vasiliy Budik, in interview with Amnesty International, Kyiv, 2 April 2015).

¹⁴ The chain of command for pro-Kyiv forces is complicated as well. While the Ukrainian authorities have formally incorporated nearly all volunteer militia formations into the official chain of command, subsuming them within the National Guard, Ministry of Interior and Armed Forces, information from the field suggests that many such groups still enjoy a large degree of operational autonomy.

¹⁵ In Donetsk, for example, Amnesty International spoke to an elderly couple whose 39-year-old son, Sergei Galenko, has been missing since 19 November 2014. The son left home to join separatist forces in Debaltseve and has not been seen or heard from since. His mother, Nelia Galenko, traveled to Debaltseve to look for him, put up missing person posters, and visited a variety of military and police

Former prisoners who were held by pro-Kyiv forces spoke of numerous different places of detention, both formal (such as various SBU facilities in Kharkiv, Volnovakha, Poltava, Izyum and Mariupol; SIZO detention facilities in Kharkiv, Odesa, Mariupol and Izyum) and informal, mostly, though not exclusively, used by paramilitary forces, including Mariupol airport; Kramatorsk airport;. They also described being held by paramilitary groups in safe houses, a university building in Sloviansk, an underground bomb shelter near Sloviansk, and an abandoned Pioneer camp used by Right Sector near Velykomyhailivka, Dnipropetrovsk Region.¹⁶

Amnesty International found that most prisoners in Ukrainian custody were eventually brought before a judge, given a lawyer, and placed in the formal legal proceedings. In some cases, however, this occurred long after it should have.

The situation on the separatist side is somewhat more chaotic, with a variety of different groups holding captives. Two sources gave Amnesty International a list of a dozen locations where Ukrainian government troops and/or other pro-Kyiv prisoners are known to be held. Among the towns included on the list are Komsomolske, Snizhne, Hartsyzsk, Krasny Luch, Stakhanov, Alchevsk, Perevalsk, Donetsk, Dokuchayevsk, and Luhansk. The detention facilities in Donetsk, Dokuchayevsk and Luhansk are reportedly under the control of the self-styled Donetsk People's Republic (DNR) and Luhansk People's Republic (LNR), and are known as military police facilities (*Voennaya Komendatura*). The other locations are under the control of various separatist groups, such as the Pyatnashki, Sparta, Somali, Oplot, and Prizrak battalions.¹⁷

The detainees held by separatist militia can be divided into three basic categories: members of Ukrainian government forces, many of whom were captured during armed clashes, pro-Kyiv volunteer militia, and pro-Kyiv civilians (or civilians perceived as siding with Kyiv). On the pro-Kyiv side, detainees include separatist fighters and people believed to be aiding or supporting the separatist cause. Notably, Amnesty International has found that both sides are arbitrarily holding civilians who have not committed any crime, but who instead have a political or ideological commitment to the opposing side. In some instances, the motive for holding these people may be to use them as currency for prisoner exchanges; it may also be simply to punish them for their views.

The question of prisoner exchanges, which both sides claim to support, is a vexed one. On the Ukrainian side, there is no single body that handles prisoner releases and exchanges. At least three separate entities exist to address the issue, in addition to individuals who have been involved in organising them. The primary groups are the Officer's Corps, representing Ukrainian war veterans, the Center for Release of Captives (within the SBU), and the Patriot volunteer group, which works closely with the Ministry of Defense. In some cases, however, releases occur outside of these structures, for example after parents travel to the location of

facilities trying to find him, without success. Amnesty International interview with Nelia Galenko Donetsk, 12 March 2015.

¹⁶ The Pioneers were a Soviet-era youth organization.

¹⁷ Amnesty International interviews with former captives from various locations, March and April 2015.

their offspring's detention and personally negotiate their release.¹⁸

On the separatist side, the de facto authorities in Donetsk, which have set up a formal prisoner exchange committee, seem notably more organized than their counterparts in Luhansk. Liliya Radionova, a key member of this committee who was herself held prisoner by Ukrainian troops for 9 days in mid-2014, has several thick notebooks listing cases of prisoners, and is on the phone continuously with worried family members.¹⁹

There have been over a dozen prisoner exchanges since the first Minsk agreement was signed in September 2014, and it has been estimated that some 2,000 prisoners have been exchanged in all.²⁰ Some exchanges, like one that took place on 26 December 2014, have involved hundreds of prisoners; others have been more small-scale.²¹

The Minsk II agreement, signed in February 2015, was supposed to have resulted in an "all-for-all" prisoner exchange, but the large-scale releases never occurred. In addition to the politics involved, it appears that there are bureaucratic obstacles on both sides to efficiently negotiating releases, involving competing spheres of influence and a lack of communication. The two sides have traded blame for delaying the exchange process.²²

The DNR officially suspended prisoner exchanges on 5 April 2015, but even since that time it has released some prisoners on an ad hoc basis.²³ Some have been released directly to relatives who picked them up from their places of detention, while others have been released after informal negotiations, including by priests and war veterans on both sides of the

¹⁸ Oliver Carroll, "A Ukrainian Father's Desperate Search for His Son, Trapped in Donetsk Airport," *Newsweek*, 10 February 2015.

¹⁹ Amnesty International interview with Liliya Radionova, Donetsk, 12 March 2015.

²⁰ Amnesty International interview with Daria Morozova, DNR de facto Ministry of Defense, Donetsk, 12 March 2015. Liliya Radionova, another DNR de facto official involved in prisoner exchanges, told Amnesty International that as of mid-March 2015, the DNR had obtained the release of 546 prisoners, less than half the number they had requested. Amnesty International interview with Liliya Radionova, Donetsk, 12 March 2015.

²¹ See, for example, "Ukraine and rebels trade prisoners in Donetsk," BBC News, 26 December 2014 (describing a prisoner exchange involving a total of 368 prisoners, 146 handed over to the pro-Kyiv side, and 222 handed over to the separatist side). The 26 December prisoner exchange was the largest exchange to date; another relatively large one took place on 21 February 2015. See "Ukraine crisis: Prisoner swap boosts ceasefire," BBC News, 22 February 2015 (describing an exchange of 191 prisoners).

²² "V shtabe ATO obvinili boevikov v regularnom sryve obmena plennymi," Daily, 20 March 2015; "V 'DNR' obvinili Kiev v zatyagivanii protsesa obmena plennymi," *Glavcom*, available at <http://glavcom.ua/news/279900.html> (accessed 26 April 2015).

²³ Interfax-Ukraine, "Poka net zakonного formata obsuzhdenia Minskih dogovorenностей, nado priostanovit' obmen plennymi s Kievom – Pushilin", available at <http://interfax.com.ua/news/general/258860.html> (accessed 25 April 2015).

conflict.²⁴

²⁴ Amnesty International interview with members of the Patriot volunteer group for exchange of captives, April 2015.

