



# **WAR WITHOUT RULES:**

*Gender-Based Violence  
in the Context of the Armed  
Conflict in Eastern Ukraine*



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**War without Rules: Gender-Based Violence in the Context of the Armed Conflict**

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This study was developed to cover the situation involving gender-based violence associated with the conflict in eastern Ukraine. The report provides an overview of national legislation and international legal norms and highlights gaps in the legal framework, shortcomings in the collection and compilation of statistics, different forms of violence in the armed conflict, as well as the impact of the conflict on the prevalence of gender-based violence in territorial communities located away from the conflict area. The study focuses on an analysis of sexual and gender-based violence in illegal detention facilities created by illegal armed groups in the self-proclaimed Luhansk People's Republic and Donetsk People's Republic, as well as by the Ukrainian military and members of volunteer armed groups in the context of the armed conflict in eastern Ukraine.



**JUSTICE FOR PEACE  
IN DONBAS**

*Coalition of Human Rights  
Organizations*



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The authors are solely responsible for the content of the report. The views expressed in this publication do not necessarily reflect the views of the members of the Justice for Peace in Donbas Coalition, the United States Government or of the International Renaissance Foundation.



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# SUMMARY

The findings of the study conducted by the Eastern-Ukrainian Centre for Civic Initiatives (EUCCI) within the framework of the Justice for Peace in Donbas Coalition show a lack of protection from gross violations of human rights in the legal vacuum that emerged with the onset of the armed conflict in eastern Ukraine in 2014. This situation occurred in the territories under the effective control of the Russian military and illegal armed groups, as well as in the areas controlled by the Ukrainian military and volunteer formations.

The practice of gender-based violence is ongoing in the armed-conflict area in the Donetsk and Luhansk regions, and there is a need to record cases and conduct effective investigations. The level of violence depends on several factors, including the conflict phase, distance from the line of contact and the entity exercising control over the area (whether illegal armed groups in separate areas of the Donetsk and Luhansk regions or the government of Ukraine). The majority of recorded cases of gender-based violence took place from 2014 to early 2015 during the active phase of hostilities. The problem continues due to unresolved structural issues that enable violence.

The sources of information used in this study include semi-structured interviews with survivors of, and/or witnesses to, gender-based violence, experts, media publications, official statistics from state authorities, books, academic articles, analytical publications and reports by international missions and organizations. The research highlights a number of issues in the field of preventing and combating gender-based violence.

There is no definition of gender-based violence in Ukrainian legislation. State authorities usually refer to it in the context of domestic violence or violence against children. The terms “gender-based violence”, “domestic violence” and “sexual violence” are often confused and used interchangeably.

There are no statistics on gender-based violence in Ukraine. The system for recording acts of violence and

compiling statistics does not meet minimum standards for preventing and responding to gender-based violence.

There is no joint interagency document on cooperation or on the exchange of information between agencies responsible for preventing and responding to gender-based violence in Ukraine. As a result, there is no effective system of referrals for victims at the national or local level. The National Action Plan for the Implementation of UN Security Council Resolution 1325 on Women, Peace and Security until 2020 includes tasks to ensure the activities of the Interagency Working Group on Implementation of the Resolution and coordination between stakeholders working on its implementation; however, there is no provision for such cooperation in a broader context.

Survivors of gender-based violence have limited access to medical, social and legal assistance. State authorities responsible for preventing gender-based violence lack qualified personnel and financial resources, in particular for specialized rehabilitation programmes.

According to the interviewees, sexual and gender-based violence in illegal detention facilities was widespread and used to intimidate, humiliate and punish combatants belonging to the other side and political opponents. Despite this, competent authorities have failed to document gender-based violence properly, to analyse the available information and to create an evidence base for national and international judicial bodies.

The study shows that only a small number of perpetrators of gender-based violence have been held accountable. It indicates the lack of effective investigations of gender-based violence, inaction and the low level of awareness among the competent state authorities. It also illustrates the stigmatization of victims and the practice of silencing cases of violence.

The study findings stem from an analysis of only a part of the spectrum of gender-based violence associated with the armed conflict in Donbas.

# ACKNOWLEDGEMENTS

Collecting information on sexual and gender-based violence is extremely complicated. Victims and witnesses of violence experience shame and sometimes guilt, as well as stigmatization by society. Therefore, victims of sexual and gender-based violence prefer not to speak about these crimes. On behalf of the entire research team, we would like to thank the dozens of people who were able to overcome their pain and shame and shared what they saw and experienced. Without your efforts, Ukraine and the international community would never have found out about this egregious aspect of the war in Donbas.

Since collecting information about sexual violence is a challenging task, the contributions of the colleagues from the human rights movement who provided determined and systemic support to the Eastern-Ukrainian Centre for Civic Initiatives in collecting information about these crimes is extremely valuable. We are grateful to Yuliya Krasnyukova, Olha Opalenko, Mariya Bilyakova from the Vostok SOS Charitable Foundation; Yuliya Savchenko from the Sich Human Rights Group; and the members of the Public Committee for the Protection of Constitutional Rights and Freedoms of Citizens.

Before the war in Donbas, there were no experts with experience in analysing sexual and gender-based violence in the context of the armed conflict. Therefore, this report

on an entirely new topic for the Ukrainian human rights community presented a challenge for our research team. We are grateful to everyone who supported and helped us in developing the research concept or co-authored the text.

Unfortunately, due to security concerns, we cannot name several individuals from among the staff and partners of the Eastern-Ukrainian Centre for Civic Initiatives who provided extremely valuable support in collecting information about sexual violence, analysing the data and preparing the report.

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***Best regards,  
Project team***

# LIST OF ABBREVIATIONS AND ACRONYMS

<b>AFU</b>	Armed Forces of Ukraine
<b>ATO</b>	anti-terrorist operation
<b>BMD- 1, BMD -2</b>	infantry fighting vehicle
<b>BRDM</b>	combat reconnaissance patrol vehicle
<b>CAO</b>	Code of Ukraine on Administrative Offences
<b>CCU</b>	Criminal Code of Ukraine
<b>CoE</b>	Council of Europe
<b>CF</b>	charitable foundation
<b>CPU</b>	Communist Party of Ukraine
<b>DPR</b>	Donetsk People’s Republic
<b>ECtHR</b>	European Court of Human Rights
<b>EUCCI</b>	Eastern-Ukrainian Centre for Civic Initiatives
<b>GBV</b>	gender-based violence
<b>I.</b>	interviewer
<b>IAG</b>	illegal armed group (different terms are used for armed groups in national and international law. IHL uses the term “organized armed groups”, while national legislation defines them as “illegal armed groups”)
<b>ICC</b>	International Criminal Court
<b>IDP</b>	internally displaced person
<b>KGB</b>	Committee on State Security
<b>LDPR</b>	Luhansk and Donetsk People’s Republics
<b>LPR</b>	Luhansk People’s Republic
<b>LGBTI</b>	people who are lesbian, gay, bisexual, trans, and intersex
<b>MFYS</b>	Ministry of Family, Youth and Sports of Ukraine
<b>MIA</b>	Ministry of Internal Affairs
<b>Minsk I</b>	Protocol on the results of consultations of the Trilateral Contact Group with respect to the joint steps aimed at the implementation of the Peace Plan of the President of Ukraine, P. Poroshenko, and the initiatives of the President of Russia, V. Putin
<b>MSP</b>	Ministry of Social Policy of Ukraine
<b>MSS</b>	Ministry of State Security

<b>NGO</b>	nongovernmental organization
<b>NGU</b>	National Guard of Ukraine
<b>NSDC</b>	National Security and Defence Council
<b>OHCHR</b>	Office of the United Nations High Commissioner for Human Rights
<b>ORDLO</b>	certain districts of the Donetsk and Luhansk regions
<b>OSCE</b>	Organization for Security and Co-operation in Europe
<b>OSCE SMM</b>	OSCE Special Monitoring Mission to Ukraine
<b>PGO</b>	Prosecutor-General's Office of Ukraine
<b>PO</b>	public organization
<b>POW</b>	prisoner of war
<b>PSPU</b>	Progressive Socialist Party of Ukraine
<b>PTSD</b>	posttraumatic stress disorder
<b>R.</b>	respondent
<b>RF</b>	Russian Federation
<b>RRU</b>	rapid response unit
<b>SBGS</b>	State Border Guard Service of Ukraine
<b>SCA</b>	State Court Administration of Ukraine
<b>SE</b>	state enterprise
<b>SMB</b>	separate mechanized brigade
<b>SRG</b>	sabotage and reconnaissance group
<b>SSU</b>	Security Service of Ukraine
<b>UN</b>	United Nations
<b>UNDP</b>	United Nations Development Programme
<b>UNFPA</b>	UN Population Fund
<b>Ukrop</b>	the term appeared after the Revolution of Dignity and originally meant patriot of Ukraine. During the conflict in the Donbass, it is used to identify all Ukrainian military, volunteers and supporters of the territorial integrity of Ukraine
<b>URPI</b>	Unified Register of Pre-trial Investigations
<b>USRCD</b>	Unified State Register of Court Decisions
<b>VRU</b>	Verkhovna Rada (Parliament) of Ukraine
<b>VVV</b>	Velyka Vitchyznyana vijna (Great Patriotic War)

# BACKGROUND

After the annexation of Crimea, protests calling for federalization, the return to power of former President Viktor Yanukovich and the holding of local elections and referendums for special status for Donbas sprang up in eastern Ukraine. At the same time, armed people took over government buildings in the Donetsk and Luhansk regions and announced the establishment of the DPR and LPR in April 2014.

The official faces of separatist movements included previously unknown, local pro-Russian politicians and public activists, anti-Maidan activists, leaders and members of the CPU, PSPU and the Party of Regions. Many of the new leaders (Pavlo Hubariiev, Oleksandr Zakharchenko and Oleksandr Kharitonov) and activists had long-standing contacts with the Russian left wing and radical right parties and movements, as well as the Russian Cossack movement. These people received material support and training, particularly at training camps on sabotage activities.

Many representatives of these Russian parties and organizations played an active and direct part in overthrowing the government in the eastern regions of Ukraine and in the seizure of government buildings. The expansion of the armed confrontation was accompanied by a significant increase in the number of combatants, including those with combat experience. These people primarily came from Russia, as well as other countries. People who had served in the Russian Armed Forces were in charge of the takeover directly on the spot, including the well-known Igor Bezler, a retired colonel in the RF Armed Forces; Igor Girkin, a retired colonel in the Federal Security Service of the RF, and others. A network for collecting financial and material aid for the separatist movement in eastern Ukraine was developed based on left-wing and radical right parties and movements, as well as Cossack organizations in Russia. On 13 April 2014, the NSDC launched an ATO aimed at restoring constitutional order. The AFU, NGU, SBGS, SSU, MIA, Foreign Intelligence Service and other organizations took part in the operation.

From the Ukrainian side, volunteer battalions<sup>1</sup> were active participants in the armed conflict, playing an important role in

protecting Ukraine's territorial integrity. Their members came from diverse backgrounds but did not always have a high level of discipline. By early July 2014, the united efforts of the AFU and volunteer battalions had liberated 17 localities (in particular, the Kramatorsk and Lysychansk-Sievierodonetsk conurbation). Government forces took control of the majority of districts in the Donetsk and Luhansk regions.

In July 2014, Ukrainian armed forces attempted a siege of Donetsk and Luhansk and tried to regain control over the state border in order to limit the supplies of arms, human resources, financial and material support to the separatists provided by Russia. Direct military intervention on the part of the armed forces of neighbouring countries impeded these activities by the Ukrainian military. By February 2015, the front line was constantly changing. Separatist forces and the Russian military regained control over some localities in the Luhansk and Donetsk regions liberated during the ATO.

As mentioned above, the so-called Luhansk and Donetsk People's Republics declared their authority over territory outside of Ukraine's control. The leadership of the self-proclaimed republics had very limited capacity to effectively govern these territories. Various illegal armed groups,<sup>2</sup> sometimes competing with one another, gained

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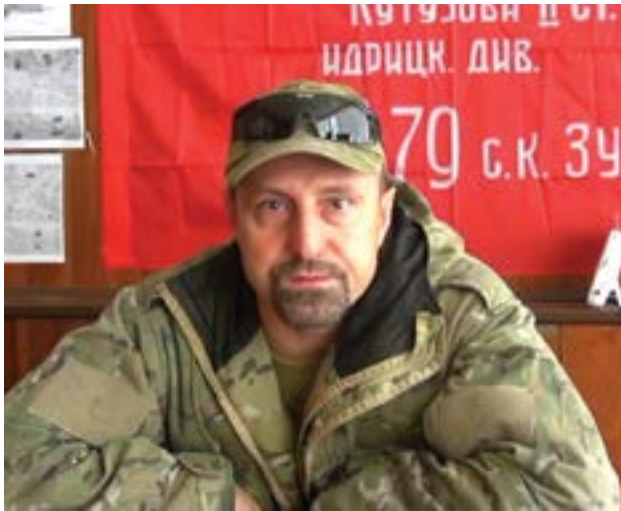
<sup>2</sup> For instance, the towns of Antratsyt and Khrustalny (former Krasny Luch) in the Luhansk region were under the influence of Mykola Kozitsyn, "the ataman of the Cossack National Guard"; later, Serhiy Kosohor, another "Cossack ataman", took over control in these towns. Pavlo Driomov, "ataman" of the Don Cossacks Unit who separated from Kozitsyn, was in Kadiivka (former Stakhanov). Yevhen Ishchenko, an ally of Driomov's, was the commandant of the town of Pervomaisk. Oleksiy Mozhovy and his Prizrak Battalion were based in Alchevsk. Oleksandr Haidei, a "Cossack ataman" who also separated from Kozitsyn's group, was in charge of the town of Dovzhansk (former Sverdlovsk).

The self-proclaimed LPR government with Ihor Plotnysky in charge and the Zoria Battalion under his command had effective control only over Luhansk and its suburbs. Even in Luhansk, there was the Batman Rapid Response Unit led by Oleksandr Biednov, the connected Rusych RRU led by Oleksiy Milchakov ("Frits"), the Lieshyy Battalion of Oleksiy Pavlov and other groups outside of Plotnysky's control.

