

Amnesty International Report 2014/15

Ukraine

Head of state: Petro Poroshenko (replaced Oleksandr Turchynov in June, who replaced Viktor Yanukovich in February)

Head of government: Arseniy Yatsenyuk (replaced Mykola Azarov in February)

Violence resulting from the protests in the capital Kyiv and later in eastern Ukraine escalated into a civil conflict with Russian involvement. Violations by police, including torture and other ill-treatment as well as abusive use of force during demonstrations, continued with near-total impunity for the perpetrators, while investigations into such incidents remained ineffective. Abductions of individuals were carried out, particularly by pro-Russian paramilitaries in the occupied Autonomous Republic of Crimea and by both warring sides in eastern Ukraine affected by conflict. Both sides violated the laws of war. In Crimea, Russian restrictions on the rights to freedom of expression, assembly and association were fully applied, and pro-Ukrainian activists and members of the Crimean Tatar community were targeted by paramilitaries and persecuted by the de facto authorities.

BACKGROUND

Pro-European demonstrations in Kyiv (“EuroMaydan”) sparked in 2013 by the government’s decision not to sign an Association Agreement with the EU, resulted in the ousting of President Yanukovich on 22 February. Following the violent dispersal by police of the initially peaceful demonstration on the night of 29 November 2013, the demonstrators became increasingly radicalized. Protesters erected tents on the central Independence Square and occupied several buildings. While most protesters remained peaceful, violence by both sides escalated. At least 85 demonstrators and 18 police officers died as a direct result of violence at EuroMaydan in Kyiv, and hundreds were injured.

After Viktor Yanukovich secretly left Ukraine and an interim government was formed, increasingly violent protests began in the predominantly Russian-speaking Donbass region in eastern Ukraine. In Crimea, buildings belonging to the local authorities were occupied by armed paramilitaries calling themselves “self-defence forces” on the night of 26 to 27 February. Jointly with members of regular Russian forces they blocked Ukrainian military installations across the peninsula, and on 27 February, in the presence of armed men, the Crimean parliament elected a new leadership. A “referendum” was called on 16 March on the status of Crimea. Participants overwhelmingly voted in favour of unification with Russia while opponents boycotted it. On 18 March, the de facto authorities of Crimea signed a “treaty” in Moscow resulting in its annexation by Russia.

By April, armed opponents of the new government in Kyiv had occupied government buildings, including police and security headquarters, in the cities of Donetsk and Luhansk and several smaller towns, effectively taking control over large parts of Donbass. On 15 April, the government announced the beginning of an “anti-terrorist operation”. The situation rapidly escalated into an armed conflict between government forces and separatist armed groups supported by Russia. Pro-Kyiv forces were making steady advances until late August when Russia stepped up its covert military involvement in Ukraine.¹ A ceasefire between the warring sides was agreed at negotiations in Belarus in September, although fighting continued on a reduced scale, resulting in the deaths of

more than 4,000 people by the end of the year. After the *de facto* authorities in Donetsk and Luhansk held “elections” on 2 November, Kyiv withdrew its offer of limited devolution for the region.

Early presidential and parliamentary elections were held on 25 May and 26 October respectively, returning pro-European parties and politicians to power. On 16 September the European Parliament and the Ukrainian parliament ratified the Association Agreement with the EU, but it had not been agreed by all EU member states by the end of the year.

IMPUNITY – EUROMAYDAN

The three months of EuroMaydan demonstrations shone a spotlight on the systemic problem of impunity for the abusive use of force, and for torture and other ill-treatment of individuals by law enforcement officers in Ukraine. Riot police first used force against entirely peaceful protesters on 30 November 2013, when they refused to disperse, resulting in dozens of injuries and the brief detention of 35 peaceful protesters on charges of hooliganism. In response to widespread condemnation, the authorities dismissed a senior Kyiv police official and reportedly initiated criminal proceedings against him and four others, but these were never brought to any conclusion. In the subsequent weeks and months, the police repeatedly resorted to the abusive use of force at EuroMaydan as well as making arbitrary arrests and attempting to initiate arbitrary criminal proceedings against demonstrators.² Eventually, firearms with live ammunition, including sniper rifles, were deployed at the demonstrations, although it remained unclear which forces had used them and under whose orders they had acted. The head of the Ukrainian Security Services (SBU) stated in November that 16 former riot police officers and five senior SBU officials had been arrested in connection with the killings of protesters in Kyiv.