SUMMARY KILLINGS

Amnesty International has identified four recent cases in which pro-Kyiv captives appear to have been summarily killed while in the custody of separatist militia.²⁵ In the best-documented case, Arseniy “Motorola” Pavlov is believed to have deliberately killed a prisoner in his unit’s custody, in the presence of at least five witnesses. In a subsequent phone interview with a journalist with the *Kyiv Post*, Pavlov admitted that he has killed captives before.²⁶

Ihor Branovytsky, a soldier with the 90th Battalion of the 81st Brigade, a Ukrainian military unit, was killed on 21 January 2015 while in the custody of the Sparta battalion, a separatist fighting unit under Pavlov’s command. The previous day, he and 11 other men had surrendered during fighting at the Donetsk airport, and they were being held on the outskirts of Donetsk. While beating the prisoners severely, members of the Sparta battalion questioned them as to which prisoner had served as the machine gunner. When Branovytsky admitted that it was him, the Sparta battalion men beat him even more severely, leaving him lying on the floor unable to move.

Witnesses told Amnesty International that Pavlov entered the room while Branovytsky was still on the floor. He allegedly asked who needed the ambulance that had been called, and when other prisoners pointed to Branovytsky, he said, “I will take care of him myself.” According to witnesses, he then shot Branovytsky twice in the head.²⁷

The witness accounts of Branovytsky’s killing are supported by video and documentary evidence. Amnesty International has reviewed video footage that shows Branovytsky alive in captivity before being beaten. Moreover, Branovytsky’s autopsy report specifies a “gunshot wound to the head” as the cause of death.²⁸ The Ukrainian authorities have said that they are conducting an investigation into the killing.²⁹

The second case documented by Amnesty International concerns Andriy “Bur” Havrilyuk, aged 34, who was a member the 95 Paratrooper Brigade from Zhytomyr. He was drafted into

²⁵ In a previously-published briefing paper, Amnesty International described alleged summary executions that took place in 2014. See Amnesty International, Summary killings during the conflict in eastern Ukraine, EUR 50/042/2014, October 2014.

²⁶ Available at <https://www.youtube.com/watch?v=yXSctfYItaM> (accessed on 25 April 2014).

²⁷ Amnesty International interview with two former captives who had been held together with Branovytsky, April 2015.

²⁸ Autopsy report issued by the Dnipropetrovsk Regional Forensics Office, Ministry of Health, 1 April 2015 (referring to “a gunshot wound to the head with brain injuries”). Amnesty International also has a copy of the Branovytsky’s death certificate, issued by the Ukrainian Ministry of Justice on 2 April 2015.

²⁹ Oleg Sukhov, “Murder of Ukrainian prisoner by Russian-backed separatists investigated,” *Kyiv Post*, 3 April 2015.

the Ukrainian army on 23 August 2014. On 16 January 2015 he arrived at Donetsk Airport as part of regular forces rotation.³⁰ The airport was blown up by separatists on 20 January, killing and injuring many Ukrainian soldiers. Havrilyuk's legs were crushed after the blast and he was unable to move on his own. He remained laying in the ruins of the airport on the morning of 21 January together with other soldiers. Around 10 am some 15 separatist fighters, at least one of them with a "Sparta" battalion insignia on his arm,³¹ entered the area and began loading the wounded Ukrainian soldiers onto a "Ural" truck. Ostap Havrilyak, age 26, who was also injured in the leg, but could limp, talked to Havrilyuk moments before the separatists told everyone to climb onto the truck.

"There were no stretchers, no nothing, so they couldn't carry him (Havrilyuk) up. Seconds later I heard three shots", Ostap Havrilyak told Amnesty International.

A video posted on 25 January on YouTube by a separatist account shows bodies of Ukrainian soldiers in the ruins of Donetsk Airport.³² Andriy Havrilyuk can be seen between 01:27 and 01:48 with a clear gunshot wound to the middle of his forehead that Ostap Havrilyak confirmed did not exist when he talked to him on 21 January. Havrilyuk's body was then transferred to the Ukrainian side. Amnesty International obtained hospital records from Dnipropetrovsk, dated 18 February 2015, that list "perforating wound to the head from a firearm" as a cause of death. Ostap Havrilyak was treated for his injuries in a hospital in Donetsk and was released on 8 February 2015. Andriy Havrilyuk was buried in Kyiv on 20 February 2015.

Amnesty International also spoke to three witnesses who independently gave testimonies that strongly suggest that at least three Ukrainian prisoners were summarily executed in the village of Krasniy Partizan on 22 January 2015. At about 9:15 that morning, separatist forces attacked about 20-25 Ukrainian members of the Ukrainian military's 20th Territorial Defense Battalion who were guarding a checkpoint on the main road from Horlyvka to Donetsk. S.K., a civilian who frequently travels the road, was caught in the attack and hid in a trench with four Ukrainian soldiers, including Andriy Kolesnik and Albert Sarukhanyan, who would later be killed in captivity. The soldiers decided to leave the trench after about 30 minutes when they heard an approaching tank.³³ S.K. remained in the trench until she heard a separatist fighter shout "Come out or I'm throwing a grenade!" While in the trench S.K. heard sporadic shouts such as "Why did you come from Western Ukraine?" and automatic gunfire. When she came out of the trench she found the fighting had subsided. She then approached a building in front of her and saw a group of Ukrainian soldiers lined up against a white wall, and three of them lying on the ground. They were guarded by a separatist fighter with a white ribbon on his arm who shouted at them "If you move, I shoot!"

³⁰ Amnesty International phone interview with Olga Havrilyuk, Andriy's sister, 15 May 2015.

³¹ Amnesty International phone interview with Ukrainian soldier and former prisoner Ostap Havrilyak, 15 May 2015.

³² Available at <https://www.youtube.com/watch?v=-YcmwZnItM>.

³³ Amnesty International phone interview with S.K. who wished to remain anonymous, 15 May 2015.

A video posted on YouTube shows the same captives (11 in total), lined up against a wall being questioned by a separatist fighter.³⁴ One of the soldiers appears to have been hit in the head with a blunt instrument. Two are lying injured against the wall and two others are dead. One of the injured soldiers was Oleh Belyash, 42, who was brought to the wall after being taken captive during the battle and was surrounded by dozens of separatist soldiers.

“They were shouting insults at us, claiming that we were fascists. Then someone shot me in the leg, but I didn’t see who,” Belyash told Amnesty International.³⁵ A few hours later a separatist wearing “Vostok” battalion insignia gave an order to transport the injured and wounded to their base in Donetsk. Belyash was then treated for his wounds and released on 5 February.