The situation in the DPR was similar: in 2014, a number of localities in the Donetsk region were under the autonomous command of separate IAG leaders. Before Slovyansk was liberated by the Ukrainian army, the city was controlled by the so-called people's militia ("Slovyanska bryhad") led by a Russian citizen and an officer in the Main Intelligence Unit of the RF Headquarters, Strelkov (Girkin). Bezler's Group, led by a retired lieutenant colonel in the RF Armed Forces, Igor Bezler, was in charge of Horlivka. Oleksandr Khodakovskyy (the former head of the specialized SSU Alfa Unit in the Donetsk region), the head of the DPR Security Council, was ►

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<sup>1</sup> The best-known volunteer battalions included the Aidar 24th Territorial Defence Battalion, the Dnipro Specialized Police Patrol Regiment, the Donbas Volunteer Territorial Defence Battalion, the Azov Specialized Unit, the Tornado Specialized Police Patrol Company, and the Volunteer Ukrainian Corps of the Right Sector.



Oleksandr Khodakovskiy, Vostok battalion commander, Minister of Security of the DPR [screen capture]. Retrieved from [https://www.youtube.com/watch?v=\\_XFhV1zcByE](https://www.youtube.com/watch?v=_XFhV1zcByE)

real power in localities in the Luhansk and Donetsk regions beyond the government's control. In general, several dozen IAGs were active in these territories. They differed greatly in terms of their number of members, armaments and their vision for the future of the seized areas. Small units of several dozen members existed alongside groups with hundreds of members. Due to the armed conflict and internal arguments, the IAGs would change their location and controlled areas, as well as their manner of cooperation. Certain groups of IAG members would move from one group to another or leave the conflict zone and return to their country of origin or temporary residence, primarily to Russia.

Among members of the IAGs were locals with anti-government and protest views, people without permanent employment, dedicated local activists from pro-Russian political parties and public organizations and local residents in need of income who did not object to participation in IAGs. A significant number of IAG members were people from Russia, in particular Ossetians and Chechens from the North Caucasus. Others included members of the Don and Kuban Cossacks, the radical right, chauvinistic and monarchist associations, former military personnel and participants in armed conflicts in Afghanistan, Chechnya, the Balkans and Transnistria. There were also mercenaries from European countries (Serbia, Spain, and France, among others), as well as from the Central Asian republics of the former Soviet Union and from South America. Professional Russian military personnel took part in the armed conflict as members of different armed groups, as well as instructors and commanders.

Members of IAGs also had varying motives. Most members of IAGs were motivated by the idea of establishing republics with a pro-Russian orientation that were independent from Ukraine. The separatists had

different views as to the organizational form of these future republics: some of them saw the republics as being part of the RF, others looked towards a state to be called Novorosiia that would include all regions in the south and east of Ukraine, while others imagined two independent partner states. Some of the Don Cossacks saw the war as a chance to include the new republics in their sphere of influence or even revive the Don Cossack Republic. These ideas were used along with those of protecting the population of Donbas from imaginary restrictions against the Russian language ("we are Russians, we are coming back home to Russia, we belong to one Russian people with the great Russian culture, great Russian language and a thousand-year history"<sup>3</sup>), openly expansionist chauvinism ("we will turn Ukrainians back into Russians"<sup>4</sup>, "Donbas has to become a separate region of Russia"<sup>5</sup>), countering "fascist and nationalist attacks", preserving the social values of the Soviet past, as well as instilling the ideas of the so-called Russian world. Ideologists and supporters of the new republics saw their establishment as a way to implement anti-globalist views ("civilizational nationalism") that call for rejecting Western values such as respect for LGBTQI and equality of the rights of men and women. Dedication to Orthodox Christianity is another core idea in the creation of a new state. These ideological beliefs created an environment that enabled the use of GBV. This became an appropriate way to establish the social order that the separatists were officially fighting for.

The majority of ideologists and practitioners of establishing Novorosiia (field commanders) supported ideas of social justice and eliminating the consequences of the "bourgeois and oligarchic order". They perceived the war as a chance to establish a new social order and to



Pavlo Hubariev, "people's governor of the DPR", acting head of the Yasynuvata administration [screen capture]. Retrieved from <https://www.youtube.com/watch?v=uOjS94V3mhk>

<sup>3</sup> Puchkov, D. (2015, September 8). Razvedopros: Pavel Gubarev o knige "Fakel Novorossii" [Intelligence questionnaire: Pavel Gubarev about the book The torch of Novorosiia]. Retrieved from <https://www.youtube.com/watch?v=uOjS94V3mhk>

<sup>4</sup> Ibid.

<sup>5</sup> Koshyk, A. (2016, May 12). Voyna ochen silno otkryla mne glaza [The war has really opened my eyes]. Gazeta.ru. Retrieved from <https://www.gazeta.ru/social/2016/05/10/8223899.shtml>

► the commander of the Vostok Battalion and held control over Donetsk along with other IAGs. In July 2014, after a conflict between Girkin and Khodakovskyy, the latter moved to Makiivka with the Vostok Battalion. From Makiivka, they continued to hold control over Donetsk, Shakhtarsk and Snizhne with the Oplot Battalion.



Aleksandr Mozhayev (nicknamed “Cossack Babay”), the leader of the Russian Cossack «Wolf’s Hundred», Russian citizen.  
Retrieved from <https://www.gazeta.ru/social/2016/05/10/8223899.shtml>

get revenge for material hardships experienced over the preceding 20 years caused as a result of the uncontrolled shift to a market economy. One of the Donbas separatist leaders called the social order they were trying to build “Orthodox socialism”<sup>6</sup>.

In reality, for a large number of IAG members, participation in the armed conflict was an easy way to make money. Depending on their place in the social and military hierarchy, it was a way to either get rich or earn a subsistence income.

“There were many volunteers [...] There were guys with ideas, as well as those who wanted to come and make money. Since we had no salaries, [they] tried to make money on their own. Some people performed combat tasks, others did not engage in any combat missions.”<sup>7</sup>

A story told by one of the representatives of the “Russian spring”, Russian occupier Oleksandr Mozhayev (nicknamed “Cossack Babay”) illustrates the material conditions and motives for participation in IAGs for many of those involved in fighting: “When I returned from the war, I was in debt in my utility payments; they almost cut the gas and electricity. I went to the district head, and he helped with the payment. Now, there is a 15,000 debt again, they’re threatening to cut supply.”<sup>8</sup>

Participation in IAGs also provided opportunities for action for those with violent tendencies. Some Russian professional military personnel took part in the conflict due to pressure from their superiors.

IAG personnel made these groups difficult to manage and competition-driven. Pavlo Hubariiev, the first “people’s governor of the DPR” and leader of the Novorossia party, described the social and political order in the DPR as a “bandit banana republic”.<sup>9</sup> Autonomous “atamans” in different parts of the LPR opposed the “government’s” efforts in Luhansk to unite the IAGs under its command. IAG leaders did not recognize the legality of the agreements reached in Minsk. In their view, the LPR leadership did not represent the interests of the republic.<sup>10</sup>

Arguments between different IAGs in the republics and the central government in Donetsk and Luhansk arose following a decrease in military activities. These arguments were centred around the following issues:

- waging a war against Ukraine;
- the political future of the newly established pseudo-states;
- control over distribution of Russian humanitarian aid;
- the coal trade, which remained a strategic resource in Donbas.

This competition did not rule out cooperation among IAGs, particularly in counteraction against the Ukrainian military and volunteer armed groups. In the seized localities, the commanders of the IAGs took over the powers of local judges and heads of police, while also collecting taxes, distributing humanitarian aid and performing other functions to fill the power vacuum.



Oleksiy Mozhoviy, the late leader of the Prizrak IAG [screen capture].  
Retrieved from <https://www.youtube.com/watch?v=uOjS94V3mhk>

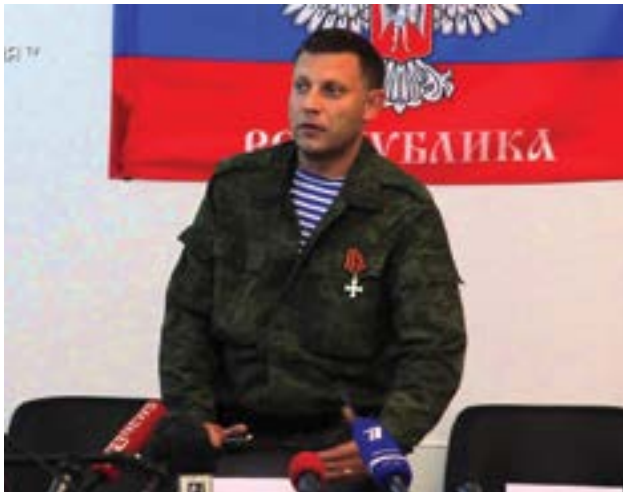
<sup>6</sup> Pravda. (2015, November 25). Pavel Gubarev: potukh li “fakel Novorossii?” [Pavel Gubarev: is the “torch of Novorossia” out?]. Retrieved from: [https://www.youtube.com/watch?v=KSgNPuQ\\_1xE](https://www.youtube.com/watch?v=KSgNPuQ_1xE)

<sup>7</sup> Puchkov, D. (2015, September 8). Razvedopros: Pavel Gubarev o knige “Fakel Novorossii” [Intelligence questionnaire: Pavel Gubarev about the book The torch of Novorossia]. Retrieved from <https://www.youtube.com/watch?v=uOjS94V3mhk>

<sup>8</sup> Koshyk, A. (2016, May 12). Voyna ochen silno otkryla mne glaza [The war has really opened my eyes]. Gazeta.ru. Retrieved from <https://www.gazeta.ru/social/2016/05/10/8223899.shtml>

<sup>9</sup> Pravda. (2015, November 25). Pavel Gubarev: potukh li “fakel Novorossii?” [Pavel Gubarev: is the “torch of Novorossia” out?]. Retrieved from: [https://www.youtube.com/watch?v=KSgNPuQ\\_1xE](https://www.youtube.com/watch?v=KSgNPuQ_1xE)

<sup>10</sup> Zhitel UA. (2014, December 10). Srochno Kazaki obvinili Zakharchenko i Plotnitskogov predatelstve 9.12.14+18 [Urgent: The Cossacks accused Zakharchenko and Plotnitsky of treason]. Retrieved from <https://www.youtube.com/watch?v=xxnjPQxbV1Q>; Separatist TBU. (2014, November 7). Mozhgovoy. Pravda o Novorossii bez kupyur [Mozhovoy. The honest truth about Novorossia]. Retrieved from <https://www.youtube.com/watch?v=gLZ2FG9DEWo>; Vpered Novorossia. (2014, December 7). Aleksandr Bednov “Betmen”. Pravda o sobytiyah v Novorossii 23.11.14 [Aleksandr Bednov “Batman”. The truth about events in Novorossia 23.11.14.]. Retrieved from <https://www.youtube.com/watch?v=1KrGHOW59sM>; News-Front. (2014, November 30). Otstavka Plotnitskogo!!! Sekretynaya fleshka Dremova P.L. [Resignation of Plotnitsky!!! The secret flash drive of P.L. Driomov]. Retrieved from <https://www.youtube.com/watch?v=csUa557ioNc>



Oleksandr Zakharchenko, head of the DPR Council of Ministers, commander of the Oplot branch in Donetsk [screen capture]. Retrieved from <https://www.youtube.com/watch?v=Dm7-mJA6KRC>

Unlike the LPR, where IAG leaders were gradually eliminated,<sup>11</sup> the centralization and usurpation of power took place significantly faster in the DPR. After several changes of the first leaders of the republic, a local activist named Oleksandr Zakharchenko took over the executive branch in August 2014 and became the head of the DPR Council of Ministers. In December 2014, Zakharchenko was elected as head of the DPR (similar to Plotnitsky in the LPR). From then until the end of 2015, field commanders were being physically eliminated, and administrative units in Donetsk had been taken under control. As a result, all IAGs became part of the DPR's security forces in 2015, and the majority of their leaders fled to Russia.<sup>12</sup>

Therefore, in 2014-2015, with the help of Russian overseers power centralization processes took place in the so-called republics. New authorities were established in territories temporarily outside of Ukraine's control with the military, financial, ideological and methodological support of the RF. Representative bodies of local governance at the regional level were replaced by so-called people's assemblies established during sham elections held in late 2014. At that time, three public organizations representing different local separatist movements participated in elections in each of the republics.

The administrative structure of the executive bodies and local governance remained virtually the same. Military and political separatist leaders who enjoyed Moscow's protection took leading positions in the executive and representative bodies of the republics. For a long time, there was no judiciary in the republics. In the separatist-controlled territories, legal chaos and the law of power reigned.

<sup>11</sup> Oleksiy Bednov, commander of the Rapid Response Unit, died on 1 January 2015 following an exchange of gunfire with the People's Militia of the LPR; Pavlo Driomov, ataman of the Don Cossacks Unit, died on 12 December 2015 in a car explosion; Oleksiy Mozhovy, commander of the Prizrak Brigade, died on 7 March 2015 in a vehicle explosion on the road between Pervomaisk and Luhansk.

<sup>12</sup> For instance, a former prime minister of the DPR (May-August 2014), Oleksandr Boroday, is now in charge of the Union of Donbas Volunteers in Russia.

The self-proclaimed republics are military dictatorships. The social and economic situation in the republics in 2016 stabilized due to the lack of major hostilities, financial and military support from the RF, humanitarian aid from international organizations and the partial recommencement of trade with territories controlled by the Ukrainian government. The work of the state authorities and local governance bodies in the areas of the Luhansk and Donetsk regions liberated from the separatists has been restored.

Therefore, in 2014-2015, there was a power vacuum in a large part of the Donetsk and Luhansk regions that served as a precondition for an atmosphere of impunity and gross violations of human rights, including an increase in GBV.

## CONFLICT RESOLUTION AND INTERNATIONAL LEGAL QUALIFICATION

Signed in September 2014, Minsk I described the need for immediate bilateral cessation of the use of weapons. The agreement also emphasized the need to "remove unlawful military formations, military hardware, as well as militants and mercenaries from the territory of Ukraine".<sup>13</sup>

Despite Minsk I, however, the Ukrainian-Russian state border was not restored, and shelling continued to cause civilian casualties. According to the OHCHR, at least 6,400 people were killed and 15,900 people injured in the conflict area in eastern Ukraine between mid-April 2014 and 30 May 2015.<sup>14</sup>



Mass graves to be exhumed in Srebrenica, Bosnia and Herzegovina. Photo by Adam Jones [adamjones.freesevers.com](http://adamjones.freesevers.com). Retrieved from [https://commons.wikimedia.org/wiki/File:Srebrenica\\_Massacre\\_-\\_Exhumed\\_Grave\\_of\\_Victims\\_-\\_Potocari\\_2007.jpg](https://commons.wikimedia.org/wiki/File:Srebrenica_Massacre_-_Exhumed_Grave_of_Victims_-_Potocari_2007.jpg).