After the downfall of Viktor Yanukovych, the new authorities publicly committed to effectively investigating and prosecuting those responsible for deaths during EuroMaydan and all the abuses against protesters. However, apart from indicting former senior political leadership, few if any concrete steps were taken in this direction.

Only two law enforcement officers stood trial for torture and other ill-treatment during EuroMaydan, both low-ranking conscripts from the Interior Ministry Troops. On 28 May, they were given suspended sentences of three and two years respectively for “exceeding authority or official powers” (Article 365 of the Criminal Code) for their ill-treatment of Mykhaylo Havryliuk on 22 January 2014. Video footage shows Mykhaylo Havryliuk being forced to stand naked in sub-zero temperatures in front of dozens of officers from both Interior Ministry Troops and riot police; many can be seen actively humiliating him by forcing him to pose for photographs before he is pushed into a bus.

Victims in 20 cases of abusive use of force by police in EuroMaydan monitored by Amnesty International were frustrated by the slow speed or apparent lack of investigation into their allegations, the failure of the authorities to identify the perpetrators and poor communication from the Prosecutor’s Office.³

An International Advisory Panel on Ukraine was established by the Council of Europe in April to review EuroMaydan-related investigations. It had not reported on the progress of the investigations by the end of the year.

ABDUCTIONS, DISAPPEARANCES AND KILLINGS

During the protests in Kyiv, several dozen EuroMaydan activists went missing. While the fate of over 20 remained unclarified at the end of the year, it transpired that some were abducted and ill-treated. In December, the Prosecutor General's Office reported that 11 men suspected of abducting EuroMaydan activists had been arrested and several others placed on a wanted list. None were law enforcement officials, although they allegedly acted under orders from former senior police officials.

Yury Verbytsky and Igor Lutsenko went missing on 21 January, from hospital. Igor Lutsenko reported that he was blindfolded and beaten by his captors, and then dumped in a forest in freezing temperatures. Yury Verbytsky was found dead in a forest, his ribs broken, with traces of duct tape around his head.

Abductions and ill-treatment of captives were common in Russian-occupied Crimea and the parts of eastern Ukraine controlled by separatists, affecting several hundred people. Among the first people targeted were members of local administrations, pro-Ukrainian political activists, journalists and international observers. In a press conference on 23 April, the then self-proclaimed "people's mayor" of Slovyansk, Vyacheslav Ponomarev, acknowledged that separatists were holding a number of people as "bargaining chips". Subsequently, several hundred captives were exchanged between the separatists and the Ukrainian authorities. Others were held for private ransom. Sasha, a 19-year-old pro-Kyiv activist, was abducted by members of an armed group in Luhansk on 12 June. Beaten continuously for 24 hours and tortured with electric shocks, he was released after his father reportedly paid a US\$60,000 ransom.

Allegations of abductions were repeatedly made against members of pro-Kyiv forces, particularly so-called volunteer battalions deployed to fight alongside regular forces in Donbass. Several cases of abuses by Aidar battalion were documented between June and August in Luhansk Region. These included abductions of local men accused of collaborating with the separatists and holding them in makeshift detention facilities before either releasing them or handing them over to security services. In nearly all cases the captives were subjected to beatings, and had possessions, including cars and valuables, seized by the battalion members or had to pay a ransom for their release.⁴

MP Oleh Lyashko published several videos online of him leading a group of armed men in balaclavas apprehending, interrogating and ill-treating individuals he suspected of collaborating with separatists. No criminal investigation was initiated into his actions. He won a seat again at the parliamentary elections in October and his party entered the ruling coalition.