In the video, marks that resemble bullet holes can be seen behind the injured and dead soldiers. One of the dead soldiers is lying in an unnatural position on his side, with his knees bent under his body. The other dead soldier has a visible gunshot wound to his left eye, fresh blood dripping from the wound.

The execution of these soldiers was reported to Amnesty International by S.S., who was also part of the same group, was taken captive, and was also shot.

“Andriy Kolesnik died almost instantly. When they (the separatists) approached and called on us to surrender, Andriy said “We will not lay down our weapons”. He was shot and died in the next hour from blood loss,” S.S. told Amnesty International.³⁶

“There were tens of people around us and every one of them wanted to shoot. There was this girl, about 25 years old, she shot at (our) guys with a Dragunov sniper rifle from about three metres. At their knees, at their lungs. She did as she pleased”, S.S. vividly recalled.

The second person killed was Serhiy Slisarenko, and then Albert Sarukhanyan. S.S. says Sarukhanyan was killed with two shots because he was Armenian, and said that he is “fighting for Ukraine” when asked what is he doing there. The fourth person who died was named by S.S. as “Romchik”, a diminutive form of “Roma”, but could not be further identified.

S.S. was shot twice in the legs by the woman with the sniper rifle. A third shot missed his head. He maintains that a separatist fighter intervened saying “Have some decency, these are captives, they don’t have weapons, don’t do it like this”. S.S. was later transferred with Belyash and other surviving soldiers to a hospital in Donetsk to be treated for his injuries. A second video of the same incident, also shot by a separatist fighter and posted later on YouTube shows four dead Ukrainian soldiers at the same scene, including at least one man

³⁴ See video available at: <https://www.youtube.com/watch?v=1I6cOKE1lwY> (accessed 25 April 2015).

³⁵ Amnesty International phone interview with Oleh Belyash, 15 May 2015.

³⁶ Amnesty International phone interview with S.S., 15 May 2015. He requested that he remain anonymous.

who was seen alive in the first video.³⁷

Less evidence is available regarding the fourth case, but the existing information is sufficient to raise serious concerns about the possibility of summary executions, and to require, as in the other cases, that a meaningful investigation be carried out by the competent authorities.

It involves three Ukrainian soldiers with the 30th Mechanised Corps (*OMBR*) who were captured by separatist militia during fighting in the village of Logvinovo, near Debaltseve, on 9 February 2015. The three men—Oleksandr Berdes, Vasily Demchuk, and Pavlo Plotsinskiy—can be seen in video footage that has been posted to YouTube.³⁸ A video from the moment of their capture shows Berdes and Demchuk alive and answering questions posed by separatist fighters, but a voice in the background can be heard suggesting that they be “finished off” (“*dobit nado*”). In another piece of evidence—a still photo showing them in custody with other detained servicemen—the three men appear badly injured, but still alive.

The bodies of the three men were found the next day in a wooded area in Donetsk, some 88 km away from Logvinovo, buried under a thin layer of soil. In photos of the bodies that Amnesty International reviewed, it is clear that Plotsinskiy was shot in his left eye. This must have happened during his captivity, because the photo taken of him while in custody shows that his face was unharmed.

³⁷ See video available at: <https://www.youtube.com/watch?v=luBDI5nsHZ0> (accessed 25 April 2015). The day after the two videos were taken, an Al Jazeera television crew visited the village, interviewing a separatist fighter named “Dedouka” who was identified as the author of the first video. See video available at: <https://www.youtube.com/watch?v=iOUjsBPHMlw> (accessed 25 April 2015).

³⁸ Available at <https://www.youtube.com/watch?v=HjxGjNVE4PO>(accessed 25 April 2015).

MOCK EXECUTIONS

Several prisoners held by pro-Kyiv forces described how they were subjected to mock executions. In three instances (described in detail below), the men were thrown in a deep hole and made to believe they were going to be shot and killed, or buried alive.

Footage posted on YouTube showed how a detained member of Ukrainian forces who was taken captive at the Donetsk Airport was forced to point a hand pistol at another captive and pull the trigger (in the event, the pistol was not loaded).³⁹ This practice of mock executions was further confirmed to Amnesty International by people who witnessed them.

³⁹ Available at <https://www.youtube.com/watch?v=3smcClbjBkl> (accessed 25 April 2015).

TORTURE AND OTHER ILL-TREATMENT

Both pro-Kyiv and separatist forces have subjected prisoners in their custody to torture and other ill-treatment.

PRISONERS HELD BY PRO-KYIV FORCES

VOLNOVAKHA CASE

“You can’t be a Ukrainian citizen,” they said.

Alexander Pinchuk, a 45-year-old building contractor, recalling what his captors at SBU headquarters in Volnovakha told him as they beat him severely, in an interview with Amnesty International on 15 March 2015.

In November 2014, three building contractors who live in Donetsk were stopped by pro-Kyiv militia in Volnovakha, held without legal process for five days, and badly tortured, before being released without charge. Amnesty International interviewed two of the men, their two wives, two journalists who were involved in the case, and one of the doctors who treated the men’s injuries.

The three men—Igor Bedniy age 45, Alexander Pinchuk, age 45, and Andrei Merzlik, age 39—were driving back from a job site in the late afternoon of 12 November 2014 when they were stopped at a Ukrainian military checkpoint. The checkpoint was located in the strategic city of Volnovakha, directly on the front line of Kyiv-controlled territory. It was manned by Right Sector and Dnipro 2 Battalion fighters, as indicated by the men’s shoulder patches, the markings on their vehicles, and a black-and-red Right Sector flag on display.

Besides asking for identification documents, a fighter at the checkpoint asked to see the men’s phones. When he scanned through Merzlik’s phone, he found some separatist contacts. Then their car was searched thoroughly, but nothing was found. As the search was ending, Bedniy’s wife called, worried about her husband’s delay in returning home. The Ukrainian fighter who answered the phone lied to Bedniy’s wife, pretending to be a separatist fighter.

“He decided to play a game with us,” Bedniy told Amnesty International: “he pretended that we were at a DNR roadblock and that he was a DNR fighter; he said we were in serious trouble. He asked my wife: does your husband support the DNR? My wife said yes, he’s loyal; she was afraid for my safety.”

The fighter who answered the phone is known to be from a right-wing nationalist grouping called C14 (Sich). A Ukrainian television journalist had been filming him at the checkpoint, and he asked Bedniy a few questions as well.

Bedniy says that after the journalist left, the fighters started verbally abusing the three men, calling them “separatists” and “terrorists.” Bedniy was separated from the other two men, who were brought to a trench for questioning. While held separately, Bedniy was beaten by a group of fighters, one of whom punched him in the face and broke his nose.

The fighters also took his passport and ripped the main photo page out of it. “They said ‘you’re no longer a Ukrainian citizen,’” Bedniy told Amnesty International.

