

# VICTIMS OF THE ARMED CONFLICT

IN EASTERN UKRAINE  
IN 2014-2018



Part 2

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**Victims of the armed conflict in eastern Ukraine in 2014-2018.**

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# VICTIMS OF THE ARMED CONFLICT IN EASTERN UKRAINE IN 2014-2018 PART 2

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## SUMMARY

**This review** presents a compilation of the information collected by Kharkiv Human Rights Protection Group (KHPG) about victims of the armed conflict in Donetsk and Luhansk regions in 2014-2018.

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## CLASSIFICATION OF VICTIMS OF AN ARMED CONFLICT

### WE ATTRIBUTE THE FOLLOWING CATEGORIES TO THE VICTIMS OF AN ARMED CONFLICT:

- 1.1 the dead**, military and civilians, and members of their families;
- 1.2 the wounded**, military and civilians, and members of their families;
- 1.3 the missing**, military and civilians, including victims of enforced disappearances, and members of their families;
- 1.4 persons** unlawfully imprisoned and detained, and members of their families;
- 1.5 victims** of torture and ill-treatment;
- 1.6 victims** of sexual and gender-based violence;
- 1.7 victims** of violations of the human dignity, military and civilians;
- 1.8 prisoners** in penal institutions in non-government controlled territory;
- 1.9 victims** of persecution in non-government controlled territory of identifiable groups based on membership in the group:
  - ✓ Roma;
  - ✓ members of LGBTIQ community;
  - ✓ believers of churches that are not recognized by Moscow Patriarchate;

**1.10 persons** who have lost their homes and other property as a result of hostilities.

We believe that in terms of human casualties, one should also consider the damage caused to the towns of Donetsk and Luhansk regions in the form of destruction of housing facilities and infrastructure - heat, energy, gas and water supply, educational, medical, commercial, industrial, social, cultural, religious buildings, bridges, roads, land, etc.

The victims of the armed conflict referred to in paragraphs 1.1. - 1.7 were reviewed in part I.

This document looks into the victims of the armed conflict referred to in paragraphs 1.8. - 1.10 as well as the damage wrecked upon the populated areas of Donetsk and Luhansk regions affected during the armed conflict.

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## SOURCES OF INFORMATION

### THE FOLLOWING SOURCES OF INFORMATION WERE USED TO PREPARE THIS REVIEW:

- a) **Daily** official reports on the situation in the combat zone, casualties, destruction, etc., reports of other information resources, including local ones, on the consequences of hostilities;
- b) **Daily** reports of OSCE Special Monitoring Mission, reports of the Monitoring Mission of the Office of the United Nations High Commissioner

for Human Rights (HRMU), reports of international and national human rights organizations - Amnesty International, Human Rights Watch, Memorial Human Rights Center (Moscow), Ukrainian Helsinki Human Rights Union and other human rights organizations in Ukraine;

- c) **Answers** to information requests sent in accordance with the Law *on Access to Public Information* to local self-government and authorities in the territory controlled by the government;
- d) **Monitoring** visits to towns of Donetsk and Luhansk regions in the territory controlled by the government aimed at verification and clarification of the data received in response to data requests, interviewing victims of human rights violations and other eyewitnesses, video and photo coverage;
- e) **Information** resources that regularly publish information about events in the armed conflict zone;
- f) **Messages** of whistleblowers living in non-government controlled territory;
- g) **Materials** of proceedings initiated by the Strategic Litigations Centre of KHPG involving the facts of human rights violations in the conflict zone;
- e) **Databases** of KHPG.

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## **VICTIMS OF VIOLATIONS OF THE HUMAN DIGNITY, CIVILIANS AND THE MILITARY**

We have documented the following types of abusive and degrading treatment qualified as attack against human dignity: marches of prisoners, accompanied by crowd abuse; confinement in premises with inadequate conditions (lack of proper conditions and place for sleeping and eating, lack of toilet, etc.); forced nudity or forcing men to wear women's clothing, all sorts of hard (unpaid) work, including the arrangement of military installations; coercion to observe torture or rape of others; coercion to illegal actions connected with state symbols and military insignia, such as burning, eating or other actions against state symbols, forcing to collect and dismember the bodies of dead people (civilian, military). All the cases of coercion recorded by us were performed under the threat of using weapons or physical violence. By their actions, the militants of illegal armed groups demonstrated their superiority over the detainees.