<sup>13</sup> Mission of Ukraine to the European Union. (2014, September 8). Protocol on the results of consultations of the Trilateral Contact Group with respect to the joint steps aimed at the implementation of the Peace Plan of the President of Ukraine, P. Poroshenko, and the initiatives of the President of Russia, V. Putin. Retrieved from <http://mfa.gov.ua/en/news-feeds/foreign-offices-news/27596-protocol-on-the-results-of-consultations-of-the-trilateral-contact-group-minsk-05092014>

<sup>14</sup> Office of the United Nations High Commissioner for Human Rights. (2016, June 2). Report on the human rights situation in Ukraine 16 February to 15 May 2015. Retrieved from [http://www.ohchr.org/Documents/Countries/UA/Ukraine\\_14th\\_HRMMU\\_Report.pdf](http://www.ohchr.org/Documents/Countries/UA/Ukraine_14th_HRMMU_Report.pdf)



To support implementation of the Minsk agreements, a Package of Measures for the Implementation of the Minsk Agreements was adopted on 12 February 2015. This included, in particular, the OSCE-monitored withdrawal of all foreign armed formations, military equipment and mercenaries from the territory of Ukraine, as well as the disarmament of all illegal groups.

In 2016, the Office of the Prosecutor of the ICC, in its Report on Preliminary Examination Activities, stated that by 30 April 2014 the level of intensity of hostilities between Ukrainian government forces and armed anti-government elements in eastern Ukraine had reached a level that would trigger the application of the law of armed conflict. These conclusions were based on information about the use of military weaponry and casualties among military personnel, members of armed groups and civilians. The level of organization of armed groups in the LDPR reached a degree sufficient for them to be parties to a non-international armed conflict.<sup>15</sup>

The Office of the Prosecutor of the ICC received reports of shelling by both Russia and Ukraine of each other's military positions and of the detention of Russian military personnel by Ukraine, and vice versa. These circumstances point to direct military engagement between Russian armed forces and Ukrainian government forces that would suggest the existence of an international armed conflict in the context of armed hostilities in eastern Ukraine from 14 July 2014.<sup>16</sup>

Hence, the Office of the Prosecutor's Report on Preliminary Examination Activities suggests the existence of an international armed conflict in eastern Ukraine from 14 July 2014 at the latest, in parallel to the non-international armed conflict. As of December 2017, international and national human rights organizations were still reporting violations of the ceasefire agreement, and IAGs were acting as self-proclaimed authorities in the so-called people's republics.

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<sup>15</sup> Office of the Prosecutor of the International Criminal Court. (2016). Report on Preliminary Examination Activities 2016. Retrieved from [https://www.icc-cpi.int/iccdocs/otp/161114-otp-rep-PE\\_ENG.pdf](https://www.icc-cpi.int/iccdocs/otp/161114-otp-rep-PE_ENG.pdf)

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<sup>16</sup> Ibid.

# RESEARCH DEFINITIONS, AIMS, OBJECTIVES, SUBJECT AND METHODOLOGY

GBV is a complex issue involving violations of several human rights and is manifested in different ways before, during and after a conflict. Preliminary analysis of the situation with GBV in eastern Ukraine encouraged the research team to identify areas that call for urgent intervention by the state and international community. Such intervention should facilitate the development of an effective mechanism for the prevention of, and response to, different forms of conflict-related GBV, as well as ensure that perpetrators are held accountable. A human rights mission from the EUCCI and partner organizations from the Justice for Peace in Donbas Coalition identified the goal and objectives of this study, taking into account this position and the realistic possibility of collecting certain types of data.

GBV is a form of violence that affects men and women differently because of their gender<sup>17</sup> role in society. Almost all forms of sexual violence constitute gender-based violence, but not all forms of GBV are sexual violence.<sup>18</sup>

In this report, **conflict-related GBV** includes sexual, physical and psychological violence against women, girls, men and boys because of their social (gender) role<sup>19</sup> that has a temporal, geographic and/or causal connection with the armed conflict in Donbas.

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<sup>17</sup> Sex is a biological, physiological characteristic of women and men. Gender is a social role, and the identity of women and men in society can vary depending on the society and time period.

<sup>18</sup> Sexual and gender-based violence is described in the chapter 3.4 “Sexual violence in illegal detention facilities established by IAGs in Donbas”.

<sup>19</sup> Gender refers to males and females within the context of society. This definition acknowledges the social construction of gender and the accompanying roles, behaviours, activities and attributes assigned to women and men, and to girls and boys (See Policy Paper on Sexual and Gender-Based Crimes of the International Criminal Court (2014)).

In this report, **conflict-related sexual violence** refers to rape, forced prostitution, forced pregnancy, forced sterilization or any other form of sexual violence against women, men, girls and boys that has a temporal, geographic and/or causal connection with the armed conflict in Donbas.

Sexual violence is considered a component of torture, mutilation, inhuman acts, murder, persecution and outrages upon personal dignity. Sexual violence is also analysed as a form of political intimidation and military tactics used by the parties to the conflict.

The **goal** of this study was to provide an overview of the situation with GBV on both sides of the line of contact in the Donetsk and Luhansk regions in order to bring the problem to the attention of the competent Ukrainian authorities and international expert community. By covering the situation and highlighting important issues in this field, we would like to urge the state authorities to change their policy on combating GBV and to promote effective investigations of GBV committed during the armed conflict. We also hope to help ensure that perpetrators of these crimes are held accountable before national and international tribunals.

The research topic is rather specific. We are dealing with risks of fragmented data and the disproportionate nature of research on GBV on the two sides of the contact line. Therefore, the research goal is to identify key trends and problems based on the data collected.

In order to achieve our goal, we formulated the following research objectives:

- to analyse international and national legislation on GBV;

- to analyse data on conflict-related GBV cases, as well as identify forms of GBV committed by AFU personnel, including demobilized soldiers, in territorial communities located away from the ATO area;
- to analyse the LDPR policy that was able to lead to GBV in territories beyond Ukraine's control;
- to analyse sexual and gender-based violence as a component of different human rights violations in Donbas;
- to analyse activities on the part of Ukrainian state authorities and public organizations responsible for combating conflict-related GBV;
- to develop recommendations for the state authorities, Ukrainian non-governmental organizations and international and intergovernmental organizations for the prevention of, and actions against, GBV in the armed conflict in eastern Ukraine.

With a view to human rights and advocacy objectives, this research focused on an analysis of:

1. GBV in illegal detention facilities established by separatists and Ukrainian volunteer groups;
2. The discriminatory policy of the LDPR that encouraged GBV against women and LGBTI;
3. Activities on the part of Ukrainian state authorities responsible for combating GBV.

Considering the identified priorities, time and resource limits of this research, we did not analyse GBV against internally displaced persons or the risks of GBV related to crossing borders, including human trafficking.

Taking into consideration the significance of the topic, we prepared the English-language version of the report. It includes some statistics, which was provided after the Ukrainian-language version were published. We hope this publication will help to resolve the conflict as soon as possible, help the survivors and in holding the perpetrators accountable.

The English-language version of the report does not include the chapters "Definition of GBV" or "Groups vulnerable to GBV in armed conflict". This edition also includes abridged versions of the chapters "International legislation: standards on GBV prevention", "Domestic legislation: standards and implementation in Ukraine", "Analysis of statistics on GBV-related criminal offences in territorial communities affected by armed conflict", "Activities of Ukrainian and international non-governmental organizations on combating GBV and supporting survivors". These changes are due to differences between target audiences; they do not affect the impartiality or comprehensive nature of the report.

The contents of the report are problem-driven, and we do not intend to represent the problems on both sides of the line of contact to the same extent. If an issue was not widespread or related to the conflict, it is not reflected in this publication.

The methodology developed for data collection, analysis and other research objectives takes into account the different experiences of men and women during the armed conflict in Donbas.

The **subject** of the study includes:

- national legislation and international legal norms;
- gaps in the legal framework on GBV in domestic law;
- shortcomings in the process of collecting and aggregating statistics by state authorities;
- forms of GBV on the territory controlled by the Ukrainian military, as well as in separate areas of the Donetsk and Luhansk regions;
- impact of the conflict on the prevalence of GBV in territorial communities remote from the conflict area;
- competencies and actions on the part of state authorities and local governance bodies responsible for combating GBV.

The research particularly focused on the forms of sexual violence in illegal detention facilities established by IAGs and volunteer battalions.

The **sources of information** included:

- semi-structured interviews (audio, video recordings, transcripts) with those affected by GBV, witnesses to GBV, as well as people with knowledge of the problem (healthcare workers, psychologists, social workers, lawyers working with survivors of GBV, law enforcement officials in Ukraine);
- personal archives of victims, witnesses to sexual violence, public activists and authors, audio and video records;
- publications, primarily in the media in Ukraine, the LDPR and the RF;
- international and domestic legislation on GBV;
- judgments of Ukrainian courts available in the USRCD concerning conflict-related GBV;
- official statistics of state authorities;
- books, academic articles, analytical publications, reports of international missions and organizations.

Even though some sources of information are not available on the internet at the date of publication, they were saved and stored in the database for future usage.

The scope of content analysis included social media publications, information on the websites of public organizations (local, national, international), photo and video materials on information portals of all parties to the conflict (Ukraine, the LDPR, the RF). We examined open-source data to identify cases of GBV in the conflict area. Information relevant to the research (photos, videos, and screenshots) was copied into the research database for further use. When possible, important facts were verified through three independent sources.

The authors analysed the experiences and publications of international and domestic organizations working in

the conflict area and/or supporting those affected by the conflict. These included reports by the UN Monitoring Mission in Ukraine for different periods, a report called “Violation of LGBTI Rights in Crimea and Donbass: The Problem of Homophobia in Territories beyond Ukraine’s Control” by the Memorial Anti-Discrimination Centre and research and information from the UNFPA. These materials were used for preliminary assessment and context-based analysis of the problem.

Gross human rights violations related to GBV in illegal detention facilities in the conflict area in eastern Ukraine were documented through semi-structured interviews. Before the research, there were 39 interviews available with information about GBV in illegal detention facilities.<sup>20</sup> When possible and feasible, we conducted clarification interviews with some previous interviewees since previous interviews were not focused on GBV.

The search for new respondents took place via so-called snowball methods: the interviewees talked about new contacts who could potentially provide necessary information. Victims of, and witnesses to, GBV were identified through relevant press and social media publications, contacts with local civil society groups, volunteers, journalists, lawyers and local and state officials. As a result, we identified people who had information about human rights violations.

Interviews were conducted by a group of trained interviewers, primarily from the Justice for Peace in Donbas Coalition (EUCCI, Alchevsk Human Rights Analytical Centre, Vostok SOS CF, Moloda Prosvita Ivano-Frankivsk Regional Organization, Myrny Bereh PO) and the EUCCI’s NGO partners (Sich Human Rights Group, Chuhuiv Human Rights Group etc.). Four cases of sexual violence were submitted for analysis within a study conducted by the Ukrainian Helsinki Human Rights Union.

By August 2017, 299 individuals had been interviewed for this research (205 civilians and 94 military personnel). Seventy-six interviews were selected for analysis (61 interviews with victims of, and/or witnesses to, sexual violence in illegal detention facilities, 15 interviews related to events outside of detention facilities). Though cases of GBV, including sexual violence, were mentioned more often, calculations of the prevalence of GBV in this report include only three types of cases:

1. When the person was a victim of violence;
2. When the person witnessed violence;

3. When there was a high probability that violence had occurred based on the immediate consequences of GBV seen by a witness (mutilated genitalia, torn clothing etc.).

The researchers took into account all other cases (for instance, when interviewees talked about information they had learned from others) but did not include them in their statistical calculations.

Interviews were based on questionnaires titled “Human rights in the ATO area: detention facilities” and “GBV facts in the conflict zone in eastern Ukraine” developed by experts from the Justice for Peace in Donbas Coalition and the EUCCI, respectively.

The “GBV facts in the conflict zone in eastern Ukraine” questionnaire was developed specifically for this research based on experience of documenting GBV in the former Yugoslavia, the methodology employed by the UN Monitoring Mission in Ukraine, sources from the field of national forensic science on GBV-related investigations and interviews. The questionnaire, which was piloted during this study, was amended based on expert comments and suggestions.

When possible, survivors were interviewed by individuals of the same sex, or they were able to choose a person to whom they wished to give their testimony.

Interviewers explained to respondents the purpose of data collection, as well as the conditions for the storage and use of the requested information. Victims and witnesses of violations were asked to fill out a consent form for personal data processing with the purpose of documenting human rights violations in the conflict area. In addition, respondents could provide written consent for informing third parties (international organizations, law enforcement agencies) about the facts of violations, as well as concerning conditions for using the provided information in publicly accessible sources. Interviewers offered legal aid to all respondents and provided such support when necessary. We referred people in need of social, psychological and medical support to the relevant service providers.

The report’s conclusions are based on an analysis of international and domestic legislation, case law, interviews with victims and witnesses, in particular those who were detained in illegal detention facilities, as well as information collected during monitoring missions.

**Internal limitations** of the study included time and resource restrictions, as well as the authors’ interest in effective counteraction to conflict-related GBV and holding perpetrators responsible. This study is not a purely academic work since it constitutes a part of an advocacy campaign aimed at improving the investigation and prosecution of cases, as well as data collection on GBV. The authors of this report admit their interest in developing an effective mechanism for preventing and combating conflict-related

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<sup>20</sup> This data was collected by members of the Justice for Peace in Donbas Coalition in 2015 during a joint project with the Helsinki Foundation for Human Rights (Warsaw) and for preparation of the report “Surviving Hell” on illegal detention facilities in the temporarily occupied areas. The project was administered by the EUCCI. The following organizations took part in data collection: Vostok SOS CF, Myrny Bereh PO, the Ochyshchennya Public Movement for the Protection of Constitutional Rights and Freedoms of Citizens, Moloda Prosvita (Ivano-Frankivsk), the Alternative Luhansk Regional Human Rights Centre, the EUCCI, the Ukrainian Helsinki Human Rights Union, the Kharkiv Human Rights Group and the Centre for Civil Liberties.

GBV. We also see the need to hold perpetrators responsible for their actions. The authors are aware that it could have influenced the content and conclusions of the report. Given the importance of impartial and comprehensive data presentation, the researchers made an effort to be as impartial as possible when preparing the report.