The other two men, Pinchuk and Merzlik, were being roughly questioned in the trench. “They tried to make us admit we were separatists. They tried to scare us: they told us about torture and executions, that they suggested that this could happen to us,” said Pinchuk. The fighters tore their passports as well.

After about an hour, the three men were reunited, and the fighters at the checkpoint called the local SBU contingent to pick the men up. It was night already.

“The SBU guys were drunk when they showed up,” Pinchuk told Amnesty International, “we could smell the alcohol on them. They made us kneel, taped up our eyes, and kicked us.” Then they drove the three men to the local SBU headquarters in Volnovakha.

The same television journalist who had been at the checkpoint showed up at the SBU station and asked the men some more questions. Portions of that footage were later aired on Ukrainian television, with the program suggesting that the men were pro-Russian separatist saboteurs.⁴⁰ “When I later viewed the video footage online,” Pinchuk recalled, “I had the impression that we were actors in a TV show. They needed to show some Russian terrorists, and our presence satisfied that need.”

The men were separated at the SBU headquarters, and each one was subjected to questioning. Merzlik was tied to a chair and beaten with a pipe, ending up badly bruised. But it was Pinchuk who suffered the most serious abuse.

“Two men came to my cell,” Pinchuk told Amnesty International. They started to hit me in the neck. I tried to ask, ‘why are you beating me?’ No answer. ‘You can’t be a Ukrainian citizen,’ they said; ‘you’re going to Russia to provide information.’” He continued:

I said that I only went to Russia for business, but they didn’t believe me. They put a plastic bag over my head, suffocating me. They kept asking me the same questions. They didn’t like my last name, because there’s someone in the DNR with the same last name. They kept asking if I was his relative or if I was helping him. I’m not related to him at all.

Pinchuk was then taken outside, thrown into a deep hole in the ground, and subjected to a

⁴⁰ Unknown to the three men, Bedniy’s wife, under the false impression that her husband was being held at a DNR checkpoint and afraid that he was in serious trouble, called local DNR contacts to beg them to help her husband. They, in turn, called Bedniy’s phone and tried to reassure the men holding Bedniy that he was loyal to the separatist cause. They also mentioned a possible offensive, which became a big story on Ukrainian news. “Offensive against Ukrainian position may start on Sunday” (“Наступление на украинские позиции боевики уже могут начать в воскресенье”), TSN television, 13 November 2014 (available at <http://ru.tsn.ua/video/video-novini/nastuplenie-na-ukrainskie-pozicii-boeviki-uzhe-mogut-nachat-v-voskresene.html>).

mock burial.

I thought I was being buried alive. I tried to straighten up, but one guy stood on my head to stop me from doing so, and the others threw dirt onto me. I was on my knees, and finally there was quite a thick layer of dirt on top of me. At that moment I lost consciousness because of the dirt, because I couldn't breathe.

Pinchuk told Amnesty International that when he revived, his head and right hand were sticking out of the ground.

The guys kicked my head, and said, "oh, he's breathing." They checked if I was conscious: they asked me questions about construction and construction tools. Then they pulled me out of the hole. They took my coat (it was an expensive one), my watch, and my wedding ring, and then they took me back to a cell. My eyes were taped up the whole time. They returned me to the cell sometime around 3 or 4 am. My cell was close to Igor's, and I heard them warn Igor, "be a good boy, because we just buried your friend."

Early the next morning the three men were questioned again. Pinchuk recalled:

They asked how many tanks were in Donetsk, how many people in military units, who the commanders were. I told him that I didn't know the answers to those questions, as I wasn't with the DNR. The interrogator said, "you're not cooperating; you may end up in the hole again."

Later in the morning the three were driven somewhere about three hours away, and after a short break, driven somewhere else. Although they were kept hooded, they gathered from overheard conversations that they might be near Sloviansk. "I tried to ask where we were going," Bedniy told Amnesty International, "and someone punched me in the chest. Question time was over."

When the car stopped, the men were brought to what seemed to them to be an abandoned bomb shelter—some sort of underground facility with heavy steel doors. They were held there for four nights. On the first night both Bedniy and Merzlik were severely beaten. "No one touched Pinchuk," Bedniy explained, "because he was in such bad shape already."

The men were not questioned or beaten after the first night. "On the last day, as one of the guards was bringing me to the toilet, he said that he couldn't understand why we were there—that they were wasting their time with us," Bedniy said. This was on 17 November 2014, five days after the men had first been detained.

Later that day, the men were driven for about 20 minutes and released, and given back their car, their phones, and their torn documents. They found out that they were in the town of Semenovka, near Sloviansk. When they got back to Donetsk, they went straight to the hospital; Pinchuk spent nearly three weeks recovering there.

"His condition was very serious," the doctor who treated Pinchuk told Amnesty International. "He had a brain hematoma, a dangerous brain injury. 'They played football with my head,' he said. Had he not gotten treatment when he did, he could have died."

When the men reunited with their families they learned that their wives had spent days searching for them. After seeing their husbands on television being held in the SBU headquarters in Volnovakha, the three women had gone to the town to try to find them, visiting both the offices of the SBU and of the local police. At the police station, which they visited first, they filed a missing persons' case. They told Amnesty International that the police advised them to ask the SBU about the three men, and that the SBU said that they did not know anything about the men. When one of the women insisted that Ukrainian television had broadcast footage of her husband in SBU custody, an SBU officer reportedly told her, "sorry, we don't watch TV."

The next day the women visited the SBU station in Mariupol, but again learned nothing. The families are now too scared and intimidated to file a complaint with the Ukrainian authorities about the abuse the three men suffered. "It's too dangerous," the wife of Igor Bedniy told Amnesty International, explaining that she did not want to cross over into Kyiv-controlled territory. "We've given up on justice."

RIGHT SECTOR BASEMENT CELL

According to a former prisoner interviewed by Amnesty International, who spoke in great detail about his experiences, the right-wing nationalist group Right Sector holds people in a basement cell in a building near the village of Velykomyhailivka, not far from the city of Dnipropetrovsk.⁴¹ L.P., as we will call him, was held at the site for more than a month towards the end of 2014. He told Amnesty International that during his time there, over a dozen people were held with him, and he learned from other prisoners of another dozen who had been held just before. Nearly all of the prisoners were civilians, and most had been picked up for apparently trivial reasons—for example, for having pro-separatist photos on their mobile phone, or for having attended a march organized by the pro-Russian Party of Regions. The oldest prisoner was about 60 years old.

L.P. described how the captives were viciously beaten on a regular basis. "They beat everyone, just to frighten people—to avoid any questions," said L.P. "They would slam people in the head with the butt of their gun." One older prisoner was beaten so badly that he was unconscious for several days, and could not walk for more than a week. People's bones were broken, and they received no medical care.