There was evidence of summary killings by each side in the conflict. Several separatist commanders boasted of having put captives to death for alleged crimes, and the de facto separatist authorities introduced the "death penalty" in their "criminal code".⁵

COMMUNAL VIOLENCE

With tensions affecting many regions of the country, demonstrators for and against the post-Yanukovych authorities clashed repeatedly in several cities, with police often failing to interfere or deal effectively with the resulting violence.

In Odessa, on 2 May, 48 anti-EuroMaydan protesters were killed, and over 200 injured, inside a burning building besieged by their opponents during violent clashes. Police failed to take effective action to prevent or contain the violence. Several criminal investigations into these events were opened. In November, the first court hearings began in one of the related cases against 21 men, all of them pro-Russian activists, under charges relating to mass disorder and unlawful use of firearms and explosives. The secrecy surrounding the official investigations prompted concern about their effectiveness and impartiality.

ARMED CONFLICT

Over 4,000 people had died in the conflict in eastern Ukraine by the end of the year. Many civilian deaths resulted from the indiscriminate use of force by both sides, notably as a result of the use of unguided mortars and rockets in civilian areas.

Both sides failed to take reasonable precautions to protect civilians, in violation of the laws of war.⁶ Both placed troops, weaponry and other military targets in residential areas. On numerous occasions, separatist forces used residential areas and buildings as firing positions, while pro-Kyiv forces returned fire to these positions. There was little indication that either side was seriously investigating alleged violations of international humanitarian law and possible war crimes by its own forces.

On 17 July, separatist forces reported the destruction of a Ukrainian military plane. When it transpired that a Malaysian Airlines civilian passenger jet had been shot down, killing nearly 300 people, the claim was retracted, with both sides since blaming the other for the act. An international investigation into the incident was ongoing by the end of the year.

DISPLACED PEOPLE

Those escaping the Russian occupation of Crimea – around 20,000 – received some state support for resettlement. Close to a million people were estimated to have been displaced as a result of the conflict in Donbass, around half of them internally and the rest mainly in Russia. In Ukraine, most received limited state support and relied on their own means, family networks and the assistance of volunteer organizations. The adoption of a law on internally displaced people, in October, had changed little on the ground by the end of the year.

CRIMEA

Following Russia's annexation of Crimea in March, its restrictive laws were used to suppress the rights to freedom of assembly, association and expression in the territory. Civil society organizations were effectively closed down for non-compliance with Russian legal requirements. Local residents were declared Russian citizens. Those wishing to retain Ukrainian citizenship were required to notify the authorities.

The self-styled "self-defence" paramilitary forces committed numerous grave abuses, including enforced disappearances, with impunity. De facto Prime Minister of Crimea, Sergei Aksionov, stated that although these paramilitaries had no official status or authority, his government relied on them and chose "sometimes to overlook" abuses committed by them.

There were numerous reports of abductions of pro-Ukrainian activists in Crimea.

EuroMaydan activists Oleksandra Ryazantseva and Kateryna Butko were abducted on 9 March after being stopped at a checkpoint, reportedly manned by riot police officers and Crimean “self-defence” paramilitaries armed with guns and knives. They were released on 12 March.⁷

Oleg Sentsov, a well known pro-Ukrainian activist and film director, was secretly arrested by Russian security officials in Crimea on 9 May and unlawfully transferred to Moscow, along with several other individuals. Criminal proceedings against him – under terrorism-related charges that appeared groundless – were conducted in secrecy, and his allegations of torture dismissed by the authorities.

Crimean Tatars, an ethnic group indigenous to the peninsula (deported to remote parts of the Soviet Union in 1944 and not allowed to return until the late 1980s), were particularly targeted by the de facto authorities for the public expression of pro-Ukrainian views. Starting in March, there were a number of abductions and beatings of Crimean Tatars which the de facto authorities failed to investigate.

