

World Report 2015 - Ukraine

The “Maidan” uprising in Kiev led to the ouster of President Viktor Yanukovich in February and a complete overhaul of Ukraine’s political system. The uprising that began in November 2013 was marked by clashes between police, street fighters, and protesters, which killed over 100 people.

Yanukovich’s overthrow, and a law that would have disfavored the Russian language, which the interim president vetoed, prompted violent clashes in southeastern Ukraine between pro and anti-Kiev protesters. May clashes in Odessa alone left 46 people dead. After Russia’s occupation of Crimea in March, Russia-backed armed insurgents seized control of many cities and towns in the Donetsk and Luhansk regions, resulting in armed conflict with Ukrainian forces. Both sides violated laws of war in the conflict that by October had claimed the lives of over 4,000 combatants and civilians and wounded over 9,000.

Mounting evidence, including the capture of Russian soldiers in Ukraine, exposed Russian forces’ direct involvement in military operations, constituting an international armed conflict between Russia and Ukraine.

Between April and October, hostilities resulted in over 450,000 displaced persons, including 16,000 from Crimea, having to flee their homes to other parts of Ukraine.

Russian officials and state media grossly distorted, manipulated, and at times invented information about the conflict. In response, the Ukraine government imposed excessive restrictions on freedom of media, including by banning Russian channels and barring foreign journalists from entering the country.

Following a September cease-fire agreement between the Kiev government and pro-Russian rebels, parliament passed a law granting three years of semi-autonomy to rebel-controlled areas and amnesty to rebels who have not committed grave abuses. In November, after insurgents organized elections in the Donetsk and Luhansk regions, which Kiev deemed illegal, President Petro Poroshenko requested that parliament repeal the law. Also in November, Poroshenko issued decrees shutting down all governmental institutions and banking services, as well as cutting all state funding to rebel-held areas.

In September, the Ukrainian government stated the need for a new defense doctrine defining Russia as an “aggressor state” and to move towards joining the North Atlantic Treaty Organization (NATO), and introduced into parliament a draft law abolishing Ukraine’s non-bloc status.

Maidan Violence

On November 30 and December 1, 2013, riot police violently dispersed and severely beat numerous peaceful demonstrators in Kiev protesting Yanukovich’s rejection of a political and trade agreement with the European Union. Police detained some of the protesters and beat them in custody.

Violent clashes between police and street fighters, who intermingled with protesters, killed over 100 people between January 19-21 and February 18-20, including some police, and injured many more. Police used rubber bullets, tear gas, and live munitions against protesters and street fighters armed with bats, firearms, and improvised explosives. At least 98 people were killed between February 18-20, including dozens by sniper fire presumably from Ukrainian security forces, although several former officials later claimed that Maidan organizers orchestrated the shooting. An investigation was pending at time of writing.

Riot police trying to disperse street fighters and protesters assaulted dozens of journalists. Police beat journalists who were covering the protests and sometimes deliberately shot them with rubber bullets or injured them with stun grenades.

Ukraine is not party to the treaty of the International Criminal Court (ICC), but in April 2014, the acting government lodged a declaration accepting the court's jurisdiction over alleged crimes committed in the country between November 17, 2013, and February 22, 2014. The ICC prosecutor's examination into whether criteria for opening a full investigation, as set out in the ICC's treaty, are met was ongoing at time of writing.

Crimea

In February, extra-legal, so-called self-defense units, aided by Russian security forces, seized administrative buildings and military bases across Crimea and installed a pro-Russian leadership. Following an unrecognized referendum on Crimea's status, Russian President Vladimir Putin and Crimea's leadership signed agreements claiming to make Crimea and the city of Sevastopol part of the Russian Federation. Ukraine's authorities and most international actors declared the referendum unlawful, and there was no lawful transfer of sovereignty to Russia. At time of writing, Russia remains an occupying power of Crimea under international law.

Between February and April, "self-defense" units committed serious abuses, including abductions, attacks, torture and harassment of activists, journalists, and others they suspected of being pro-Kiev.

Crimean Tatars, the predominantly Muslim ethnic minority of the Crimean peninsula, faced increased harassment and persecution. Since March, local authorities issued several warnings to Mejlis, the Crimean Tatar highest representative body, for "extremist" activities and threatened it with closure.