According to him, Right Sector members systematically extorted money from people in their custody, and collected ransoms from the prisoners' relatives. "We had to hand over our credit and debit cards and pin numbers," said L.P. "People lost their entire savings."

According to the same source, the basement cell was small and overcrowded, with only six beds. People had to use plastic bags to collect their urine and excrement, and they had no means of washing or showering. Some prisoners were brought outside to work; others remained inside all of the time. At one point, the source informed Amnesty International, a woman was also held in the same room in the basement among the men and in the same

⁴¹ The person did not wish to be identified for fear of retaliation. Amnesty International was able to corroborate some of his claims with other sources who also prefer not to be identified.

conditions.

Amnesty International interviewed the spokesperson for Right Sector.⁴² He confirmed that members of Right Sector conduct elements of military and policing operations, including stop and search roles at checkpoints which, according to him, they do by agreement with the SBU and the Staff of the Counter-Terrorist Operation (*Shtab ATO*), but could not articulate precisely and in detail the legal basis for this. He confirmed that those suspected of being separatist combatants are detained by members of Right Sector and later handed over to the SBU or other Ukrainian law enforcement agencies, but that they may be held for two or three days – and at a maximum up to a week – at the Right Sector’s base, but he adamantly denied any ill-treatment of captives by Right Sector.

Amnesty International wrote to the Ukrainian Prosecutor General’s Office requesting information concerning military and policing-style operations involving members of paramilitary forces, and of Right Sector in particular, including the legal basis for such operations and their participants’ authority. The organization submitted extensive and specific details of the above testimony to the Prosecutor General’s Office, but has received no reply to its letter and questions. Whereas the details of this testimony are difficult to corroborate in their entirety, and Amnesty International has been unsuccessful, after repeated attempts, in contacting some of the other alleged former prisoners of Right Sector’s basement cell, the evidence appears credible and merits a full criminal investigation.

OTHER CASES

Dmitro Diryavka, age 41, is a Cossack fighter and Ukrainian national who was held by pro-Kyiv forces from 28 July to 20 September 2014.⁴³ He claims he was picked up in the morning at a checkpoint in Debaltseve, where he lived at the time, when he was trying to drive his family across the front lines; he planned to bring them to Russia to escape the fighting.

He believes that he was picked up by regular Ukrainian troops, but he does not know which unit they were from. He claims that they put a bag over his head and beat him, then handed him over to members of Right Sector. He said that the men openly proclaimed their membership in the group, warning him that he was in for a rough time. “Four of them were in the car that picked me up; they said they were in Right Sector’s Galinchina Battalion,” Diryavka told Amnesty International.

The captors smashed Diryavka in the face with the butt of a gun, breaking some of his teeth. Telling him that they were going to kill him, they tore up his passport and subjected him to a mock burial.

⁴² Interview with Artiom Skoropadsky, 13 April 2015.

⁴³ Diryavka told Amnesty International that he was a member of the Ukrainian Don Cossack group, not the Russian group, and that he was born in the eastern Ukrainian city of Mariupol. He lived in Debaltseve as an adult, working at a steel plant. Amnesty International interview with Dmitro Diryavka, Donetsk, 7 March 2015.

He told Amnesty International: *I was taken out of the car with the bag over my head. They tied my hands behind my back, and also tied my legs so that they curled behind my back. They told me, "we're going to kill you and no one will care," and they told me to pray. They started beating me and shooting. Bullets whizzed nearby my head; now I can't hear in one ear.*

They decided to bury me alive. They threw me into a hole in the ground and one of them said, "if you don't want to be in Ukraine, you can be in the grave." I tried to push my way up but they pushed me down. They completely covered me with dirt until I couldn't move my head. I lost consciousness. Later, when I opened my eyes, I was lying on the ground.

That same night the captors delivered Diryavka to the custody of the Kyiv Special Service Police (UBOP) in Sloviansk. He was held by the police until 5 August, and claims that he was beaten at least once every day for the first four days. "They didn't let me sleep for the first three days," he told Amnesty International. "When I fell asleep, they poured cold water over me."

Diryavka claims that the police tried to make him sign a document admitting that he had killed civilians and looted civilian property. He said that he refused to sign the paper, and that finally they stopped beating him, allowed him to sleep, and began to question him normally. He also said that he was held with several others in Sloviansk—a DNR fighter and three civilians—and that the others received the same treatment as him.

Diryavka said that on 5 August he was brought before a judge in Kharkiv. "At the time the judge saw me, my face was in terrible shape: my lips were split and my teeth were broken," said Diryavka. "The judge didn't seem to notice."⁴⁴ Diryavka told Amnesty International that he did not say anything to the judge about being beaten, as he did not expect the judge to help him and he was afraid of being beaten again. He was charged with participating in an illegal military group and carrying a weapon. He was then transferred to the 28th SIZO detention centre in Kharkiv.

Diryavka claims that he was questioned by the SBU several times while he was held in Kharkiv. They did not beat him, he said, but warned him that if he did not cooperate he would never see his family again, because he would be in prison for the rest of his life. One day, after he had been in custody for about a month, an SBU officer allowed him to call his wife, Tetyana; that was how she learned that he was still alive. "She had been looking for me everywhere," Diryavka said. "She was afraid I had been killed."

Diryavka was released on 30 September as part of a prisoner exchange; 28 separatist prisoners were traded for 28 pro-Kyiv prisoners.⁴⁵ He did not get any advance warning of his

⁴⁴ An Amnesty International delegate saw Diryavka's broken teeth.

⁴⁵ He said that the prisoners in his group consisted of 6 fighters and 22 civilians, some of whom were pro-Russian political activists. All but one person were male; the one woman was a separatist fighter. He also said that his wounds had largely healed by that point, although he received no medical care while in Ukrainian custody.

release, but was taken out of his cell one day and put on a bus. As of March 2015, he still had no passport, only an ad hoc DNR identification paper attesting to his identity.

H.N., age 46, was held by pro-Kyiv forces from 7 November to 26 December 2014.⁴⁶ He had worked as an agent for the DNR in Sloviansk, telling DNR contacts about Ukrainian military movements. He believes that someone informed on him, as one day members of the Sich Battalion showed up at his home and arrested him.

H.N. claims that the men tied him up, put him in a car, and brought him to the Sloviansk Technical College, in which they had several rooms. He says that after being subjected to electric shocks he signed a confession implicating himself in manning the barricades that had been erected in Sloviansk earlier in the year to keep out pro-Kyiv forces. (He later told Amnesty International that although he supported the separatists, and had served as an agent, he had never actually manned the barricades.)

After three days in the custody of the Sich Battalion in Sloviansk, he was transferred to SBU custody in Poltava. There, he told Amnesty International, the treatment was even worse. He was beaten so severely that four of his ribs were broken. He later showed an Amnesty International researcher x-rays of the broken ribs that were taken after he was released.

