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Ukraine

Head of state: **Petro Poroshenko**

Head of government: **Arseniy Yatsenyuk**

The year began with intense fighting in the east of the country between separatist pro-Russian and Ukrainian forces and ended with sporadic fire interrupting a precarious ceasefire. Impunity prevailed for war crimes committed by both sides. Little progress was made in investigating violations and abuses related to the 2013-2014 pro-European demonstrations in the capital Kyiv ("EuroMaydan") and in bringing perpetrators to justice. The adoption of a law creating a State Investigation Bureau was a welcome step towards creating an effective mechanism for investigating abuses by law enforcement officials. Independent and critical media and activists were unable to operate freely in the self-styled People's Republics of Donetsk and Luhansk as well as in Crimea. In government-controlled areas, media outlets and individuals perceived to express pro-Russian or pro-separatist views faced harassment. In June, a lesbian, gay, bisexual, transgender and intersex (LGBTI) Pride march in Kyiv was marred by violence despite police protection. In November, amendments to labour laws were introduced, expressly prohibiting discrimination against LGBTI people.

BACKGROUND

In January and February, heavy fighting resumed in Ukraine's eastern region of Donbass, as Russian-backed separatists in Donetsk and Luhansk sought to advance and straighten their frontline. Amid heavy military losses, Ukrainian forces ceded control over Donetsk airport and the area around the town of Debaltseve. More evidence emerged of Russia heavily backing separatist fighters with manpower and military weaponry, although it continued to deny direct military involvement. In February, an internationally mediated agreement was reached between the Ukrainian government and the de facto authorities of the Luhansk and Donetsk People's Republics; a fragile ceasefire ensued. In September, both sides pulled back heavy weaponry, but mortar and small gunfire exchanges were still occurring at the end of the year, resulting in further casualties. According to UN figures, the death toll exceeded 9,000 by the end of the year,

including approximately 2,000 civilians. Over 2.5 million people were displaced, including 1.1 million outside Ukraine.

On 8 September, Ukraine referred the situation in Donbass to the ICC, when it lodged a declaration accepting the Court's jurisdiction over alleged crimes committed on its territory from 20 February 2014. However, Parliament failed to ratify the Rome Statute.

Right-wing groups, which had received negligible electoral support following the EuroMaydan protests in 2014, were implicated in a series of violent incidents. In July, armed paramilitaries from the nationalist organization Pravy Sektor (Right Sector) were involved in a shoot-out with police in the Zakarpattia region, resulting in three deaths. In August, during a protest organized by the non-parliamentary right-wing Svoboda party in front of Parliament, four National Guard officers were killed by a grenade. Several Svoboda activists were arrested.

Local elections were held in October and November in government-controlled territory. However, voting was postponed until later in the year in the city of Mariupol, and was not held in several towns and villages across eastern and southern Ukraine due to security concerns.

On 20 September, activists opposed to the Russian occupation of Crimea established checkpoints at the land border with Crimea, halting the overland delivery of food and other goods from mainland Ukraine. On 20 November, four electric power lines that provided over 70% of electricity to Crimea were blown up by unknown individuals, causing a blackout across the peninsula. Repair teams dispatched by the Ukrainian authorities to restore the line were blocked by anti-occupation activists. On 8 December, the blockade was lifted but power lines were not fully operational before the end of the year.

Ukraine's GDP contracted by over 12%; its currency lost over half of its value in US dollar terms, bringing further hardship to a majority of Ukrainians. Living conditions in the separatist-controlled areas continued to deteriorate markedly, with restrictions on the movement of people and goods tightened further by the authorities in Kyiv.

TORTURE AND OTHER ILL-TREATMENT

Two years after the EuroMaydan protests, little tangible progress was made in bringing to justice law enforcement officials responsible for the excessive, unnecessary and illegal use of force. In November, the Prosecutor General's Office reported that investigations into more than 2,000 EuroMaydan-related incidents were ongoing, with criminal proceedings instigated against 270 individuals. The trial of two former riot police (Berkut) officers on charges of manslaughter and abuse of authority began in connection with the killing of 39 protesters on 20 February 2014. On 7 December, the Obolon district court in Kyiv sentenced students Aziz Tagirov and Ramil Islamli to four years' imprisonment and four years of probation respectively for beating, kidnapping and threatening to kill a protester on 21 January 2014. No other convictions were handed down for EuroMaydan-related crimes in 2015.