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## **PRISONERS IN PENAL INSTITUTIONS IN NON- GOVERNMENT CONTROLLED TERRITORY**

In August-December 2014, the illegal armed groups seized 28 penal institutions in non-government controlled territory; as of November 1, 16,200 people were held therein.

Some of these institutions were subject to regular artillery shelling. Repeatedly, shrapnel of shells hit their territory, and sometimes they landed right on the buildings of penal institutions and pre-trial detention centers. As a result of such attacks, convicts died,

there were also wounded. Without being actually able to leave the dangerous zone and feeling their helplessness, they lived under shelling for months. Those who were kept in the cells could not even go down to the bomb shelter, because no one took them there. During the heavy shelling, penal institutions administration was hiding, leaving to fate the prisoners locked in cells.

The illegal armed groups did not provide convicts with food, which led to famine striking the majority of penal institutions. In 2015, the majority of penal institutions were not heated in winter. The convicts bought cast-iron stoves at their own expense, while at the same time, persons sentenced to life imprisonment were not even allowed to use them. They made bonfire in the cells using household items: wooden furniture, clothes, at least to boil water. The walls were covered with frost, the water was freezing, and the temperature plunged to zero. There were periods when there was no light and water supply for weeks. Convicts were limited in the amount of water they could drink. In addition, they could not carry out hygienic procedures, and cells and lavatories were filled with unbearable stench from the sewerage. No medical assistance was provided.

Physical force was often unlawfully used against convicts. Feeling their complete impunity, the members of illegal armed groups could beat a person to death, leave without clothes on the street in winter for the whole day or unleash the dogs.<sup>2</sup>

<sup>1</sup> The Rights of Convicts Detained in the ORDLO. – Kharkiv: LLB “Human Rights Publisher”, 2018/ - 80 p. <http://khpg.org/files/docs/1539109506.pdf>



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## **VICTIMS OF PERSECUTION IN NON-GOVERNMENT CONTROLLED TERRITORY OF IDENTIFIABLE GROUPS BASED ON MEMBERSHIP IN THE GROUP<sup>2</sup>**

### **ROMA**

According to the data of UNHCR, that are based, in their turn, on information received from the Roma non-governmental organizations of Ukraine, the number of Roma who left their former residence in the combat zone is estimated at around 6,000 people.

The escape of the Roma from the territory occupied by the «militias» was caused not only by fear of dying from shelling. The lawlessness, arbitrariness and violence of the «militias», sanctioned by the authorities of unrecognized republics, put the Roma at as much risk, and began even before massive hostilities. There were documented cases of arbitrary detentions, robberies, beatings and even murders, as well as real bashing of Roma houses.

### **MEMBERS OF LGBTIQ COMMUNITY**

All the inhabitants of the territory of the so-called DNR and LNR are at risk of aggression by the armed groups in a situation of lawlessness and impunity, however, to LGBTI the militants pose a particular and real threat. According to an eyewitness, it was «the territory of anarchy, anything can be done to you, the risks increase to the level when they can just shoot you». The majority of respondents stated that there was a threat to life and health, and danger in case of return to the so-called DNR and LNR: «Parents no longer invite me because they fear me. I am not going there because I am afraid for my health». In addition,

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<sup>2</sup> Violent Crimes Committed During the Armed Conflict in Eastern Ukraine between 2014–2018. – Kharkiv: LLB “Human Rights Publisher”, 2018. — 112 p, pages 84-92, <http://khpg.org/files/docs/1552984577.pdf>

homophobic actions of the armed militants provoke homophobic aggression in those who previously had a neutral attitude to LGBTIQ.

If the armed men learned about the orientation of a person, he was taken «to the basement, placed there for intimidation, ransom and free labor. In the basement, they were humiliated and insulted». Former residents of the Donetsk region reported that «almost everyone, if not paid ransom for to be taken out from the basement, was sent to the trenches».

### **BELIEVERS OF CHURCHES THAT ARE NOT RECOGNIZED BY MOSCOW PATRIARCHATE**

The illegal armed groups have openly expressed their belonging to Orthodoxy and began to repress representatives of Protestant and Catholic churches and Orthodox believers who do not recognize the Moscow Patriarchate. Part of the priests of the Ukrainian Orthodox Church of the Moscow Patriarchate in one way or another supported the illegal armed groups in carrying out this campaign against other churches.