“In Poltava,” he told Amnesty International, “they hung me from the ceiling on a hook.” He described how his feet just touched the floor, so that he was standing on tiptoes, while his arms were stretched tight. While he was put in this painful position, his captors hit him with a baton. He claims that during his few days in SBU custody he was made to sign a paper falsely implicating his neighbor in separatist activities.

H.N. said that he was brought to court in mid-November 2014, and then transferred to a SIZO detention centre in Poltava. He left prison on 26 December 2015 as part of a large-scale prisoner exchange.

Alexander Zhuruev, age 41, was a DNR informant who was wounded during fighting near the town of Debaltseve in late July 2014. Shot in the right leg, he could not walk; a local man who found him in a field called an ambulance and got him to the hospital. The next day, members of the Ukrainian National Guard visited the hospital and, he claims, tried to scare him by threatening to shoot him again. Zhuruev also claims that they punched him in the head and leg while holding a heavy metal key, which caused him great pain. They asked the doctors if they could take custody of him, but the doctors said no.

“They started coming to the hospital to question me every day,” he told Amnesty International. “They would shout and point their guns at me, and sometimes hit me.”

In September, when he began walking, the local police arrested him and brought him to SBU headquarters in Izum. After one night there, he was brought to the military airfield near

⁴⁶ H.N. did not want his real name used, as members of his family still live in Kyiv-controlled parts of Ukraine, and he fears they will face reprisals. Amnesty International Interview with H.N., Donetsk, 7 March 2015.

Kramatorsk, where he saw a group of prisoners digging a hole. “The soldiers told me the men were digging my grave,” he told Amnesty International. “They blindfolded me, put me in the hole, and shot in the air a few times. I thought I was being executed.”

On 29 September 2014, he was brought before a judge, who issued an order for two months’ detention on charges of terrorism. He was transferred to the SIZO detention centre in Kharkiv, where he spent three weeks in the prison hospital, receiving treatment for his broken leg. On 21 January 2015, after the second detention order in his case expired, he was released.

Igor Eduardovich Lyamin, age 42, is a railway worker who became an informant for the DNR. On the morning of 14 September 2014, when he was fishing with his wife on the outskirts of Volnovakha, where he lived, the Dnipro Battalion detained him.

“They brought me to the railway office in Volnovakha and started beating me without any explanation—no questions, nothing, just hitting me on the hands, feet and body with a wooden stick,” recounted Lyamin. “They also used an electric prod.” He later learned that one of his right ribs was broken during the beating.

The next day Lyamin was brought to Mariupol SBU station, held for two days there, then brought before a judge, and sent to the Mariupol SIZO. He said that he was moved around several times during his subsequent detention, including spending four days doing forced labor at a military base used by the Dnipro Battalion. He and 11 others were made to carry building materials and do other construction-related tasks. “Because of my broken rib,” he told Amnesty International, “the work was really painful.” He was finally released in a prisoner exchange on 1 November 2014.

PRISONERS HELD BY SEPARATIST FORCES

Former prisoners told Amnesty International that prisoners’ treatment in the custody of separatists depends very much on who is holding them, how they were taken captive and how they behave in captivity. The treatment of a large group of prisoners from the Donbass battalion that surrendered on 30 August 2014 near the village of Krasnoselske, during the battle of Ilovaysk, is instructive.

DONETSK

“When they brought the 110 of us to the basement of the former SBU building in Donetsk, they started beating and questioning everyone in the first few hours. They were searching for officers and locals,” a prisoner from the Donbass battalion told Amnesty International on 6 April 2015. He wished to remain anonymous for fear of reprisals against him or his family who still live in the conflict affected areas. During the first 24 hours of captivity he claims he was guarded in an open field by regular Russian soldiers.⁴⁷ The wounded soldiers were handed back over to the pro-Kyiv side, while healthy prisoners were transferred to the custody

⁴⁷ The prisoner claims his unit negotiated with the Russian on the previous day, because some of the Russian soldiers were taken captive by the Donbass battalion and had their official military identification cards.

of separatist fighters wearing insignias that said “Novorossiya.”⁴⁸ Brought to Donetsk for interrogation, about 20 people were singled out for harsher treatment because of their higher military rank or because they were natives of the Donetsk Region. These people were given daily beatings, including with blunt objects, fists and legs, and were subsequently subject to forced labor.

According to five former prisoners whom Amnesty International interviewed separately in Kyiv on 6, 7 and 8 April 2015, these 20 people were held together with a group of some 90 people in a basement. Sometimes the soup they were fed was mixed with gasoline or dust and rocks, which made it impossible to eat. A Ukrainian flag was placed on the doorstep, and captives who jumped over it—to avoid stepping on it—were beaten.

On 15 October 2014 about 70 of the prisoners were brought to the city of Ilovaysk and forced to do manual labor, but otherwise were not ill-treated.⁴⁹ This group was released on 26 December 2014.

The remaining prisoners stayed in Donetsk, including A.B., age 25, whom Amnesty International later interviewed by phone⁵⁰. A.B. described how he was severely beaten because separatists found photos from the EuroMaydan protests and photos with Right Sector symbols on his laptop. He claims that four men beat him unconscious in early September, then brought him back to his senses with cold water, and then beat him again. They warned him that the whole group of Donbass battalion captives would be shot. Over the next two days, they shot his left leg with a pneumatic pistol and broke his ribs and jaw. After the prisoners were split in groups in October, they tried to force A.B. and the remaining captives to read statements on camera promising not to return again. He refused and was beaten, but was released on 26 December 2015.

Dmitry Kulish, another member of the group that remained in Donetsk, was singled out for daily beatings because a separatist fighter accused him of breaking his leg.⁵¹ Once he was beaten so badly that he could not stand up; he later learned that his spine was fractured in two places. Three former prisoners⁵² held with Kulish told Amnesty International in April 2015 that he was denied proper medical treatment for his injuries and was only offered iodine, a common antiseptic. In January 2015 he was transferred from the former SBU building in Donetsk to a pre-trial detention facility because the *de facto* authorities charged him with breaking the fighter’s leg. To Amnesty International’s knowledge, he remains in

⁴⁸ “Novorossiya” is a historical term that the Russian Empire used to denote parts of south-eastern Ukraine. Today it is widely used by the separatists to refer to the self-proclaimed confederation of the so-called DNR and LNR.

⁴⁹ Available at <https://www.youtube.com/watch?v=zeFE1Y3HoIU> (accessed 25 April 2015).

⁵⁰ Amnesty International interview with A.B. in Kyiv on 7 April 2014. He wished to remain anonymous.