**External limitations** included difficulties in obtaining information on the topic since it is traditionally not made public. Victims are often not willing to report sexual and gender-based violence. Even when they are ready to report

physical violence, they may stay silent about GBV. People do not believe that law enforcement agencies are able to investigate and prosecute perpetrators effectively. They are also afraid of revenge by the perpetrators. All these factors lead to silence about the problem.

In order to reduce the impact of limitations on the study's findings, participants tried to collect as many testimonies on GBV cases in the conflict area as possible. They engaged all organizations working on the issue that were available for cooperation with the research group.

# FOREWORD

Some of the most egregious crimes in human history have occurred during armed conflicts. International tribunals have been established to hold the perpetrators responsible for their actions. The Nuremberg and Tokyo tribunals were created following World War II, and the crimes committed in Rwanda and the former Yugoslavia led to the establishment of the International Criminal Tribunal on Rwanda and the International Criminal Tribunal for the former Yugoslavia. In 1998, the International Criminal Court was created in Rome.

Many survivors who have testified before international criminal justice bodies talked about assaults and torture. They described how their family members or other people were raped or murdered. Witness 087 in the Kunarac et al.<sup>21</sup> case before the International Criminal Tribunal for the former Yugoslavia stated, “I simply cannot think about these things because I was exposed to so much torture. But I’m proud to be here. Let the world know what they did.”<sup>22</sup>

Sexual and other gender-based violence, such as murder, torture and persecution, is a human rights violation. During an armed conflict, such incidents can amount to crimes against humanity, war crimes or genocide.

In its 2017 decision in the case of Bosco Ntaganda, the ICC stated that there is never a justification to engage in sexual violence against any person.<sup>23</sup>

This report provides data on conflict-related (with a temporal, territorial and/or causal connection) GBV.<sup>24</sup>

In addition to analysing the impact of armed conflict on the level of GBV, this study focuses on sexual violence in illegal detention facilities established by IAGs and volunteer battalions.

GBV has a serious and long-lasting physical, psychological, social, economic and legal impact on survivors and society as a whole. Despite increased levels of GBV in the armed conflict in Ukraine, reports to police are not common. Insufficient attention is being paid to this form of violence in Ukraine. State statistics do not reflect the real scope of the problem. The gender aspect of crime is often overlooked during the qualification and investigation of these crimes, and ineffective investigations rarely result in perpetrators being held accountable.

The gender-sensitive conflict analysis in this study serves to provide a more comprehensive understanding of different forms of violence against men and women in the conflict, as well as to identify problems in order to find effective solutions.

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<sup>21</sup> Dragoljub Kunarac was the commander of a special volunteer unit of non-local, irregular Serb soldiers who played an active part in organizing and maintaining the system of rape camps in the municipality of Foča, Bosnia and Herzegovina.

<sup>22</sup> As of September 2016, 32 individuals had been convicted for crimes of sexual violence, as defined in Article 7(1) of the ICTY Statute. Four of them were additionally convicted for failing to prevent or punish the actual perpetrators of the crimes. For more information, see Crimes of Sexual Violence on the website of the United Nations International Criminal Tribunal for the former Yugoslavia.

<sup>23</sup> The Prosecutor v. Bosco Ntaganda. (2017). ICC-01/04-02/06. Retrieved from [https://www.icc-cpi.int/CourtRecords/CR2017\\_00011.PDF](https://www.icc-cpi.int/CourtRecords/CR2017_00011.PDF)

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<sup>24</sup> In addition to testimonies on GBV in illegal detention facilities, the analysis concerned cases directly related to the armed conflict. They have one or more of the following characteristics: committed under the conditions of an armed conflict during different stages; committed in the area of hostilities and/or areas controlled by IAGs and/or line of contact and/or the grey zone; committed at checkpoints established in the armed conflict; committed in the area where IAG and/or volunteer battalions and/or AFU representatives are located; based on the testimony of victims and/or witnesses, committed by representatives of IAGs and/or volunteer battalions and/or the AFU.

# 1. SCOPE OF THE PROBLEM IN THE REGION ACCORDING TO ORGANIZATIONS SUPPORTING VICTIMS OF GBV

In Ukraine, as well as in other countries, statistics do not reflect the actual situation with GBV,<sup>25</sup> which makes it impossible to assess the entire scope of the problem and tendencies in armed conflict. Despite the fragmented nature of the data, we can state with confidence that GBV is widespread in Ukraine. For instance, a UNFPA study showed that the number of women aged 15 to 49 who suffered from physical violence increased from 17 per cent in 2007 to 19 per cent in 2014, and the number of victims of sexual violence increased from 5 per cent to 8 per cent.<sup>26</sup>

The situation with GBV has been exacerbated during the conflict, yet it is even more challenging to identify its prevalence due to additional obstacles in collecting information. It is not possible to follow the situation in IAG-controlled territories in the Donetsk and Luhansk regions. Therefore, sources of information are limited to media publications and reports by international organizations that conduct monitoring and support victims of GBV in eastern Ukraine, such as the UNFPA, the UN GBV sub-cluster, the UN Monitoring Mission in

Ukraine and the OSCE SMM. Members of the Coalition collected certain relevant data from informants in temporarily occupied areas and from people crossing the line of contact. Despite widespread media coverage of violence committed by IAGs<sup>27</sup> and the Ukrainian military (attempted rape,<sup>28</sup> human trafficking<sup>29</sup> and the rape of an underage girl<sup>30</sup>), it is difficult to evaluate and verify some of these reports.

International organizations also face challenges in documenting cases, and their data is fragmented. In particular, the UN Human Rights Monitoring Mission noted, “Underreporting of sexual and gender-based violence can be attributed to the difficulty many women and men feel [in speaking] about rape and other forms

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<sup>25</sup> Key challenges in the collection, processing and analysis of statistics on GBV in Ukraine are outlined in Chapter 8 “Analysis of statistics on criminal offences connected with GBV in territorial communities of the conflict area”.

<sup>26</sup> In 2014, the survey included 16,060 women aged 15-49 (the sample included AR Crimea, localities in the Donetsk and Luhansk regions controlled by the government of Ukraine, as well as Luhansk and Donetsk). In 2007, the survey included 2,903 women aged 15-49 across the entire territory of Ukraine.

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<sup>27</sup> An overview of GBV in areas controlled by illegal armed groups is provided in Chapter 3 “GBV in self-proclaimed republics”

<sup>28</sup> TSN.ua. (2016, July 21). Na Donbasi rosiyany-marodery namahalysia zhvaluvaty ta pohrabuvaty pensionerku [Russian looters in Donbas tried to rape and rob a retired woman]. Retrieved from <http://tsn.ua/ato/na-donbasi-rosiyani-maroderi-namagalysya-zgvaltuvatyi-ta-pohrabuvati-pensionerku-701355.html>

<sup>29</sup> Dialog.ua. (2016, January 2). Boeviki “DNR” pohitili uzhe neskolko devushek dlja prodazhi ih v seks-rabstvo za rubezh [DPR militants have kidnapped several young women to sell them abroad as sex slaves]. Retrieved from [http://www.dialog.ua/news/75476\\_1451731057](http://www.dialog.ua/news/75476_1451731057)

<sup>30</sup> TSN.ua. (2016, July 11). Na Kyivshchyni hvaltivnyku z ATO nepovnitnoyi divchyni daly umovnyi termin [A man from the ATO who raped a minor received a suspended sentence]. Retrieved from <https://tsn.ua/ukrayina/na-kiyivschyni-gvaltivnyku-nepovnitnoyi-dali-umovniy-termin-693257>

# SEXUAL VIOLENCE IS A FORM OF GENDER-BASED VIOLENCE

**GBV** differs from any other form of violence not by action itself (e.g. murder, rape or injury), but by the fact that such **actions are conditioned by gender.**

## **GENDER-BASED VIOLENCE**

**bodily injuries  
of different gravity,  
domestic violence,  
honor killing,  
psychological violence,  
etc**

## **SEXUAL VIOLENCE**

rape,  
injuries to the genitalia,  
etc



of sexual abuse, fear of reprisals and the stigma attached to rape”.<sup>31</sup>

According to the OSCE SMM, in 2015, the SMM received allegations from civil society and psychologists related to sexual violence connected to the conflict, but has so far been unable to corroborate them.<sup>32</sup> At the same time, in May 2015, anti-trafficking police units in the Dnepropetrovsk and Kharkiv regions reported to the SMM an increase in cases of human trafficking of women and of IDPs for sexual exploitation since the beginning of 2015, a reverse trend compared to previous years, when the majority of victims were men trafficked for labour exploitation.<sup>33</sup>

The results of a UNFPA survey conducted in the summer of 2011 showed that even accounting for the significant underreporting of criminal offences, a small increase in the number of registered rapes was observed in the regions bordering the ATO area; the number of women experiencing theft and fraud also increased.<sup>34</sup> The UNFPA received more than 22,800 calls to its hotline for survivors of GBV between January and August 2016, which was three times more calls than during the same period in 2015.<sup>35</sup> UNFPA mobile teams received 8,317 requests for psychological support (as of September 2016).

In March 2016, international organizations indicated that GBV remained a particularly dangerous threat in the areas affected by the conflict. They also highlighted the prevalence of violence against women by returning combatants and men who had not participated in the hostilities.<sup>36</sup>

Recently, there has been a certain decrease in GBV in the Donetsk and Luhansk regions due to the termination of active hostilities, restoration of state authorities in

controlled territories, as well as the creation of a law enforcement system in the self-proclaimed republics. In 2016, the Ukrainian Centre for Social Reforms conducted a study along the line of contact in the Donetsk and Luhansk regions to identify the prevalence of GBV in conflict-affected regions of Ukraine. Its preliminary results revealed a general decrease in the number of sexual violence cases compared to 2014 and early 2015. The UNFPA reported widespread cases of sexual violence against adolescent girls, as well as men. As in the past, the victims did not report violence to law enforcement agencies.<sup>37</sup> In its 16th report, the UN Monitoring Mission documented cases that indicated sexual violence against, and harassment of, young women at government-controlled entry-exit checkpoints along the contact line.<sup>38</sup> As of May 2017, the UN continued to document cases of conflict-related sexual violence.<sup>39</sup>

Sexual violence against men is not often analysed, but it requires particular attention in the context of illegal detention facilities in the conflict. According to the 15th Report of the UN Human Rights Monitoring Mission, the LDPR “continued to deny external observers unhindered access to all places of deprivation of liberty, raising concerns that cases of torture and other cruel, inhuman or degrading treatment or punishment (ill-treatment), including sexual and gender-based violence, may be greater than reported”.<sup>40</sup> This issue is still relevant on the day of publication of the report.<sup>41</sup>

Therefore, though data on conflict-related GBV in the Donetsk and Luhansk regions is limited, it is possible to assess the scope of the problem with data from international organizations that monitor the situation and support survivors of GBV. Media publications and reports from informants in temporarily occupied areas also serve as sources for analysis of the situation.

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<sup>31</sup> Office of the United Nations High Commissioner for Human Rights. (2016, June 2). Report on the human rights situation in Ukraine 16 February to 15 May 2016. Retrieved from [http://www.ohchr.org/Documents/Countries/UA/Ukraine\\_14th\\_HRMMU\\_Report\\_UKRANIAN.pdf](http://www.ohchr.org/Documents/Countries/UA/Ukraine_14th_HRMMU_Report_UKRANIAN.pdf)

<sup>32</sup> Organization for Security and Co-operation in Europe. (2015, June 22). Gender Dimensions of SMM's Monitoring: One Year of Progress. Retrieved from <http://www.osce.org/uk/ukraine-smm/204396?download=true>

<sup>33</sup> Ibid.

<sup>34</sup> Ukrainian Center for Social Reforms. (2015). Gender-based violence in the conflict-affected regions of Ukraine. Retrieved from [http://www.unfpa.org.ua/files/articles/6/55/GBV%20Prevalence%20Survey\\_UKR.pdf](http://www.unfpa.org.ua/files/articles/6/55/GBV%20Prevalence%20Survey_UKR.pdf)

<sup>35</sup> United Nations Population Fund. (2016). Ukrainian Humanitarian Newsletter. Retrieved from <http://www.unfpa.org.ua/files/articles/6/59/Ukraine%20Humanitarian%20Newsletter%20-%20Sept%202016.pdf>

<sup>36</sup> United Nations High Commissioner for Refugees. (2016). Thematic bulletin on sexual and gender-based violence. Retrieved from [http://unhcr.org.ua/attachments/article/244/UKR\\_SGBV%20-%20March%202016%20FINAL.pdf](http://unhcr.org.ua/attachments/article/244/UKR_SGBV%20-%20March%202016%20FINAL.pdf)

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<sup>37</sup> United Nations Population Fund. (2016). Survey on prevalence of violence against girls and women. Retrieved from [https://www.humanitarianresponse.info/system/files/documents/files/doslidzhennya\\_poshirenosti\\_nasilstva\\_shchodo\\_divchat\\_ta\\_zhinok.pdf](https://www.humanitarianresponse.info/system/files/documents/files/doslidzhennya_poshirenosti_nasilstva_shchodo_divchat_ta_zhinok.pdf)

<sup>38</sup> Office of the United Nations High Commissioner for Human Rights. (2016). Report on the human rights situation in Ukraine 16 August to 15 November 2016. Retrieved from [http://www.un.org.ua/images/UKR\\_16th\\_HRMMU\\_Report.pdf](http://www.un.org.ua/images/UKR_16th_HRMMU_Report.pdf)

<sup>39</sup> Office of the United Nations High Commissioner for Human Rights. (2017). Report on the human rights situation in Ukraine 16 February to 15 May 2017. Retrieved from [http://www.ohchr.org/Documents/Countries/UA/UAReport18th\\_UKR.pdf](http://www.ohchr.org/Documents/Countries/UA/UAReport18th_UKR.pdf)

<sup>40</sup> Office of the United Nations High Commissioner for Human Rights. (2016). Report on the human rights situation in Ukraine 16 May to 15 August 2016. Retrieved from [http://www.un.org.ua/images/UKR\\_Ukraine\\_15th\\_Report.pdf](http://www.un.org.ua/images/UKR_Ukraine_15th_Report.pdf)

<sup>41</sup> “In territory controlled by armed groups, OHCHR continued to lack full and unfettered access to places of deprivation of liberty. Access to persons detained was granted only on an ad hoc basis, and on such occasions, interviews could not be conducted confidentially”. For more information, see 18th report of the Office of the United Nations High Commissioner for Human Rights (16 February – 15 May 2016).