Many priests were beaten, and several priests of the illegal armed groups were even killed. The list of examples of religious persecution can be continued. These examples prove that non-Orthodox believers living in the territories of the armed conflict in Ukraine face widespread and systematic persecution by the illegal armed groups.

## PERSONS WHO LOST THEIR HOMES AND OTHER PROPERTY DUE TO HOSTILITIES. THE DAMAGE WRECKED UPON THE SETTLEMENTS OF DONETSK AND LUHANSK REGIONS, AFFECTED BY THE ARMED CONFLICT

One of the reasons for death and injury of civilians and destruction of homes and infrastructure is the placement by the illegal armed groups of its artillery in residential areas of the settlements near hospitals, schools, kindergartens, etc. and firing from there at positions of legal armed units. Some legal armed units act symmetrically. The presence of the military in the settlements essentially means the use of civilians as a «human shield».<sup>3</sup>

As of the end of 2017, as a result of hostilities from their beginning in 2014, more than 40 thousand residential buildings were damaged or destroyed.<sup>4</sup> This figure does not include houses left by IDPs and houses damaged due to their use for military purposes.<sup>5</sup> About 10 thousand infrastructure facilities were also seriously affected.<sup>6</sup>

International law establishes restrictions on the use of permitted weapons and methods of warfare - it is forbidden to attack or bombard unprotected cities, villages, residential buildings or structures, including clinics, hospitals, provided that these buildings and cities do not simultaneously serve military purposes. Based on the results of the collection and analysis of information in Donbass, KHPG monitors concluded that during the hostilities, weapons with indiscriminate effect, in particular rocket system of volley fire GRAD, were repeatedly used to attack entire settlements, educational and medical institutions located in their territories. This shelling can

<sup>3</sup> The report about the losses of the civilian population, destructions of the households and infrastructure as a result of the armed conflict in the east of Ukraine. /Yuriy Aseev, Anastasiya Yegorova, Stanislav Pylayev, Yana Sme-lyanska, Yevgeniy Zakharov. – Kharkiv, Human Rights Publisher, 2018. – 118 pages, p.27-30. <http://khpg.org/en/index.php?id=1538471203>

<sup>4</sup> 2018 Humanitarian Response Plan, available at the link <https://www.humanitarianresponse.info/en/operations/ukraine/document/ukraine-2018-humanitarian-response-plan-hrp>

<sup>5</sup> [https://www.ohchr.org/Documents/Countries/UA/ReportUkraineFev-May2018\\_UKRAINIAN.pdf](https://www.ohchr.org/Documents/Countries/UA/ReportUkraineFev-May2018_UKRAINIAN.pdf), para. 34.

<sup>6</sup> <http://khpg.org/en/index.php?id=1538471203>

be classified as indiscriminate attacks. On the territory of educational and medical institutions, military equipment and armed persons were also repeatedly deployed, and psychological pressure was regularly put on medical personnel (especially in uncontrolled territories).

Between April 2014 and June 2018, we recorded and documented numerous facts of massive indiscriminate shelling. As a result of such attacks, we documented and included in KHPG data base 22,503 facts of damage to residential buildings and infrastructure in settlements in both the territory controlled by the government and the territory controlled by the so-called LNR and DNR.<sup>7</sup>

According to a number of studies conducted by international and Ukrainian human rights organizations, a third of all medical institutions in Donbass were damaged as a result of hostilities. The hospitals most affected were in Donetsk - 57 medical institutions, and in Horlivka - 18. According to WHO, since the beginning of the conflict, 160 medical institutions on both sides of the contact line were hit by the shelling. 130 of them either partially or completely stopped operating. Directors of more than 400 hospitals report that they are sorely lacking medicines.<sup>8</sup>

During 2014-2017, KHPG monitors recorded incidents of seizures and attacks on 58 educational institutions in 20 cities of Donetsk region and 21 educational institutions in 14 cities of Luhansk region. Repre-

<sup>7</sup> The report about the losses of the civilian population, destructions of the households and infrastructure as a result of the armed conflict in the east of Ukraine. / Yuriy Aseev, Anastasiya Yegorova, Stanislav Pylayev, Yana Smelyanska, Yevgeniy Zakharov. – Kharkiv, Human Rights Publisher, 2018. – 118 pages, p.7. <http://khp.org/en/index.php?id=1538471203>

<sup>8</sup> Ibid, p.35.

sentatives of both legal and illegal armed groups were noticed therein<sup>9</sup>.