⁵¹ “Poet Yurchenko opoznal pytavshogo ego boitsa Donbassa,” Lifenews, 9 September 2014; available at <http://lifenews.ru/news/140137> (accessed on 25 April 2015).

⁵² These individuals wished to remain anonymous, for fear of reprisals against their relatives.

detention.

PRISONERS HELD BY THE PRIZRAK BATTALION

Amnesty International has also received allegations of serious abuses committed by members of the Prizrak battalion, a unit that operates from the city of Alchevsk and is nominally under the control of the LNR.⁵³

Volodymyr Krutolevych⁵⁴, age 40, a member of the 3rd Separate Regiment with Special Purpose under the Defence Intelligence in the Ministry of Defence, commonly known as the Kirovogradskiy special forces unit, was taken captive after being wounded near the village of Luganske on 28 August 2014. Members of the Prizrak battalion found him unconscious near the side of the road and loaded him onto a truck with two other prisoners, delivering him to the hospital in Alchevsk. By that time he had lost an eye and was bleeding heavily. He told Amnesty International that while he was being transported his captors told him several times that he would not survive, discussing among themselves whether they should just kill him then. After three days in intensive care, he was transferred to the trauma ward, but was denied food by two guards with automatic weapons who stood at his bed at all times. After four more days he was brought to the headquarters of the Prizrak battalion where he discovered two other men held captive. He told Amnesty International that his captors immediately started beating him, and that he saw them put a knife through the hand of another captive. The beatings and interrogations continued on a daily basis for a week. During this period Krutolevych was so weak that he was unable to stand up. Meanwhile one of the other detainees was released, and the second one was taken away, but his fate remains unknown.⁵⁵

On 30 September 2014, Krutolevych was transferred to solitary confinement. He told Amnesty International that a man who presented himself as “Roma” informed him that his memory would “be erased like a flash drive.” This man was present during all the daily beatings that occurred over the next 6 weeks, but did not participate himself. Krutolevych was fed three times per week while being interrogated constantly about the positions of Ukrainian military forces.

Krutolevych showed Amnesty International a scar on his left leg that he claims was the result of a wound caused when one of the interrogators shot him with a hand gun. He also showed several missing teeth that he claims were knocked out when he was beaten with a rubber

⁵³ Amnesty International has repeatedly reported human rights abuses by this group, in particularly suspected cases of summary killings in Severodonetsk and Lysychansk area (for details, see Amnesty International, *Ukraine: Summary killings during the conflict in eastern Ukraine*, 20 October 2014, AI Index: EUR 50/042/2014, available at <https://www.amnesty.org/en/documents/EUR50/042/2014/en/>). On 30

⁵⁴ Amnesty International interview with Volodymyr Krutolevych in Irpen military hospital near Kyiv, 9 April 2015.

⁵⁵ Volodymyr Krutolevych said that he heard two men and a woman joking about taking one of the captives “to have some fun,” and that the person was then taken away. Amnesty International could not ascertain whether this man was released or killed, or whether he remains in detention.

baton. The beatings continued until 15 November 2014, when, he told Amnesty International, his captors moved him to a room with three other prisoners, saying that they admired him for not breaking. At that time, the ill-treatment ended, and he was released on 2 December 2014.⁵⁶

Vasiliy Belen, age 21, a soldier attached to an elite special forces unit of the Ukrainian military, was captured by the Prizrak battalion near Debaltseve on 16 February 2015. Belen had been severely injured during an attack on his armored personnel carrier, suffering multiple shrapnel wounds on his face and arms. Before they transported him to Alchevsk hospital, one of the separatists who captured him suggested that, given his injuries, Belen should be killed on the spot. He was then loaded onto a truck and taken to the hospital, where his right hand was amputated and pieces of shrapnel were removed from his eye. During his confinement, and under the threat of being held indefinitely, he claims he was forced to read a statement on the Russian TV channel LifeNews, in which he blamed the Ukrainian government for his condition.⁵⁷ Belen was exchanged on 24 February 2015 for the bodies of two separatist soldiers.

ILL-TREATMENT OF CIVILIANS

Separatists have also subjected civilians to ill-treatment. Oksana Svyryd, for example, was stopped at a checkpoint near Donetsk on 26 January 2015, together with three friends of her detained husband, Anatoliy Svyryd.⁵⁸ The people at the checkpoint found pictures from the 2013-14 EuroMaydan anti-government protests on her phone, and decided to detain the group, taking them to the city of Horlivka for questioning. There she was interrogated about her husband, with her unidentified captors hitting her in the face and body. She was then held in solitary detention for 11 days with no information about the outside world. After that, she was moved to an apartment with her companions, who had also been beaten. Ten days later she was released and decided to stay in Donetsk until her husband was also released a few days later. Her original companions were too, soon after, set free.

A more recent case involves Vasiliy Kozak, a civilian from the Kherson Region who had been helping the Ukrainian army by delivering food and clothing to them. When he got lost on 16 March 2015 near the city of Mariinka, he was detained by armed separatists. His captors looked through his phone and found numerous photos of him with Ukrainian soldiers. He claims that his captors threw him to the ground, and that someone shot bullets into the asphalt next to him. Kozak was then taken to the former SBU building in Dokuchaevsk where he was beaten on the head with a rubber baton, fracturing his skull. He told in an interview that, while still bleeding heavily, he was blindfolded, duct-taped to a chair, and left in this position for two days. He was released on 2 April 2015.⁵⁹

⁵⁶ Footage of his release available at <https://www.youtube.com/watch?v=Q3p-t7xZjpU>.

⁵⁷ "Rannenyi boets VSU priznalsya chto ego zastavili voevat," Lifenews, 19 February 2015 available at <http://lifenews.ru/news/150150> (accessed on 25 April 2015).

⁵⁸ Anatoliy Svyryd was a soldier who were taken prisoner by separatists at Donetsk Airport on 21 January 2015. Oksana Svyryd wanted to visit Donetsk to try and secure her husband's freedom.