# 2. DOMESTIC LEGISLATION AND INTERNATIONAL LEGAL NORMS

## 2.1. INTERNATIONAL LAW: STANDARDS ON PREVENTION OF GBV

International law recognizes that the rights and principles on equality, security, liberty, inviolability and dignity shall be applied to women in the same manner they are applicable to men. These principles are enshrined in a number of international documents, including the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the Convention on the Elimination of All Forms of Discrimination against Women (1979), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987), and the Convention for the Protection of Human Rights and Fundamental Freedoms (1950).

On 20 December 1993, the UN General Assembly adopted, in its Resolution 48/104, a Declaration on the Elimination of Violence against Women, which provided a definition for violence against women. According to the Declaration, it includes physical, sexual and psychological violence perpetrated or condoned by the state. The General Assembly urged states to condemn violence against women and pursue by all appropriate means a policy of eliminating violence against women.

In **Recommendation Rec(2002)5 on the protection of women against violence adopted on 30 April 2002**, the CoE Committee of Ministers recommended that the governments of member states review their legislation and policies, particularly with a view to guaranteeing women the recognition, enjoyment,

exercise and protection of their human rights and fundamental freedoms.

A number of UN Security Council Resolutions are also dedicated to the prevention of, and response to, violence against women. According to **UN Security Council Resolution 1325 (2000)**, all parties to armed conflict must take special measures to protect women and girls from GBV, particularly rape and other forms of sexual abuse. The Resolution emphasizes the responsibility of all states to put an end to impunity and to prosecute those responsible for genocide, crimes against humanity and war crimes, including those related to sexual and other violence against women and girls, and in this regard stresses the need to exclude these crimes, where feasible, from amnesty provisions.

**UN Security Council Resolution 1820 (2008)** underlines the direct connection between sexual violence when used as a tactic of war against civilian populations and the issues of establishing peace and security. The Security Council demands the immediate and complete cessation by all parties to armed conflict of all acts of sexual violence against civilians with immediate effect. It notes that rape and other forms of sexual violence can constitute a war crime, a crime against humanity or a constitutive act with respect to genocide, and calls upon member states to comply with their obligations for prosecuting people responsible for such acts.

**UN Security Council Resolution 2122 (2013)** refers to the need to focus more attention on women's leadership and participation in conflict resolution and peacebuilding. It also recognizes the need for consistent implementation of UN Security Council Resolution 1325 (2000).

**UN Security Council Resolution 1888 (2009)** requested the UN Secretary-General to appoint a Special Representative of the Secretary-General on Sexual Violence in Conflict, and **UN General Assembly Resolution 64/289 adopted on 2 July 2000** established the United Nations Entity for Gender Equality and the Empowerment of Women, to be known as UN Women.

Two important documents were adopted in 2013: the **G8 Declaration on Preventing Sexual Violence in Conflict** and the **Declaration of Commitment to End Sexual Violence in Conflict** developed with the support of UK Foreign Secretary William Hague and the UN Special Representative on Sexual Violence in Conflict. Both declarations aim to facilitate preventing and ending sexual violence in conflict. They emphasize that sexual violence constitutes one of the most serious violations of international humanitarian law and call for holding perpetrators to account.

In addition, in 2013 the UN Security Council adopted **Resolution 2106 (2013)**, which affirmed that sexual violence, when used or commissioned as a method or tactic of war, can significantly exacerbate and prolong situations of armed conflict and may impede the restoration of international peace and security. Sexual violence can constitute a crime against humanity or a constitutive act with respect to genocide or a war crime. In this Resolution, the UN Security Council encouraged member states to include the full range of crimes of sexual violence in national penal legislation to enable prosecutions for such acts and ensure access to justice for survivors.

On 7 April 2011, the Committee of Ministers of the Council of Europe adopted the **Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)**. The Convention entered into force on 1 August 2014.

The Convention defines the terms “violence against women” and “domestic violence”, and it applies to all forms of violence against women, including domestic violence in times of peace and in situations of armed conflict. The Convention affirms the right of women to live free from violence in both the public and the private sphere, condemns all forms of discrimination against women and urges states to embody in their national constitutions or other appropriate legislation the principle of equality between women and men and to ensure the practical realization of this principle.

In addition, the Convention includes commitments to take necessary legislative measures to ensure gender equality and to prohibit violence against women, as well as criminalize the following conduct: acts of physical violence against women, sexual violence (including rape), forced marriages, female genital mutilation, forced abortion and forced sterilization, etc.

The Convention also establishes a mechanism to monitor its implementation by states parties: the Group

of Experts on Action against Violence against Women and Domestic Violence (GREVIO).

Ukraine signed the Convention on 7 November 2011; however, it has not been ratified.

On the way to ratification of the Convention, the Parliament of Ukraine, in its Resolution No. 509-VIII (4 June 2015), approved a plan for legislative support for reforms in Ukraine, which also included ratification of this important international treaty in the second quarter of 2016.

According to information on the official government portal on 12 July 2016, the Ministry of Social Policy of Ukraine prepared a draft law on ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence.<sup>42</sup> The President of Ukraine submitted the draft law to the parliament. At the time of this study, the draft law had been submitted to the Foreign Affairs Committee for revision, and it is in the process of preparation for a repeated first reading.<sup>43</sup>

## SOURCES OF INTERNATIONAL HUMANITARIAN LAW

The key international agreements in the field of international humanitarian law that protect civilians and non-combatants, in particular from GBV, are the **Geneva Conventions of 12 August 1949** on the protection of victims of war ratified by the Resolution of the Presidium of the Verkhovna Rada of the USSR of 3 July 1954 (entry into force for Ukraine, 3 January 1955), and the Additional Protocols of 8 June 1977.

- **Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field;**
- **Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea;**
- **Geneva Convention (III) relative to the Treatment of Prisoners of War;**
- **Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War;**
- **Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I);**

<sup>42</sup> Government portal. (2016, July 12). Zaversheno pidhotovku do ratyfikatsii Stambulskoi konventsii Rady Evropu pro zapobihannya ta borot'bu z nasylstrov shchodo zhinok ta domashnim nasylstvom v Ukraini [Preparation for the ratification of the Istanbul Convention of the Council of Europe on preventing and combating violence against women and domestic violence in Ukraine was completed]. Retrieved from [http://www.kmu.gov.ua/control/uk/publish/article?art\\_id=249182097&cat\\_id=244277212](http://www.kmu.gov.ua/control/uk/publish/article?art_id=249182097&cat_id=244277212)

<sup>43</sup> Parliament of Ukraine (2016, November 12). Proekt zakonu pro ratyfikatsiu Konventsii Rady Evropu pro zapobihannya ta borot'bu z nasylstrov shchodo zhinok ta domashnim nasylstvom [Draft law on the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence]. Retrieved from [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=60492](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=60492)

- **Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)** (both Additional Protocols were adopted on 8 June 1977 and ratified by the Resolution of the Presidium of the Verkhovna Rada of the USSR of 18 August 1989; entry into force for Ukraine, 25 July 1990);
- **Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III)** adopted on 8 December 2005 and ratified by Law of Ukraine No. 1674-VI of 22 October 2009 (entry into force for Ukraine, 19 July 2010).

The four Geneva Conventions of 12 August 1949 on the protection of victims of war and the Additional Protocol I to the Geneva Conventions of 8 June 1977 apply to international armed conflict (armed conflicts between states).

Article 3, common to the four Geneva Conventions of 1949 and Additional Protocol II to Geneva Conventions of 8 June 1977, some provisions of the Hague law on the use of means and methods of warfare, as well as customary international humanitarian law apply to non-international armed conflict (an armed conflict between a state and an organized armed group or between organized armed groups).

Additional Protocol III to the Geneva Conventions of 8 December 2005 concerns only the issue of the adoption and use of an additional distinctive emblem (Third Protocol emblem, the Red Crystal).

The Geneva Conventions and Additional Protocols I and II urge the parties to international and non-international armed conflicts to refrain from any violence against persons taking no active part in the hostilities.

All **four Geneva Conventions of 12 August 1949** contain articles on grave breaches of the Geneva Conventions (Article 50 of Geneva Convention I, Article 51 of Geneva Convention II, Article 130 of Geneva Convention III and Article 147 of Geneva Convention IV) that constitute war crimes under Article 8 of the Rome Statute of the International Criminal Court, i.e. international crimes.

According to Article 147 of Geneva Convention IV, grave breaches include, in particular: wilful killing, torture or inhuman treatment, including biological experiments; wilfully causing great suffering or serious injury to body or health; unlawful deportation or transfer or unlawful confinement of a protected person; compelling a protected person to serve in the forces of a hostile power; or wilfully depriving a protected person of the rights of a fair and regular trial prescribed in the Convention. Grave breaches also include the taking of hostages and extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly. Grave breaches of the Geneva Conventions based on gender (in particular, torture or inhuman treatment, biological experiments, wilfully causing great suffering or serious injury

to body or health) constitute war crimes. Therefore, any contracting party to the Geneva Conventions has the right to investigate such crimes and prosecute the people responsible. In addition, **Geneva Convention IV relative to the Protection of Civilian Persons in Time of War** includes specific provisions on the protection of women.<sup>44</sup>

**Additional Protocol I to the Geneva Conventions relating to the Protection of Victims of International Armed Conflicts** includes a separate Chapter II of Section III of Part IV, “Measures in favour of women and children”. Article 76, “Protection of women”, provides that women shall be the object of special respect and shall be protected in particular against rape, forced prostitution and any other form of indecent assault.<sup>45</sup>

**Additional Protocol II to the Geneva Conventions relating to the Protection of Victims of Non-International Armed Conflicts** contains only a few specific provisions on the protection of women. In particular, Additional Protocol II provides that, except when men and women of a family are accommodated together, women shall be held in quarters separated from those of men and shall be under the immediate supervision of women (Article 5), and that the death penalty shall not be pronounced on pregnant women or mothers of young children.

**UN General Assembly Resolution 3318 (XXIX)** of 14 December 1974 adopted a **Declaration on the Protection of Women and Children in Emergency and Armed Conflict**. In this resolution, the GA called upon UN member states, in particular states involved in armed conflicts or military operations in foreign territories or military operations, to make all efforts to spare women and children from the ravages of war and ensure the prohibition of measures such as persecution, torture, degrading treatment and violence against that part of the civilian population.

One of the main sources of international law in general and international humanitarian law in particular, is customary international law. **Study by the International Committee of the Red Cross (ICRC) called “Customary International Humanitarian Law”** includes several provisions that constitute norms of customary international law in the view of ICRC experts and concern the prohibition of violence against women. For instance Rule 93 prohibits rape and other forms of sexual violence.<sup>46</sup>

## **SOURCES OF INTERNATIONAL LAW THAT CRIMINALIZE GBV**

In this context, we should refer to **the Rome Statute of the International Criminal Court**, adopted at a

<sup>44</sup> See Articles 14, 16, 23, 27, 38, 50, 76, 89, 98 and 132 of Geneva Convention IV.

<sup>45</sup> See Articles 8, 70 and 75 of the Additional Protocol I to Geneva Conventions.

<sup>46</sup> See Rules 88, 90, 92 and 93 of the ICRC study “Customary International Humanitarian Law”. All these provisions apply to international and non-international armed conflicts.

diplomatic conference in Rome on 17 July 1998. The Rome Statute entered into force on 1 July 2002. Ukraine signed the Statute on 20 January 2000 but has not ratified it, since the Constitutional Court of Ukraine concluded that certain of the Statute's provisions are not in line with the Constitution of Ukraine.<sup>47</sup>

According to Article 6 of the Rome Statute, **genocide** means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such. These acts include killing members of the group, causing serious bodily or mental harm to members of the group, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part, imposing measures intended to prevent births within the group, forcibly transferring children of the group to another group. Accordingly, genocide can be gender-oriented, particularly in cases of preventing births or forcibly transferring children. At the same time, other acts that can potentially include signs of genocide can also be gender-oriented. For example, during events in Srebrenica in 1995, more than 7,000 Bosnian Muslim boys and men were killed over several days.<sup>48</sup>

Article 7 of the Rome Statute names the following offences as **crimes against humanity**: torture, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence of comparable gravity. They also include other inhumane acts of a similar character that intentionally cause great suffering or serious injury to body or to mental or physical health. Importantly, such violent acts must be committed as part of a widespread or systematic attack directed against any civilian population with knowledge of the attack. Article 7 of the Rome Statute contains an open list of sexual crimes ("any other form of sexual violence of comparable gravity") and crimes against humanity in general ("other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health"). Therefore, the authors of the Rome Statute recognized that it was impossible to provide an exhaustive list of such crimes. They allowed the Court to add new crimes to this list through its case law.

According to Article 8 of the Rome Statute, four types of acts are recognized as **war crimes**: grave breaches of the Geneva Conventions; other serious violations of the laws and customs applicable in international armed conflict; in the case of an armed conflict that is not of an international character, serious violations of Article 3 common to the four Geneva Conventions of 12 August 1949, as well as other serious

violations of the laws and customs applicable in armed conflicts not of an international character. Among these crimes, there are those that can be based on gender: torture or inhuman treatment, including biological experiments; wilfully causing great suffering or serious injury to body or health; committing outrages upon personal dignity. The latter include humiliating and degrading treatment, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence also constituting a grave breach of the Geneva Conventions and serious violations of Article 3 common to the four Geneva Conventions. Therefore, Article 8 of the Rome Statute also does not introduce an exhaustive list of sexual crimes that constitute war crimes, and the Court can amend the list in the future.

Ukraine is not a state party to the ICC and it has not ratified the Rome Statute, but it has already submitted two declarations recognizing the ICC's jurisdiction over specific situations in accordance with the Statute mechanism for a state that is not a party. Article 12(3) of the Rome Statute establishes that a state that is not a party to the Statute may accept the jurisdiction of the Court with respect to the crime in question by means of a declaration lodged with the Court's Registrar.