42 bridges were destroyed or damaged.

It should be noted that, regardless of which party to the conflict was involved in the shelling, or in such actions that led to damage or blocking of the work of the institutions, all such cases should be investigated, and the culprits should be brought to justice.

As a result of hostilities, places of worship were significantly affected. In total, 62 Orthodox churches were destroyed during the armed conflict in Donetsk region alone, and 10 churches - in Luhansk region. 10 churches were destroyed to the ground. Three Orthodox clergymen were killed, five were injured. In addition, Greek Catholic and Protestant churches, as well as one Muslim mosque, were damaged during the armed conflict.<sup>10</sup>

According to the data of Luhansk regional administration, about 9,000 objects were destroyed in the government-controlled territory in Luhansk region, including: 7,000 residential buildings, 32 bridges, 94 medical institutions, 113 educational institutions, 14 industrial objects, 79 cultural and sports institutions.<sup>11</sup>

According to the data of Donetsk regional military civil administration, more than 7,000 residential buildings, 21 medical institutions, 27 secondary schools, 13 pre-school institutions, 7 vocational technical schools, 14 cultural institutions and 19 industrial objects were destroyed on the

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid, p.31.

<sup>12</sup> Ibid, p.32.

territory controlled by the government in Donetsk region.<sup>12</sup>

Overwhelming majority of military actions and attacks on civilians took place in the settlements located directly on the contact line or in its close proximity.

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## CONCLUSION

These data indicate a large number and territorial extent of the committed crimes and their extremely serious consequences. A large region of the country has become a place of the crime, and its population as a whole – its victim.

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## RECOMMENDATIONS

1. **It is necessary** to draft a regulatory legal act on creating a national register of individuals affected by the armed conflict (dead, wounded, lost property), which should include procedures for maintaining such a register, mechanisms of interaction and exchange of information between the interested state and local authorities, determine the state body responsible for its administration.
2. **To consider** as a priority the security of the local population when placing the military of the Armed Forces of Ukraine on the territory of a settlement, do not allow to use the population as a «human shield» by placing the units of the Armed Forces of Ukraine in the residential blocks and endangering the lives and health of the residents, their houses and objects of infrastructure. To prohibit the military units to open fire from the territory of a settlement.

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<sup>12</sup> Там же, с.31.

<sup>13</sup> Там же, с.32.

3. **To ensure** the right of civilians to the freedom of movement across the contact line by creating additional transport corridors, check-in/out points and facilitating the passage procedures. It is necessary to urgently open additional crossing points, even those of local significance — in Schastya, Tryokhizbenka, Lobacheve, Novoluhanske, Verkhnyotoretske, Granitne. It is necessary to resume the negotiations in the frames of the Minsk process with the representatives of the so-called «republics» concerning the restoration of operation of «Zolote» check-in/out point.
4. **To develop** and adopt the program on restoration of the houses and objects of infrastructure that were destroyed or damaged during the hostilities.
5. **To develop** a draft law on compensation for civilians affected by the armed conflict in the east of the country – families of the victims, the wounded, persons who had lost their property – and adopt it in the Parliament.
6. **To intensify** the investigation of crimes against military and civilians committed as a result of the armed conflict.
7. **To create** a National Information and Documentation Center on the Victims of the Armed Conflict in Eastern Ukraine, which will bring together all the existing state registries with an access provided to the state authorities to the registries that they are authorized to maintain, the possibility of exchanging data upon request and processing the data on all the registries, along with personal data protection measures.

This publication is developed in the framework of the activity of **Civim+** platform.

**Civim+** is an independent international civil society platform, which mission is to active integration of civil initiatives to restore the Donetsk and Luhansk oblasts as peaceful, integrated and developed regions as part of a democratic Ukraine and a united European space, with the active participation of the region's population and those who have left the region due to the conflict.

The **Civim+** platform offers its participants the opportunity to collaborate as part of joint initiatives and projects, to develop and express joint positions, provide mutual support and solidarity, systematise knowledge, raise levels of qualification and improve coordination.

Platform **Civim +** was launched in December 2017 thanks to the joint effort of the civil society representatives from Ukraine, Russia, Germany and France.

More about the platform and it's members on the web-site [civimplus.org](http://civimplus.org)

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 Federal Foreign Office