The International Advisory Panel set up by the Council of Europe to monitor investigations into EuroMaydan and violence in the city of Odessa on 2 May 2014 published two reports during 2015. On both occasions, the Panel found that the investigations had "failed to satisfy the requirements of the European Convention on Human Rights".

On 12 November, Parliament adopted a law creating a State Investigation Bureau, tasked with the investigation of alleged crimes committed by law enforcement officials. The law was pending presidential approval at the end of the year.

ARMED CONFLICT

During the escalation of fighting in Donbass in January and February, indiscriminate shelling of civilian areas continued, with both sides blaming each other. Both sides committed war crimes, including torture and other ill-treatment of prisoners. There were also confirmed reports of the deliberate killing of captives by separatist fighters.

On 13 January, 12 passengers in a civilian bus were killed near the city of Volnovakha by a Grad rocket attack while waiting to pass through a checkpoint controlled by Ukrainian forces.[1] On 22 January, 15 people died when a mortar hit a trolleybus in Donetsk.[2] On 24 January, 29 civilians were killed and over 100 injured by missiles launched by separatist forces into the densely populated Vostochny neighbourhood in Mariupol.

Ihor Branovytsky was one of 12 Ukrainian people defending Donetsk airport and taken prisoner by the separatist Sparta battalion on 21 January. He was beaten unconscious during his interrogation and killed with a shot in the head by the battalion's commander, who later admitted in a phone interview to having killed 15 other captives.[3]

Members of Ukrainian forces Andriy Kolesnyk, Albert Sarukhanyan and Serhiy Slisarenko were last seen alive in footage showing them being taken captive in the village of Krasny Partizan on 22 January. They all died shortly afterwards from gunshot wounds, shot at close range.

A former prisoner reported spending several weeks in captivity in a crowded basement cell, in a building near the village of Velykomykhailivka that was used as a base by Pravy Sektor paramilitaries. Prior to his release in early 2015, he and at least 12 men and one woman had been imprisoned for varying periods of time in the same cell, and subjected to daily beatings and other ill-treatment.[4] Pravy Sektor's spokesperson confirmed the practice of imprisonment of suspected separatists by its members but denied all allegations of ill-treatment. Another anonymous source corroborated the allegations.

The Prosecutor General's Office reported that at least three criminal cases were opened into alleged abuses by members of Pravy Sektor, including abduction, beatings and extortion committed between August 2014 and May 2015, as well as the ill-treatment and disappearance of one man in November 2014, allegedly involving volunteer paramilitaries and members of the Security Service of Ukraine. All three investigations were ongoing at the end of the year.

PRISONERS OF CONSCIENCE

Ruslan Kotsaba, a freelance journalist and blogger from the city of Ivano-Frankivsk, was arrested on 7 February after posting a video on YouTube in which he demanded an immediate end to fighting in Donbass and called on Ukrainian men to resist conscription. He was remanded in custody and, on 31 March, charged with "state treason" and "obstructing legitimate activities of the Armed Forces of Ukraine". His trial was ongoing at the end of the year.

FREEDOM OF EXPRESSION

The media remained generally free in government-controlled areas. However, against the backdrop of the Russian occupation and annexation of Crimea in 2014 and the ongoing conflict in Donbass, media outlets perceived as espousing pro-Russian or pro-separatist views faced harassment. Broadcasters 112 Ukraine and Inter TV received formal warnings from the National Television and Radio Council for content such as interviews and reports from separatist-controlled areas, which featured local people who expressed support for the separatists. Three consecutive warnings would result in their broadcasting licences being annulled.

Journalist Oles Buzina, who was well known for his pro-Russian views and followed by over 25,000 people on Facebook, was shot dead by two masked gunmen in front of his house on 16

April. After two suspects were arrested on 18 June, the Interior Minister Arsen Avakov announced on Facebook that the case had been "solved". Both men protested their innocence and complained of physical and psychological pressure by the investigators. Their trial was pending at the end of the year.

Four so-called "decommunization" laws were passed in May, banning the use of communist and Nazi symbols. In July, the Ministry of Justice instigated court cases seeking to ban the Communist Party of Ukraine (CPU) and two smaller parties that dubbed themselves "communist". The latter two parties – both effectively defunct – were banned on 1 October, while the CPU was banned on 16 December. It filed an appeal on 28 December.