Ukraine's first declaration accepting the ICC's jurisdiction concerned crimes of the former government against Euromaidan participants that allegedly fall under the category of crimes against humanity according to Ukraine's position. On 17 April 2014, the ICC Registrar received a declaration by Ukraine accepting the Court's jurisdiction over alleged crimes committed on its territory from 21 November 2013 to 22 February 2014.<sup>49</sup>

Ukraine's second declaration accepting the ICC's jurisdiction was accepted on 4 February 2015. Then, the VRU adopted a Resolution on the Recognition of the Jurisdiction of the International Criminal Court by Ukraine over Crimes against Humanity and War Crimes Committed by Senior Officials of the Russian Federation and Leaders of the DPR and LPR Terrorist Organizations That Led to Extremely Grave Consequences and Mass Murder of Ukrainian Nationals.<sup>50</sup> According to the resolution, the Verkhovna Rada, as the sole legislative authority in Ukraine, recognizing the ICC's jurisdiction, asks the Court to ensure the prosecution of perpetrators of crimes against humanity and war crimes committed on the territory of Ukraine under Articles 7-8 of the Rome Statute of the ICC

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<sup>47</sup> Constitutional Court of Ukraine. (2001). Opinion of the Constitutional Court of Ukraine in the case of constitutional submission of the President of Ukraine concerning an opinion on compliance of the Rome Statute of the ICC with the Constitution of Ukraine. No. 1-35.2001. Retrieved from <http://zakon3.rada.gov.ua/laws/show/v003v710-01>

<sup>48</sup> United Nations International Criminal Tribunal for the former Yugoslavia. (n.d.). The Srebrenica Genocide 1995-2015. Retrieved from <http://www.icty.org/specials/srebrenica20?q=srebrenica20/>

<sup>49</sup> Verkhovna Rada of Ukraine. (2014, February 25). Declaration of the Verkhovna Rada of Ukraine accepting the jurisdiction of the ICC over alleged crimes against humanity committed by high state officials that caused grave consequences and mass killings of Ukrainian citizens during peaceful protests from 21 November 2013 to 22 February 2014. Retrieved from [http://www.icc-cpi.int/en\\_menus/icc/press%20and%20media/press%20releases/Documents/997/declarationVerkhovnaRadaUkr.pdf](http://www.icc-cpi.int/en_menus/icc/press%20and%20media/press%20releases/Documents/997/declarationVerkhovnaRadaUkr.pdf)

<sup>50</sup> Verkhovna Rada of Ukraine. (2015, February 4). Resolution of the Verkhovna Rada of Ukraine on the Recognition of the Jurisdiction of the International Criminal Court by Ukraine over Crimes against Humanity and War Crimes Committed by Senior Officials of the Russian Federation and Leaders of the DPR and LPR Terrorist Organizations That Led to Extremely Grave Consequences and Mass Murder of Ukrainian Nationals. Retrieved from <http://zakon4.rada.gov.ua/laws/show/145-19>

from 20 February 2014 until the present day by senior officials of the RF and other individuals identified by the ICC Prosecutor.

The ICC does not have an obligation to prosecute or convict perpetrators of crimes against humanity and war crimes only among senior officials of the RF based on this request. The ICC establishes potential perpetrators whose actions fall under its jurisdiction. On 8 September 2015, Ukraine's declaration recognizing ICC jurisdiction over this situation was transferred to the ICC, and the Court launched a preliminary examination of the situation.

On 2 June 2016, Ukraine's Parliament adopted Law No. 1401-VIII on Amendments to the Constitution of Ukraine (on Justice) with a new wording of Article 124 of the Constitution. Paragraph 6 of the amended article provides that "Ukraine may recognize the jurisdiction of the International Criminal Court as provided for by the Rome Statute of the International Criminal Court."

At the same time, final and transitional provisions of the law provide that Article 124(6) of the Constitution of Ukraine shall enter into force three years and one day from the date of publication of the law. The law was published on 29 June 2016;<sup>51</sup> therefore, Article 124(6) of the Constitution on the possibility of ratifying the Rome Statute will enter into force on 30 June 2019.

Though Ukraine has not ratified the Rome Statute, it recognizes the ICC's jurisdiction under Article 12(3) of the Statute concerning the crimes mentioned in the declarations of the Parliament.

In addition to the Rome Statute, the statutes and founding instruments of international and internationalized criminal tribunals and courts (**International Criminal Tribunal for the former Yugoslavia, International Criminal Tribunal for Rwanda, the Special Court for Sierra Leone, the Extraordinary Chambers in the Courts of Cambodia**) also established the jurisdiction of these tribunals and courts over crimes that may be based on gender. In particular, all these documents criminalize torture, rape and slavery.

Pursuant to the Law No. 525-VIII (17 June 2015), Ukraine acceded to the **International Convention for the Protection of All Persons from Enforced Disappearance** of 20 December 2006. The Convention entered into force for Ukraine on 14 August 2015.

According to the Convention, the widespread or systematic practice of enforced disappearance constitutes a crime against humanity as defined in applicable international law and will result in the consequences provided for under such applicable international law.

Therefore, international law contains prohibitions on violence against women, domestic and sexual violence, GBV in international treaties and instruments of international organizations and associations. Importantly, these prohibitions apply in times of peace and armed conflict, since the risk of such crimes significantly increases during active hostilities or armed conflict. Gender-based offences can be qualified as general criminal offences such as crimes against humanity, war crimes or genocide. Gender-based offences that belong to one of these three categories are included in the founding instruments of international or internationalized criminal courts and tribunals and therefore fall under their jurisdiction.

## 2.2. DOMESTIC LEGISLATION: STANDARDS AND IMPLEMENTATION IN UKRAINE

Prior to the current conflict in eastern Ukraine, the country had not been party to any armed conflict (international or non-international) since its independence; therefore, GBV was considered in national law through the prism of domestic violence. Such an understanding is very narrow and does not reflect the meaning of this phenomenon. For instance, the Istanbul Convention defines GBV against women as violence that is directed against a woman because she is a woman (forced abortion, female genital mutilation). It can also refer to violence that affects women disproportionately, such as sexual violence, rape, persecution, sexual harassment, domestic violence, forced marriage or forced sterilization.

On 15 November 2001, the Ukrainian Parliament adopted Law No. 2789-III on Prevention of Domestic Violence, which entered into force on 20 March 2002. This law identifies certain forms of violence, e.g. physical, sexual, psychological or economic, and defines their characteristics. The law also appoints the agencies and institutions that are responsible for taking measures to prevent domestic violence. Since the law entered into force, the Cabinet of Ministers, various ministries and other central executive authorities have adopted a number of regulations for implementation of its provisions.<sup>52</sup>

On 8 September 2005, the Parliament adopted **Law No. 2866-IV on Ensuring Equal Rights and**

<sup>51</sup> Verkhovna Rada of Ukraine. (2016, June 2). The Law of Ukraine on Amendments to the Constitution of Ukraine (on Justice). Retrieved from <http://www.golos.com.ua/article/271528>

<sup>52</sup> Cabinet of Ministers. (2003, June 26). Resolution No. 616 on Approval of the Procedure for Processing Statements and Reports on Domestic Violence or Real Threats Thereof. Retrieved from <http://zakon0.rada.gov.ua/laws/show/616-2003-%D0%BF>; Cabinet of Ministers. (2013, November 21). Resolutions No. 895 on Approval of the Procedure for Cooperation between Subjects of Social Assistance to Families (Individuals) in Difficult Life Circumstances. Retrieved from <http://zakon3.rada.gov.ua/laws/show/895-2013-%D0%BF>; Cabinet of Ministers. (2013, November 21). Resolutions No. 896 on Approval of the Procedure for identification of Families (Individuals) in Difficult Life Circumstances, Provision of Social Services and Social Support for Such Families (Individuals). Retrieved from <http://zakon2.rada.gov.ua/laws/show/896-2013-%D0%BF>; Ministry of Youth and Sport of Ukraine., Ministry of Interior of Ukraine. (2009, September 7). Joint Order of the MFYS and MIA No. 3131/386 on Approval of the Instruction for Cooperation between Structural Units Responsible for Implementation of the State Policy on the Prevention of Domestic Violence, Child Services, Centers for Social Services for Families, Children and Youth and Relevant Internal Affairs Units on Prevention Measures Concerning Domestic Violence. Retrieved from <http://zakon3.rada.gov.ua/laws/show/z0917-09>; Ministry of Social Policy. (2014, June 9). Order No. 450 on Approval of Reporting Forms on Social Services for Families (Individuals) in Difficult Life Circumstances. Retrieved from <http://zakon3.rada.gov.ua/laws/show/z1076-14>

**Opportunities for Women and Men** (entry into force on 1 January 2006). Unlike the Law on Prevention of Domestic Violence, it, for the most part, does not cover the issue of GBV, though it is one of the laws necessary to prevent this form of violence. Gender-based violence usually exists when there is inequality in the rights of women and men.

One of the law's key provisions that mentions GBV states that employers must take measures to prevent sexual harassment. The law establishes the right of victims of sexual harassment to challenge the perpetrator's actions, particularly in court. Victims also have the right to compensation for pecuniary and nonpecuniary damages (civil liability of the perpetrator).

The law introduced the term "gender-based legal expert assessment", and the Cabinet of Ministers adopted Resolution No. 504 On Conducting a Gender-Based Legal Expert Assessment. The resolution provides that the Ministry of Justice must conduct a gender-based legal expert assessment of current legislation and draft laws in all fields concerning human rights and freedoms as a component of its legal assessment.

On 6 September 2012, the Parliament of Ukraine adopted **Law No. 5207-VI on the Principles of Preventing and Counteracting Discrimination in Ukraine**. We refer to this law in the context of GBV since gender-based violence is an extreme form of gender discrimination. If a person thinks that they have been discriminated against, they have a guaranteed right to challenge the perpetrator's actions, particularly in court. Victims also have the right to compensation for pecuniary and nonpecuniary damages (civil liability of the perpetrator).

Cabinet of Ministers Resolution No. 61 (30 January 2013) on Conducting Anti-discrimination Expert Assessments and Public Anti-discrimination Expert Assessments provides a procedure for carrying out anti-discrimination expert assessments of draft laws by state authorities. According to the procedure, a legal unit of an executive authority must conduct such an assessment when conducting a legal assessment of draft legal instruments.

Public anti-discrimination expert assessments can be conducted by public organizations, individuals and legal entities in the framework of public discussions of draft legislation in accordance with the procedure for consultations with the public on the development and implementation of State Policy No. 996 (approved by a Cabinet of Ministers resolution of 3 November 2010).

The Cabinet of Ministers, in its Resolution No. 229 of 5 April 2017, approved the Concept for the State Social Programme on Ensuring Equal Rights and Opportunities for Women and Men until 2021. It is aimed at improving the mechanism for ensuring equal rights and opportunities for women and men in all fields of public life and implementing European standards on equality.

The Cabinet of Ministers, in its Resolution No. 113-p of 24 February 2016, approved **the National Action Plan for Implementation of UN Security Council Resolution 1325 on Women, Peace and Security until 2020**.

The Action Plan includes the following tasks, in particular:

- assessing the impact of conflict on the national human rights system, particularly the protection, assistance and rehabilitation of survivors of GBV, and the participation of women in peace processes and conflict prevention;
- assessing the impact of the crisis on infrastructure, and the organization and functioning of the service provision system;
- coordinating activities between actors implementing UN Security Council Resolution 1325;
- organizing personnel training;
- increasing the participation of women in peace processes and creating a culture of peace;
- raising awareness of safety practices for the population in the ATO area, localities near the line of contact and in temporarily occupied areas;
- preventing and combating violence against women;
- improving the system for the protection of women and girls affected by conflict (identification, establishing support structures, providing information about assistance);
- establishing a comprehensive system of assistance for those affected by conflict.<sup>53</sup>

The National Action Plan also emphasizes "the need to ensure a suitable response to offences concerning GBV in the ATO area and areas with the highest numbers of internally displaced persons". The MIA, Ministry of Defence, Administration of the SBGS, the MSP, the SSU (upon agreement), regional administrations, the City of Kyiv municipal administration, public associations and international organizations (upon agreement) are responsible for this point. Moreover, where necessary, the plan provides for "social procurement for the implementation of programmes and projects to combat GBV, provide assistance to victims of the conflict and ensure gender equality in mitigation of the consequences of the conflict" (the responsible entities are regional administrations, the City of Kyiv municipal administration, public associations and international organizations (upon agreement)).

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<sup>53</sup> The Cabinet of Ministers. (2016, February 24). Resolution No. 113-p. approval of the National Action Plan for Implementation for UN Security Council Resolution 1325 on Women, Peace and Security until 2020. Retrieved from <http://zakon0.rada.gov.ua/laws/show/113-2016-%D1%80>

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On 14 November 2016, a draft law on ratification of the CoE Convention on preventing and combating violence against women and domestic violence<sup>54</sup> was registered in the Parliament of Ukraine. On 17 November 2016, the draft law was submitted to the relevant committee for revision.

## CRIMINAL AND ADMINISTRATIVE LIABILITY

In addition to civil liability (compensation for pecuniary and nonpecuniary damages based on the above-mentioned laws and/or general norms in Articles 1166-1167 of the Civil Code of Ukraine), perpetrators of GBV<sup>55</sup> are also subject to criminal and administrative liability.

Violence against the population committed in the area of military action constitutes a **military offence**<sup>56</sup> under Ukrainian law.

The Criminal Code of Ukraine (adopted on 5 April 2001, entry into force on 1 September 2001) defines a military offence as a criminal offence against the established procedure of military service (in accordance with Chapter XIX) and committed by military servicemen and -women, and also persons liable for military duty during their training or special sessions.

According to Article 433 of the Criminal Code (violence against the population in the area of military operations), violence, unlawful destruction or unlawful deprivation of property under the guise of military necessity committed against the population in the area of military operations is punishable by imprisonment for a term of three to eight years, i.e. it constitutes a grave offence.

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<sup>54</sup> As of January 2017, under consideration in the relevant committee of the Parliament of Ukraine.

<sup>55</sup> The author of this chapter takes into account that gender-based violence takes place depending on the object of the offence (life, health, sexual freedom and sexual inviolability etc.), the nature of the offence, the type of the subject of the offence, the mental attitude of the person towards the action/inaction or its consequences, the motive and the objective of the offence etc.

<sup>56</sup> It is important to distinguish war crimes from military crimes. Perpetrators of military crimes are military personnel. War crimes are connected with internationally recognized methods of warfare.

Only military servicemen and -women from the AFU, the SSU, the SBGS, the NGU or other military groups established pursuant to Ukrainian legislation, the Special Transport Service of Ukraine, the State Service of Special Communications and Information Protection of Ukraine or other individuals identified by law (for instance, accomplices) can be perpetrators of such offences. Accomplices include organizers, abettors and accessories.

In certain circumstances, GBV can violate the laws and customs of war or constitute a component of the crime of genocide.<sup>57</sup>

Article 438 of the Criminal Code (violations of the laws and customs of war) establishes criminal liability in cases of the cruel treatment of prisoners of war or civilians, deportation of the civilian population for forced labour, pillage of national treasures on occupied territories, use of methods of warfare prohibited by international instruments or any other violations of the rules of warfare prohibited by international law recognized as binding by the Verkhovna Rada of Ukraine, as well as issuing an order to commit any such actions. These offences are punishable by imprisonment for a term of 8-12 years. The same acts accompanied with the intent to commit murder are punishable by imprisonment for a term of 10-15 years or life imprisonment.