In April and July, respectively, authorities banned Tatar elders Mustafa Jemilev and Refat Chubarov from entering Crimea for five years. In September, they seized all property and bank accounts of the charitable fund that administered Mejlis, claiming it violated the law by having Jemilev, a Ukrainian citizen banned from Russia, on the board of directors.

Police searched the homes of dozens of Crimean Tatars, as well as Islamic schools and mosques, for "prohibited literature." In May, the authorities banned all mass gatherings before the 70th anniversary of the community's deportation.

Over 16,000 people have fled Crimea since March, primarily for mainland Ukraine.

Abuses in Eastern Ukraine

Between May and September, mortar, rocket, and artillery attacks killed hundreds of civilians in the Donetsk and Luhansk regions. Both armed insurgents and government forces violated laws of war by using weaponry indiscriminately, including unguided rockets in civilian areas. Both sides fired salvos of Grad rockets into heavily populated civilian areas.

The use of ground-launched Smerch and Uragan cluster munition rockets with explosive submunitions was recorded in several parts of eastern Ukraine after June. While evidence suggests all parties may have used cluster munitions, it was not possible to determine which forces were responsible for each attack, although the evidence indicates Ukrainian government forces were responsible for some attacks on Donetsk in October. Neither Ukraine nor Russia are parties to the 2008 Convention on Cluster Munitions that comprehensively bans the weapons.

Between April and September, intense fighting led to the complete collapse of law and order in several rebel-controlled areas. Rebels attacked, beat, and threatened hundreds of people whom they suspected of supporting Kiev, including journalists, local officials, and political and religious activists, and carried out several summary executions. They also subjected detainees to forced labor and kidnapped civilians for ransom, using them as hostages. In May, militants kidnapped eight military observers with the Organization for Security and Co-operation in Europe (OSCE) and held them for several weeks.

Also in May, Ukrainian authorities captured the “defense minister” of the self-proclaimed Donetsk Republic. The next day, the leader of Ukraine’s Radical Party posted on his social media page photos of the detained man, naked, scratched, and with hands bound, stating that he planned to exchange him for the ousted President Yanukovich. Ukrainian authorities held the man in custody until September, when he was released in exchange for a Ukrainian serviceman during prisoner exchanges between insurgents and government forces.

As counterinsurgency operations continued, Ukrainian security services and pro-Kiev volunteer battalions detained over 1,000 persons suspected of involvement in the insurgency, sometimes holding them for over 14 days and subjecting them to ill-treatment. In September, Kiev authorities opened a criminal investigation into alleged crimes by the pro-Kiev Aydar battalion, which have reportedly included arbitrary detention, enforced disappearances, and torture.

Armed militants obstructed work of journalists covering the conflict. In some cases, rebels physically assaulted journalists they accused of “biased” reporting. In July, insurgent leaders prohibited journalists from filming in combat zones and public places, threatening them with prosecution before a military tribunal if they did so. Rebels harassed, threatened, beat, and abducted domestic and international journalists. At time of writing, most abducted journalists had been released, although the whereabouts of at least three remained unknown.

Kiev’s forces disappeared and arbitrarily detained 13 journalists, often accusing them of assisting insurgents. For example, in May, security services detained two Russian reporters and held them for a week in incommunicado detention for suspected assistance to insurgents. The reporters later alleged they were beaten and threatened with execution.

At least seven media workers have been killed since the fighting began.

Internally Displaced Persons

According to the United Nations High Commissioner for Refugees (UNHCR), at least 450,000 people have been displaced from the armed conflict in Ukraine and Crimea; approximately 814,000 went to Russia, according to the Russian government. Ukrainian authorities have struggled to provide adequate protection and assistance for internally displaced people, and the bodies that the government tasked with coordinating efforts in various regions to provide housing and social assistance to IDPs lacked resources to carry out those tasks.

In October, parliament passed a law extending a specific set of rights to IDPs, including protection against discrimination and forcible return, and simplifying access to social and economic services, including residence registration and unemployment benefits.