⁵⁹ Vasiliy Kozak's interview given to VTV Plus in April 2015 is available here:

RECOMMENDATIONS

Amnesty International calls upon the Ukrainian government to:

- Take immediate steps to ensure that no prisoner held by any law enforcement agency, the armed forces or pro-government militia is subjected to torture or other ill-treatment, including by making a public commitment, at the highest level, to exercise a zero-tolerance policy on torture or ill-treatment of prisoners and to bring to justice anyone responsible for, or complicit in, such practices;
- Ensure prompt, thorough and impartial investigations of all those, including military and law enforcement officials and pro-government militia, reasonably suspected of criminal responsibility for summary killings, torture or other ill-treatment of prisoners, and bring them to justice in fair trials;
- Ensure that no person is subjected to arbitrary, secret or incommunicado detention, and that the rights of prisoners (detainees) are respected in all cases in accordance with international human rights and international humanitarian law; and in particular ensure that any prisoners who may still be held in incommunicado detention and/or outside the officially designated places of detention, whether by military or law enforcement officials or pro-government militia, are immediately transferred to lawful places of detention under the supervision of the judiciary, and granted full fair trial rights and the protection of procedures to prevent torture and ill-treatment;
- Ensure that witnesses are able to testify as part of any investigation into, or trial in cases involving allegations of, summary killings, torture or other ill-treatment without fear of reprisal. This should include empowering the investigating agencies to take all necessary measures to protect witnesses and establishing an effective witness protection programme for subsequent trials;
- Extend an invitation to the relevant Special Procedure mechanisms of the United Nations to undertake visits to Ukraine and to visit all detention sites in which prisoners held in connection with the conflict in eastern Ukraine can be found;
- Take all necessary steps for the ratification of the Rome Statute of the International Criminal Court and the adoption of a declaration recognizing retroactively jurisdiction of the International Criminal Court for international crimes committed in Ukraine by all parties from the moment the Statute of the Court came in to force.

To the investigating authorities in Ukraine, and in particular the Prosecutor General's Office, the Ministry of the Interior and the Security Service of Ukraine:

- Ensure impartial, effective and prompt investigation of all credible allegations of summary killings and torture or other ill-treatment of prisoners, including by military and law enforcement officials, members of pro-government militia and, to the maximum extent

https://www.youtube.com/watch?v=bj63V_K-s-U.

possible, members of the separatist forces and, where possible, bring those reasonably suspected of criminal responsibility to justice in fair trials;

- In situations in which the Ukrainian authorities are unable to effectively exercise jurisdiction, nevertheless take all reasonable steps to ensure that criminal cases are opened in connection with all credible allegations of summary killings and torture or other ill-treatment of prisoners, and all available evidence is collected and secured to enable prosecution of the alleged perpetrators at such time when this becomes possible.

To the Prosecutor General's Office:

- Take all necessary steps within its powers to ensure that no person is subjected to arbitrary, secret or incommunicado detention, and that the rights of prisoners (detainees) are respected in all cases in accordance with international human rights and international humanitarian law;
- Take effective steps to ensure that no statements or other material or information obtained through torture or other ill-treatment are used in any proceedings, except against a person accused of torture or other ill-treatment as evidence that the statement was made. Where credible allegations exist that testimonies solicited through the use of torture or other ill-treatment may have been used in earlier judicial proceedings, ensure effective investigation of any such allegations and, where relevant, take steps to ensure revision of the cases that resulted in conviction;
- Investigate all reports of detention of prisoners outside officially designated places of detention, and all alleged instances of incommunicado detention, both within and outside officially designated places of detention; and in particular, investigate reports that members of Right Sector are illegally holding prisoners in a basement cell at a former pioneers camp site near Velykomyhailivka, near Dnipropetrovsk;
- Identify and, where evidence permits, prosecute in fair trials all those implicated in such practices, including law enforcement and military officials who condone, or are complicit in, such practices.

To the Ministry of Defense, the Security Service of Ukraine and the Ministry of the Interior:

- Ensure that all those involved in military and law-enforcement operations are made fully aware of the provisions of national and international law applicable to their actions and their potential personal and command responsibility for any breaches of these provisions;
- Remove persons suspected or accused of crimes involving prisoners from further contact with prisoners until investigations have been completed, and dismiss them from their positions if investigations confirm allegations of abuse, and where there is sufficient evidence that they have committed a crime under international law or other serious violation of human rights ensure, in collaboration with investigating and prosecuting authorities, take steps to ensure that they are prosecuted in conformity with fair trial standards;
- Ensure that military and law enforcement officials under investigation for alleged summary killings, torture and other ill-treatment are suspended for the duration of the investigation and ensuing proceedings, irrespective of the agency or seniority of their

position.

To the Ministry of Defense of Ukraine:

- Take all lawful and reasonable steps to prevent and suppress crimes under international law allegedly committed by pro-government militia groups (such as Right Sector battalion), including by integrating all remaining pro-government militia groups into clear chains of command, control and accountability.

To the judicial authorities of Ukraine:

- In court proceedings such as arraignments, when prisoners are brought for the first time before a judge, ensure that members of the judiciary and officials are attentive to indications that prisoners have been subjected to torture or other ill-treatment, and ensure that prompt, thorough and impartial investigations are ordered if signs of ill treatment are observed.

To the Parliament Commissioner for Human Rights (Ombudsperson):

- Take an active role in overseeing detention conditions into alleged torture and other ill-treatment of prisoners held by both sides in the conflict, and submit any evidence of torture and other ill-treatment of prisoners to the relevant investigating agencies.

The Verkhovna Rada (parliament) of Ukraine:

Ratify the Rome Statute of the International Criminal Court and pass a declaration recognizing retroactively jurisdiction of the International Criminal Court for international crimes committed in Ukraine by all parties from the moment the Statute of the Court came in to force.

To the separatist groups in the Donetsk and Luhansk Regions to:

- Take immediate steps to ensure that no prisoner in their custody is subjected to torture or other ill-treatment;
- Take effective lawful steps to ensure non-repetition of such abuses as unlawful killings and torture or ill-treatment of prisoners in their custody or in the custody of any forces under their effective control, and in particular:
 - Investigate and remove from their ranks all persons reasonably suspected of unlawful killings, torture and ill-treatment,
 - Immediately prevent all those suspected of unlawful killings and torture or ill-treatment of prisoners from further contact with prisoners pending such investigation;
 - Ensure that all those involved in military and law-enforcement operations are made fully aware of the provisions of international law applicable to their actions and their potential personal and command responsibility for any breaches of these provisions;
 - Cooperate with competent Ukrainian authorities with regards to their investigation and prosecution of suspects.

To the international community:

- Amnesty International urges the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), to undertake urgent visits to Ukraine, visiting all detention sites in which prisoners held in connection with the conflict in eastern Ukraine can be found, including unofficial and unrecognized sites.
- Amnesty International also urges the relevant special procedures mechanisms of the United Nations—including, in particular, the Working Group on arbitrary detention, the Working Group on enforced or involuntary disappearances, and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment—to carry out an urgent mission to Ukraine, consistent with the standing invitation that Ukraine previously extended. During this visit, they should visit all detention sites in which prisoners held in connection with the conflict in eastern Ukraine can be found, including unofficial and unrecognized sites.
- Amnesty International urges the Russian Federation and any other country to which those reasonably suspected of criminal responsibility for crimes under international law in connection with the ongoing conflict in eastern Ukraine travel to exercise all forms of possible jurisdiction (including universal jurisdiction) over such persons in relation to these crimes, and ensure their investigation and prosecution in full conformity with international fair trial standards.

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