Article 442 of the Criminal Code (genocide) establishes criminal liability for genocide, i.e. a wilfully committed act for the purpose of the total or partial destruction of any national, ethnic, racial or religious group by killing members of the group or causing serious bodily harm to them, inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part, imposing measures intended to decrease or prevent births within the group or transferring children from the group to another group. These acts are punishable by imprisonment for a term of 10-15 years or life imprisonment.

Depending of the object of the offence or the perpetrator, the actions of a person who commits GBV can also be qualified as a **crime against the life and health of a person**, namely Articles 115 (murder), 120 (instigation to suicide), 121 (intended grievous bodily injury), 122 (intended bodily injury of medium gravity), 125 (intended minor bodily injury), 126 (battery and cruel treatment), 127 (torture) or 129 (death threat) of the Criminal Code. They can also constitute a **crime against the sexual freedom and sexual inviolability of the person** under Article 152 (rape) or 153 (violent unnatural gratification of sexual desire), 154 (compulsion to sexual intercourse) of the Criminal Code. Such acts can also be qualified under other articles of the Criminal Code.

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<sup>57</sup> See Chapter XX of the Criminal Code of Ukraine, “Crimes against peace, security of mankind and international legal order”.



We should also mention the shortcomings in national legislation pointed out by the Committee on the Elimination of Discrimination against Women. The Committee recommended amending Article 152 of the Criminal Code, in particular to broaden the definition of rape to include the following conditions: “committed by force or by threat of force or coercion such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power against such person or another person, or by taking advantage of a coercive environment or committed against a person incapable of giving genuine consent”.

If GBV does not trigger criminal liability due to its nature (level of social danger) in accordance with the law, the perpetrator can face administrative liability.

The **Code of Administrative Offences of Ukraine** (adopted by the USSR Parliament on 7 December, entry into force on 1 June 1985) was amended pursuant to Law No. 759-VI (15 May 2003), Article 173(2) of which established administrative liability for domestic violence.

If GBV takes place outside of domestic relations and does not trigger criminal liability, the perpetrator may face an administrative penalty under Article 173 of the Code (minor hooliganism).

The legal qualification of offences that have signs of GBV takes place depending on the object of the offence (life, health, sexual freedom and sexual inviolability) and the nature of the offence (including the place, time, method or circumstances of the offence). In addition, factors influencing such a qualification include the type of the subject of the offence (civilian, military personnel), the mental attitude of the person towards the action/inaction or its consequences (intentional or recklessness), the motive and the objective of the offence, etc.

Therefore, Ukrainian legislation does not include a definition of GBV, and it is mostly considered in the context of domestic violence. Neither the Criminal Code nor the Code of Administrative Offences classifies GBV as a separate offence.

# 3. GBV IN THE SELF-PROCLAIMED REPUBLICS

## 3.1. SOCIAL AND POLITICAL CHANGES IN TEMPORARILY OCCUPIED TERRITORIES AND THEIR IMPACT ON THE PREVALENCE OF GBV

The conflict in eastern Ukraine created a legal vacuum in the ORDLO. For a long period, these areas did not have regulations on the role of women in society or penalties for sexual violence. There was also no governance structure in the LDPR. As a result, the actual policy of the self-proclaimed republics in this field was formed by the views and beliefs of field commanders, who determined the place and role of women in local society.

Statements made by IAG commanders who were in control of certain areas of the LDPR show their attitude towards the roles of women and girls in the temporarily occupied areas. For instance, Oleksiy Mozhovy was one of the most influential IAG field commanders in control of different localities in the Luhansk region at different times in 2014-2015 (Alchevsk, Lysychansk, Sievierodonetsk, Pervomaisk). At a hearing of the so-called people's court in Alchevsk, he stated, "a woman has to be the keeper of the domestic fire, a mother. [...] If you want to stay honest and loyal to your husband, stay at home and do embroidery. Sit at home, bake pies and celebrate 8 March. It is time to remember that you are Russian! It is time to remember about your spirituality!"<sup>58</sup>

Men and boys in the self-proclaimed republics also had to comply with their expected roles. Images from a video showing how IAG members forced men to wear women's clothes<sup>59</sup> (near the Izvaryne checkpoint in the Luhansk region) were used in a video called "To the men who left

Donbas".<sup>60</sup> In the video, a singer says that the women who joined the IAGs were threatening to put skirts and wreaths on the men who left Donbas during the armed conflict. The song was shared by several separatist channels, including by Pavel Korchahin, the LPR spokesperson and former second secretary of the Sievierodonetsk Committee of the CPU.

During the process of centralizing power in the self-proclaimed republics, the most infamous field commanders, including those who openly expressed patriarchal ideas, were eliminated or removed from power. However, the ideas, though modified, are still reflected in the LDPR's policies.

For instance, from 1 September 2017, Luhansk secondary schools No. 17 and 30 started their first classes to follow the system introduced by Russian educator Volodymyr Bazarny. One of the ideas of his system is that boys and girls have to study separately and only have music and dancing classes together. "Boys are taught to be patriotic and defend the motherland; girls are prepared to be mothers and homemakers."<sup>61</sup>

"It's a world trend. It turned out that it's better for boys and girls to study separately since the girls are brought up as women and mothers, and the boys grow up to be men", says Vadym Blahushin, director of Luhansk school No. 17, which will have a new education system introduced. According to Blahushin, segregated education has to teach girls to understand that their power is in "weakness, beauty, wit, and intelligence".<sup>62</sup>

<sup>58</sup> Eto DNR. Za pohod v kafe ili klub, arest. Sidite doma, vyshyvajte krestikom. Ukraina. Novosti [This is the DPR. For going to a cafe or a club - arrest. Stay at home, do embroidery. Ukraine. News]. Retrieved from <https://www.youtube.com/watch?v=zHxPZIH7Kh0>

<sup>59</sup> Shariy, A. (2014, August 22). Chto delajut s temi, kto ne vstupaet v opolchenie (strashnye kadry) [What happens to those who do not join the rebels (horrific video)]. Retrieved from <https://www.youtube.com/watch?v=c97XEBMAAno>

<sup>60</sup> Korchagin, P. (2015, October 27). Muzhchinam, pokinuvshim Donbas [To the men who left Donbas]. Retrieved from <https://www.youtube.com/watch?v=bdJkoNeShsM>

<sup>61</sup> Borta, Y. (2014, March 27). Neskuchknye shkoly. Kakie neobychnye uchebnye zavedeniya vstrechajutsja v Rossii [Non-boring schools. Which unusual educational establishments exist in Russia]. Retrieved from <http://www.aif.ru/society/education/1131970>

<sup>62</sup> Luhanskiy Informatsyonnyi Tsentri. (2017, August 18). Brifing ob organizacii v shkolah Luganska raboty po zdorovesberegajushchej metodike [A briefing about a health-oriented methodology introduction in Luhansk schools]. Retrieved from [https://www.youtube.com/watch?v=PL4aaM7\\_gQI](https://www.youtube.com/watch?v=PL4aaM7_gQI)

The initiators of these changes have provided various arguments to justify the need for segregated education. They claim that boys are “historically meant by the Creator” to yearn for leadership, and that “a woman’s purpose is to procreate”. They refer to historic narratives about how a similar system existed during Stalin’s rule in 1943-1954. They point out the physiological differences between boys and girls.

According to supporters of segregated education, a mixed system results in “boys becoming feminine, and girls masculine”. The initiators of the changes in the educational system in Luhansk claim that it leads to changes in the genetic system and loss of the ability to procreate. They are convinced that such a system will not limit children’s choice of occupation in the future and that girls will be able to become soldiers and boys cooks.<sup>63</sup>

According to the authors of these changes, parents are mostly cautious towards segregated education for boys and girls, and only a few classes under Bazarny’s system will be introduced in 2017.<sup>64</sup> At the same time, these changes in education show that ORDLO authorities are trying to instil their understanding of gender roles among the population.

While the policy of the new authorities on the social roles of men and women is being established, there have been reports in open sources about systemic manifestations of GBV by IAGs: kidnapping girls,<sup>65</sup> raping minors<sup>66</sup> and violence against elderly women.<sup>67</sup> The media report that sexual violence is not properly investigated.<sup>68</sup> The law enforcement authorities in the republics are keeping these facts concealed.<sup>69</sup> International organizations have also reported cases of sexual violence by IAGs.<sup>70</sup> There has also been

testimony about these incidents in more than 60 interviews with survivors of, and/or witnesses to, sexual violence in this study who were illegally detained by the LDPR.<sup>71</sup> Given the lack of access for human rights organizations to the self-proclaimed republics, it is not possible to provide a comprehensive and objective assessment of different forms of GBV in the temporarily occupied areas.

## LEGISLATION ON LIABILITY FOR GBV IN THE SELF-PROCLAIMED REPUBLICS

From a legal point of view, any legislation in the LDPR is illegal; however, people living in the ORDLO de facto cannot ignore these norms. In order to look at legal liability for GBV in the LDPR, we will analyse the relevant legislation in this section.

The so-called “Constitutions of the self-proclaimed republics include prohibitions of torture and cruel, inhuman or degrading treatment (Article 14(3) of the LDPR Constitution) and correlate with the provisions of the Constitutions of Ukraine (Article 28(1)) and the RF (Article 28(1)).

The Criminal Codes of the pseudo-states provide for penalties for crimes against sexual freedom and sexual inviolability. Actions qualified as crimes against sexual freedom are the same in the Criminal Codes of Ukraine, Russia and the LDPR. Laws in the LDPR contain the same criminal penalty as the Criminal Code of the RF, and, in some cases, is more severe than the punishment prescribed by the relevant articles of the Criminal Code of Ukraine.

## LEGAL LIABILITY FOR DOMESTIC VIOLENCE

Article 20.34 of the Code of Administrative Offences of the LPR provides for liability for domestic violence, i.e. intentional action of a physical, psychological or economic nature. It includes the use of physical violence causing physical pain and not accompanied by bodily injuries, threats, insults or persecution, deprivation of housing, food, clothing, other property or funds that the victim is entitled to in accordance with the law. The maximum punishment for this violation is 15 days of administrative detention. In the DPR, domestic violence is also an administrative offence with liability identical to that provided in Ukrainian legislation.<sup>72</sup>

<sup>63</sup> Ibid.

<sup>64</sup> Ibid.

<sup>65</sup> Press-center of ATO. (2016, January 2). Retrieved from <https://www.facebook.com/ato.news/posts/1120239451320193>

<sup>66</sup> Spirin, Y. (2015, July 1). Protokoly politsii DNR: Donbass pogruzilsja v ubijstva i iznasilovanija [DPR police reports: Donbas has fallen into murder and rape]. Retrieved from <http://podrobnosti.ua/2044220-sekrety-politsii-dnr-gorod-pogruzilsja-v-ubijstva-i-iznasilovanija.html>

<sup>67</sup> Donbass.ua. (2016, July 21). V “DNR” okupanty namahalyisia pohrabuvaty i zgvaltuvaty litniu zhinku - vriatuvaly susidy [The occupants in the “DPR” tried to rob and rape an elderly woman - her neighbours came to her rescue]. Retrieved from <http://donbass.ua/news/region/2016/07/21/v-dnr-okkupanty-pytalis-ograbit-i-iznasilovat-pozhiluju-zhenschinu-spasli-sosedi.html>

<sup>68</sup> Antikor.com.ua. (2014, July 15). “Antykor” povidomliaie pro vidsutnist reaktsii predstavnykiv sylovyh struktur kvaziderzhav na vypadky seksualnoho nasylstva [“Antykor” reports the lack of response from the law enforcement of the quasi-states in cases of sexual violence]. Retrieved from [http://antikor.com.ua/articles/9327-bandity\\_girkina\\_iznasilovali\\_50\\_devushek\\_s\\_donetska](http://antikor.com.ua/articles/9327-bandity_girkina_iznasilovali_50_devushek_s_donetska)

<sup>69</sup> Donbass.ua. (2015, July 9). U seli Prymorske Novoazovskoho raionu mynulo nedili pokhovaly zhertvu terorystiv [A victim of terrorists was buried last Sunday in the village of Prymorske in the Novoazovsky district]. Retrieved from <http://donbass.ua/news/region/2015/07/09/boeviki-dnr-iznasilovali-i-ubili-14-letnjuju-devochku.html>

<sup>70</sup> Office of the High Commissioner for Human Rights. (2017, February 11). Conflict-Related Sexual Violence in Ukraine: 14 March 2014 to 31 January 2017. Retrieved from <http://www.refworld.org/docid/58a6b1a94.html>

<sup>71</sup> During interviews where respondents reported sexual violence, there were 61 interviews referring to cases of violence in illegal detention facilities.

<sup>72</sup> Resolution No. 2-22 of the Council of Ministers of the DPR, dated 27th of February, 2015, states that the CAO of Ukraine is in force in the DPR. Article 173(2) of the CAO of Ukraine: “Domestic violence, i.e. any deliberate physical, psychological, or economic actions (use of physical violence without causing physical pain and bodily injuries, threats, insulting or stalking, deprivation of housing, food, clothes, other property or money to which the victim has the right given to him by law, etc.) that could have or has resulted in damage to the physical or mental health of the victim, as well as the breach of a restraining order by the person whom this order concerns and failure to attend correctional programme by the person who committed domestic violence is punishable by correctional work for a period of thirty to forty hours or by administrative arrest for a period of up to seven days. The same actions committed by a person against whom administrative charges were ►

TABLE 1.  
**MAXIMUM TERMS OF IMPRISONMENT FOR CRIMES AGAINST SEXUAL FREEDOM AND INVIOABILITY<sup>73</sup>**

	Ukraine	Russian Federation	LPR	DPR
<b>Rape</b>	15 years (I)	20 years (I)	20 years (I)	20 years (I)
<b>Violent unnatural gratification of sexual desire</b>	15 years (I)	20 years (I)	20 years (I)	20 years (I)
<b>Compulsion to sexual intercourse</b>	3 years (RL)	5 years (I)	5 years (I)	5 years (I)
<b>Sexual intercourse with a sexually immature person or under 16 years of age</b>	8 years (I)	20 years (I)	20 years (I)	20 years (I)
<b>Molestation of minors</b>	8 years (I)	15 years (I)	15 years (I)	15 years (I)

The laws of the RF do not include the term “domestic violence”; however, such a violation falls under Article 6(1) (1) of the RF Code of Administrative Offences. The maximum penalty constitutes 15 days of administrative arrest. Article 173(2) of the Code of Ukraine on Administrative Offences provides for the same maximum penalty for domestic violence.