Freedom of Media

Throughout the year, as political rhetoric grew more heated and polarized, central authorities imposed excessive restrictions on freedom of media. By September, the authorities, seeking to control slanted reporting and to counter Russian propaganda, banned 15 Russian channels from broadcasting in Ukraine, arbitrarily denied entry to at least 20, and barred 35 Russian journalists from entering Ukraine for between three and five years. During the year, authorities expelled at least nine Russian journalists covering the armed conflict.

In March, members of a Ukrainian nationalist party stormed the office of a major Ukrainian television station and attacked its acting president, hitting him several times and forcing him to resign over its Crimea coverage. Authorities opened a criminal investigation into the incident but closed the case in September due to “lack of evidence.” The same month, security services raided the Kiev office of a major news outlet that is considered to be pro-Russian, claiming authorities suspected it of attempting to “undermine Ukraine’s territorial integrity.”

After Russia’s occupation of Crimea, local media outlets in Crimea identified as pro-Ukrainian increasingly came under threat. Authorities issued warnings to critical journalists and bloggers, searched their homes, and detained several of them.

In July, Russian security services questioned the editor of a major Crimean Tatar newspaper in connection with the newspaper’s suspected “extremist” publications. In September, security services raided the newspaper’s office, seized some recent publications, and threatened it with closure.

Sexual Orientation and Gender Identity

Unlike last year, the Kiev 2014 March for Equality was canceled because authorities in the city were afraid they could not protect lesbian, gay, bisexual, and transgender (LGBT) participants and their allies.

Russia's state-sanctioned intolerance of the LGBT community crept into Ukraine. There was an attempt to pass Ukrainian legislation mimicking Russia's so-called "anti-gay propaganda bill," which aims to outlaw "pro-homosexual propaganda," any "positive depiction" of gay people, gay pride marches, or the screening of films with an LGBT theme, like *Milk*.

Key International Actors

Throughout the year, the European Union, United States, NATO, and other key actors showed overwhelming support for the Ukrainian government without adequately pressing human rights issues. The actors condemned Russia's occupation of Crimea and its backing of the armed insurgency in the east.

In June, President Petro Poroshenko stated that Russia and Ukraine were at war, and in August accused Russia of invading Ukrainian territory. More than a dozen nations have condemned the reported use of cluster munitions in Ukraine.

In March, the United Nations General Assembly passed a resolution, supported by 100 members states but with 58 abstentions, on the territorial integrity of Ukraine, which underscored that the referendum held in Crimea in March had "no validity" and could not "form the basis for any alteration of the status of the Autonomous Republic of Crimea or of the city of Sevastopol."

Since the beginning of the conflict in the east, the UN Office of the High Commissioner for Human Rights and the OSCE have set up on-the-ground monitoring missions and deployed teams of human rights monitors to Ukraine, providing regular reports and updates on human rights abuses. In June, the UN Human Rights Council adopted a resolution on cooperation and assistance to Ukraine in the field of human rights, calling upon the government of Ukraine to investigate all allegations of rights violations and upon all concerned parties to provide access to human rights monitors in Ukraine, including Crimea.

Throughout the year, the OSCE's representative on media freedom issued numerous statements expressing concern over deteriorating media freedom in Ukraine. In September, the representative called for an immediate stop to "hostile behavior" against media in Crimea, citing in particular the fate of the weekly newspaper of the Mejlis of the Crimean Tatar People, which had faced intimidation by the de facto authorities since early September.

In April, the secretary general of the Council of Europe (CoE) set up an international advisory panel to oversee investigations into violence during the Maidan protests and in Odessa in May. The Council's Parliamentary Assembly held three urgent debates on the situation in Ukraine, suspending the Russian delegation's voting rights in April.

The CoE commissioner for human rights visited Ukraine three times. Following his trip to Crimea in September, he called for an effective investigation into abuses by the "self-defense" units in March. In February, the Committee for the Prevention of Torture visited Kiev to look into treatment of people held during the Maidan protests.

In September, the European Parliament and Ukrainian authorities ratified the Association Agreement on deeper political association and free trade between the EU and Ukraine. In response to Russia's threat to impose harsher trade conditions on Ukraine if the agreement went into effect

immediately, Ukraine and the European Union agreed to postpone implementation of the agreement until December 2015.

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