On 3 March Reshat Ametov, a Crimean Tatar, was led away by three men from the “self-defence” forces after staging a one-man protest in front of the Crimean Council of Ministers building in the region’s capital Simferopol. His body was found almost two weeks later, showing signs of torture. His abductors were not identified.

The de facto authorities started a campaign to close the Mejlis, a body elected by the Crimean Tatar assembly (Kurultai) and recognized by the Ukrainian authorities as the representative organ of the Tatar community.

Mustafa Dzhemiliev, a veteran human rights defender and founder of the Mejlis, was banned from entering Crimea. He was repeatedly denied entry, including on 3 May when he tried to cross through a checkpoint at Armyansk. Hundreds of Crimean Tatars came to meet him. The de facto authorities claimed that this was an unlawful assembly, and dozens of participants were fined. The homes of several Crimean Tatar leaders were subsequently searched and at least four Crimean Tatars were arrested, charged with “extremism” and transferred to Russia for investigation.

On 5 July, Refat Chubarov, who succeeded Mustafa Dzhemiliev as the leader of the Mejlis, was also prevented from returning to Crimea and banned for five years. The newly appointed de facto Prosecutor of Crimea travelled to the border crossing to warn him that the activities of the Mejlis violated the Russian law on extremism. On 19 September, the Russian authorities confiscated the headquarters of the Mejlis on the grounds that its founder (Mustafa Dzhemiliev) was a foreign citizen, who had been banned from entering Russia.

On 16 May, just two days before the planned annual events to mark the 70th anniversary of the deportation of Crimean Tatars in 1944, the de facto Prime Minister of Crimea announced that all mass meetings in Crimea would be banned until 6 June, in order to “eliminate possible provocations by extremists” and to prevent “disruption of the summer holiday season”. Just one commemorative Crimean Tatar event was allowed on the day, on the outskirts of Simferopol, with a heavy police presence.

RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE

An LGBTI Pride March planned for 5 July in Kyiv was cancelled after the police told the organizing committee that they could not secure the safety of participants in the face of expected counter-demonstrations.⁹The newly elected Mayor of Kyiv, Vitaliy Klychko, stated on 27 June that this was not the time for such “entertainment events” in Ukraine.

1. Ukraine: Mounting evidence of war crimes and Russian involvement (News story)
www.amnesty.org/en/news/ukraine-mounting-evidence-war-crimes-and-russian-involvement-2014-09-05
2. Ukraine: Kyiv protest ban blatant attempt to “gag peaceful protesters” (News story)
www.amnesty.org.uk/press-releases/ukraine-kiev-protest-ban-blatant-attempt-gag-peaceful-protesters
3. Ukraine: a new country or business as usual? (EUR 50/028/2014)
www.amnesty.org/en/library/asset/EUR50/028/2014/en/da555a1a-99a1-4d76-a52b-8f020712e0fa/eur500282014en.pdf
4. Ukraine: Abuses and war crimes by the Aidar Volunteer Battalion in the north Luhansk region (EUR 50/040/2014)
www.amnesty.org/en/library/asset/EUR50/040/2014/en/e6776c69-fe66-4924-bfc0-d15c9539c667/eur500402014en.pdf
5. Summary: killings during the conflict in eastern Ukraine (EUR 50/042/2014)
www.amnesty.org/en/library/info/EUR50/042/2014/en
6. Eastern Ukraine: Both sides responsible for indiscriminate attacks (Press release)
www.amnesty.org/en/for-media/press-releases/eastern-ukraine-both-sides-responsible-indiscriminate-attacks-2014-11-06
7. Ukraine: Journalists at risk of abduction in Crimea (EUR 50/015/2014)
www.amnesty.org/en/library/info/EUR50/015/2014/en