Journalists with pro-Ukrainian views or reporting for Ukrainian media outlets were unable to operate openly in separatist-controlled areas. On 16 June, Russian journalist Pavel Kanygin was detained for several hours by local security forces in Donetsk and severely beaten before being released. He had written several reports for the Russian newspaper *Novaya Gazeta* about two Russian citizens taken prisoner by Ukrainian government forces in Donbass, in which he denounced an official Russian cover-up about them being active military servicemen.

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

A Pride march was held in Kyiv on 6 June, following extensive negotiations between organizers and the authorities. Before and after the march, President Petro Poroshenko spoke out strongly in support of LGBTI people's right to freedom of assembly. However, the police agreed to provide protection just one day before the event. Dozens of right-wing activists broke through police lines and attacked the march. Ten participants and three policemen were injured, and 25 attackers were arrested and later released. Pride organizers received threatening messages on their mobiles and online. Four criminal cases against anti-LGBTI protesters were opened and were still ongoing at the end of the year.

In August, a court in Odessa banned a proposed Pride march, citing the "threat to public order" and participants' safety. Instead, the organizers held a smaller, indoor LGBTI festival on 15 August, during which several masked men hurled firecrackers and smoke bombs at the organizers' office.

On 12 November, Parliament introduced amendments to labour laws, prohibiting discrimination on grounds of sexual orientation and gender identity. The move, requested by the EU as part of the visa liberalization process with Ukraine, had long been resisted by the Ukrainian legislature. The amendments were signed into law by the President on 23 November.

CRIMEA

There was no effective investigation into six cases of suspected enforced disappearances of Crimean Tatar activists in 2014 and one confirmed case of abduction, torture and killing. This was despite a plethora of evidence, including video footage, strongly suggesting that pro-Russian paramilitaries from the so-called "Crimean self-defence force" were responsible for at least some of these crimes.

Freedoms of expression, assembly and association continued to be curtailed under the de facto administration in Crimea, after its occupation and annexation by Russia in 2014. Those expressing pro-Ukrainian sympathies faced harsh reprisals. The Crimean Tatar community was particularly affected: its public events were regularly banned, Crimean Tatar-language media outlets were forced to close down and their leaders were subjected to regular house searches and faced criminal prosecution and detention on politically motivated charges.

The Crimean Tatar Mejlis, a representative body elected by members of the community, faced further reprisals. Its current leader, Ahtem Chiyyoz, was arrested on 29 January and accused of having organized "mass disturbances" on 26 February 2014. The de facto authorities repeatedly warned that the Mejlis could be designated as an extremist group under Russian law. The two previous Mejlis leaders, Mustafa Dzhemiliev and Refat Chubarov, remained officially barred from their homeland. On 28 October, the de facto Prosecutor of Crimea announced that Chubarov could return, after a court in the city of Simferopol had ordered his arrest on 6 October for "calls against the territorial integrity of the Russian Federation".

The Crimean Tatar-language TV channel ATR was forced to stop broadcasting on 1 April, when the deadline for its re-registration under Russian laws expired. It had applied for re-registration at least four times and was consistently denied it arbitrarily. ATR resumed broadcasting from mainland Ukraine, but its reporters were no longer able to work in Crimea openly.

On 9 March, Aleksandr Kravchenko, Leonid Kuzmin and Veldar Shukurdzhiev were arrested at a small street gathering in Simferopol intended to celebrate the 201st anniversary of the birth of the Ukrainian poet Taras Shevchenko, at which they used national symbols such as yellow and blue ribbons. They were taken to a police station, released after three hours and sentenced to 40 hours of community labour each, for violating rules of public assembly. They subsequently faced harassment by members of the anti-extremism police unit, including arrests and informal interrogations. Kuzmin also lost his job as a history teacher.

Contrary to international humanitarian law, Crimean anti-occupation activists Oleg Sentsov and Alexander Kolchenko were put on trial outside Crimea. They were tried under Russian law in a military court in the city of Rostov-on-Don in southern Russia, and sentenced to 20 and 10 years' imprisonment respectively, under disproportionate terrorism-related charges. Their trials were unfair and based on testimony allegedly extracted under torture. The decision was upheld by the Supreme Court of the Russian Federation on 24 November.

[1] Eastern Ukraine: Investigate deadly artillery strike on civilian bus (News story, 13 January)

[2] Eastern Ukraine: Deadly attack on Donetsk trolleybus as ceasefire unravels (News story, 22 January)

[3] New evidence of summary killings of Ukrainian soldiers must spark urgent investigations (News story, 9 April)

[4] Ukraine: Breaking bodies: Torture and summary killings in eastern Ukraine (EUR 50/1683/2015)

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