Therefore, LDPR legislation on sexual crimes is rather similar to that of the RF in structure and qualification. The penalty for domestic violence in the self-proclaimed republics, Russia and Ukraine is identical, with a maximum punishment of 15 days of administrative arrest.

### **PROSECUTIONS FOR CRIMES AGAINST SEXUAL FREEDOM AND INVIOABILITY IN THE ORDLO (2014-2015)**

Research data shows that punishment for crimes against sexual freedom and inviolability in the ORDLO in 2014-2015 was either non-existent or was carried out in an unlawful manner.

According to the interviews conducted for this study, there has been only one case where the prosecutor was held responsible. In all other documented cases, the perpetrators avoided punishment. In one case where the perpetrator faced responsibility, the punishment was unlawful: a person who committed rape (only one of a group) was beaten up and put on Lenin Square in Alchevsk with a sign around him with a degrading message written on it.<sup>74</sup>

“They put a girl named O. 23 years old, in my cell. She complained that drunk militants were regularly raping her at night. I complained to a more or less adequate guard. Later, LPR militants arrested the person who raped O. a militant (one of them). They beat him up and put a sign [saying] ‘I am a rapist’ on his neck and took him to Lenin Square in Alchevsk” (yd-219).

This person’s fate remains unknown.

Reports in the media describe a case in Alchevsk (Luhansk region) in 2015 where there was a trial in a people’s court for a person who was accused of committing violence against a woman.<sup>75</sup> Late Oleksiy Mozhovy, the

► brought for committing any type of offence mentioned above during one year are punishable by correctional work for a period between forty and sixty hours or by administrative arrest for the period of up to fifteen days.”

<sup>73</sup> In the table, “I” stands for imprisonment, “RL” stands for restriction of liberty.

<sup>74</sup> UkrInfoNews. (2014, September 25). Alchevsk, opolchentsy vyjavili nasilnika [Alchevsk, the rebels found a rapist]. Retrieved from <https://www.youtube.com/watch?v=zd40cVZGEjs>

<sup>75</sup> Fursov, Y.(2014, October 31). LNR. Pervyj narodnyj sud v Alchevske nad nasilnikami ►

commander of Prizrak Battalion, presided over the court. The trial took place without any adherence to procedural norms. The verdict against the defendant was determined through an open vote of all those present in court (over 100 people), who raised their hand to vote. As a result, the participants in the trial sentenced the accused to death even though the so-called Criminal Code of the LPR does not include this punishment. The authors of this report have not received any information about execution of the judgment, but the media reported on a review of the verdict by the People's Court of the LPR.<sup>76</sup>

There are also several online videos of public interrogations, people's courts and other forms of public punishment illustrating the lack of a system of civilized legal norms and fair trials in the ORDLO.

One well-known example of so-called people's justice were the so-called Ukrainian POW parades held in the DPR in 2014 and 2015. In fact, these were public humiliation and harassment campaigns provoked by the local authorities.<sup>77</sup> There is also an online video from Zhdanivka in the Donetsk region that shows the public interrogation of individuals accused of supporting the Ukrainian army.<sup>78</sup> Other videos show public punishment: tying someone to a pole,<sup>79</sup> collective beating with the

use of sticks<sup>80</sup> and whips,<sup>81</sup> forced community work in a humiliating form.<sup>82</sup>

These forms of arbitrary punishment in the self-proclaimed republics were used to increase the authority of the separatist governing regime among the local population and to maintain an atmosphere of fear in the temporarily occupied areas. Later, during the period of consolidation of power in the self-proclaimed republics and the development of local legislation, the development of another public order models began. These models rule out the public use of the most egregious forms of people's justice.

## PROSECUTIONS FOR CRIMES AGAINST SEXUAL FREEDOM AND INVIOABILITY IN THE ORDLO AFTER 2015

According to information received by the research team from the law enforcement bodies of the LDPR, after the situation in the self-proclaimed republics stabilized, the so-called people's militia started to launch criminal cases on GBV, particularly acts of sexual violence committed by civilians. The prosecutor's office supports the charges, and the courts issue convictions. It is very difficult to assess the number of cases and verdicts. Most likely, there are dozens of such cases in the ORDLO.

During communication with representatives of the so-called law enforcement agencies of the LDPR, it turned out that the legislation on crimes against sexual freedom and inviolability has almost never been used in relation to representatives of the LDPR law enforcement agencies. According to the legislation of the self-proclaimed republics, de facto investigations of crimes committed by law enforcement agents is the responsibility of the Military Prosecutor's Office. Except in rare cases, it has not engaged in the prosecution of these types of offences.

We can assume that the Military Prosecutor's Office wishes to conceal the actual situation concerning the participation of law enforcement agents in acts of sexual violence in areas outside of Ukraine's control. It may also be remaining inactive so as to create an impression that the law enforcement agents of the self-proclaimed republics are law-abiding. The Military Prosecutor's Office probably fears revenge on the part of armed and uncontrolled people. Its inaction can also be explained by the lack of effective legal

► [LPR. The first People's Court over rapists in Alchevsk]. Retrieved from <https://www.youtube.com/watch?v=1jpmNxm5dk>

<sup>76</sup> Russkaya vesna. (2015, March 4) Intervju s nasilnikov, prigovorenyh k smertnoj kazni narodnym sudom v LNR (2015) [An interview with the rapists sentenced to death by the people's court in the LPR (2015)]. Retrieved from <http://rusvesna.su/news/1425151721>

<sup>77</sup> Oleg V. (2015, January 21). Terroristy DNR priveli ukrainskogo voennogo na samosud [DPR terrorists lynched a Ukrainian military serviceman]. Retrieved from [https://www.youtube.com/watch?v=9F2PVhBUk\\_U](https://www.youtube.com/watch?v=9F2PVhBUk_U); N.d. (2014, August 24). "Tvari, ubiytsy, - budte vy proklyaty!" - parad ukrainskih vojnoplennyh v Donetske [Bastards, killers, may you be cursed! - parade of Ukrainian prisoners of war in Donetsk]. Retrieved from <https://www.youtube.com/watch?v=b3Yc9OXHJQE>; Novosti Pro... (2014, August 24). Plennyye Ukrainskie soldaty na parade v Donetske [Ukrainian military POWs at a parade in Donetsk]. Retrieved from <https://www.youtube.com/watch?v=JvRmArnJGok>; Pravda TV. (2014, August 24). Parad plennyh, Donetsk. 24.08.2014 (horoshee kachestvo) [Parade of prisoners of war, Donetsk. 24.08.2014 (high quality)]. Retrieved from <https://www.youtube.com/watch?v=uPvkfCfBC4>; Pravda DNR. (2015, January 22). Marsh plennyh "Kiborgov" v Donetske 22.01.2015 [A march of "Cyborg" prisoners in Donetsk 22.01.2015]. Retrieved from <https://www.youtube.com/watch?v=0ei7jor652E>; VMakeevke.COM. (2015, January 22). Plennyye "kiborgi" stojat na kolienah pered zhiteliami Donetska ["Cyborg" prisoners kneel before people of Donetsk]. Retrieved from <https://www.youtube.com/watch?v=Xvn9wx9dTdM>; Plennyh "kiborgov" prognali po Donetsku, a pogibshih vernuli domoj ["Cyborg" prisoners were paraded around Donetsk, and those who died were returned home]. Retrieved from <https://www.youtube.com/watch?v=VDZoEPzvekQ>; Novosti Novostei Ukrainy. (2014, August 29). Snezhnoe. Novorosiia. Gruppy plennyh karatelej VSU [Snizhne. Novorosiya. A group of prisoners - effacers from the AFU]. Retrieved from <https://www.youtube.com/watch?v=hUjk2cTWn3k>; Novosti Novostei Ukrainy. (2014, August 29). Rasplata. Plennyye karateli v Snezhnom [Payback. Prisoners-effacers in Snizhne]. Retrieved from <https://www.youtube.com/watch?v=MQiKzXjk3rl>

<sup>78</sup> Luhinin, A. (2016, July 9). Narodnyi samosud nad posobnikami ukrofachistov. Donbass. Ch. 1 [People's lynching of the supporters of ukrofachists. Donbas. Part 1]. Retrieved from <https://www.youtube.com/watch?v=rQmmRD9w3mA>

<sup>79</sup> Euronews. (2015, April 25). Prestuplenie i nakazanie po-donetski [Crime and punishment Donetsk-style]. Retrieved from <https://www.youtube.com/watch?v=AhsI-j-FnUA>

<sup>80</sup> Bratushka Dorohie. (2014, October 14). Voennyj tribunal v Novorossii [A military tribunal in Novorosiia]. Retrieved from <https://www.youtube.com/watch?v=gl5FuVikZkc>

<sup>81</sup> Donetskaia Respublika. (2014, October 8). Publichnaja porka provinivshijsja kazakov v Anratsite [A public whipping of guilty Cossacks in Anratsyt]. Retrieved from <https://www.youtube.com/watch?v=Nk5o75V5bhw>; Roman Roman. (2015, March 25). Kazaki ustrajavut pokazatelnye porki [Cossacks are organizing public whippings]. Retrieved from <https://www.youtube.com/watch?v=Smo5b1aW05A>

<sup>82</sup> Vuger Buger. (2014, September 28). Donetsk kak opolchency pojмали i nakazali maroderov 06 2014 [How the rebels caught and punished looters in Donetsk 06 2014]. Retrieved from <https://www.youtube.com/watch?v=6L6EBRiZOqg>

remedies. Another reason is that this body investigates high-profile crimes only after an order from the military and political leadership of the republics.

Selective justice in the LDPR creates an appearance of lawfulness. It facilitates the impunity of law enforcement representatives, and, as a result, there is no actual investigation of acts of sexual violence, and the perpetrators avoid responsibility.

The application of laws shows the existence of selective justice in the LDPR. At times, there is no justice as such. The administration of justice in cases of crimes against sexual violence in the LDPR does not meet the recognized standards and provisions of international and domestic law.

The lack of access to a fair trial serves as a precondition for impunity. The presence of armed people, including RF military personnel, and the gender policy of the republics facilitate tolerance of sexual violence. The development of public order models that exclude the use of people's justice has begun in the self-proclaimed republics. However, the lack of professional staff in the prosecutor's offices and judiciary, the lack of independent courts, selective justice and the general political regime of military political dictatorships do not suggest that rule of law will be established in the ORDLO.

### 3.2. GBV IN ILLEGAL DETENTION FACILITIES

Research findings show that gender-based—in particular sexual—violence has become most widespread in illegal detention facilities during the conflict in Donbas. During this study and previous research efforts, the EUCCI has identified at least 112 illegal detention facilities established by the IAGs. Detainees in these facilities include POW and illegally detained civilians. The first institutions of this kind were established and actively functioning in 2014-2015 under conditions of a legal vacuum.

At a protest on 22 June 2014, Pavlo Hubariev, the self-proclaimed people's governor of the Donetsk region and the Novorosiiia party leader,<sup>83</sup> threatened that uncontrolled IAG representatives would be “thrown into the pit”.<sup>84</sup> In his speech, he did not mention the need for investigations, trials or compliance with the law. He presented “the pit” as the only way to combat looting. These and other similar statements by separatist leaders show that they not only knew about illegal detention facilities but also allowed their use.

The number of such detention facilities has decreased as the power in the quasi-republics has been consolidated. However, since the law of power continues to exist in the ORDLO, several institutions are still functioning.

Although these illegal detention facilities were not formally connected and were controlled by different IAGs, their practices were similar. In most cases, these places were not suitable for detaining people. As a rule, these were basements or utility rooms (less often offices), bomb shelters, garages, pits, sewage collectors etc. Some of them were remand prisons in seized premises of city and district MIA units, SSU or prosecutor's office buildings.

In these illegal detention facilities, no safeguards were established by law, e.g. clearly regulated requirements for the premises and for detention or safeguards for detainees. Illegally detained individuals did not have access to a lawyer or medical assistance. No supervisory bodies or independent observers monitored the conditions of detention. The detainees had no means of informing their relatives or next of kin about their situation. In most documented detention facilities, there were gross violations of fundamental human rights and widespread use of GBV, particularly sexual violence.

GBV is a form of violence that affects men and women differently because of their gender<sup>85</sup> role in society. Almost all forms of sexual violence constitute gender-based violence, but not all forms of GBV are sexual violence.<sup>86</sup>

GBV in illegal detention facilities can be classified based on two factors: 1) the conditions of detention, and 2) the treatment of detainees. The correlation between GBV and the two factors is reflected in the chart below.<sup>87</sup>

The following types of GBV in detention facilities were recorded during this study:

- accommodating men and women representing different parties in the conflict together;
- denying access to young children, including infants;
- urination on prisoners by individuals of another sex;
- failure to consider female hygiene needs, anti-sanitary conditions;
- forcing men to dress in women's clothes and carry out various actions, which was considered a forced change of gender role (forcing military service members to wear women's clothes, forcing male service personnel to dance in women's clothes).

<sup>83</sup> Until 12 May 2014, Hubariev was the head of the People's Militia of Donbas, until August 2014 people's governor of the Donetsk region. In August 2014, Hubariev was named head of the militia headquarters and commandant of Antratsyt. Retrieved October 24, 2016 from Wikipedia: [https://en.wikipedia.org/wiki/Pavel\\_Gubariev](https://en.wikipedia.org/wiki/Pavel_Gubariev)

<sup>84</sup> Korchagin, P. (2014, June 22). 22 iijinia 2014 Rech Pavla Gubareva. Priniatie voinskoi prisiagi! [22 June 2014 Pavlo Hubariev's speech. Taking the military oath!]. Retrieved from <https://www.youtube.com/watch?v=KOIBr17jtU4>

<sup>85</sup> Sex is a biological, physiological characteristic of women and men. Gender is a social role, and the identity of women and men in society that can vary depending on the society and time period.

<sup>86</sup> Sexual and gender-based violence is described in Chapter 3.4 “Sexual violence in illegal detention facilities in Donbas established by IAGs”.

<sup>87</sup> Chart 1 “Forms of GBV in illegal detention facilities” by Oleksandr Pavlichenko.

# Chart 1. Forms of GBV in illegal detention facilities

## GBV IN ILLEGAL DETENTION FACILITIES

Treatment of detainees	Conditions of detention
<p><b>Torture</b></p> <ul style="list-style-type: none"> <li>- Rape</li> <li>- Mutilation of genitalia, anal opening (with the use of electric current in wires attached to genitalia, blows to genitalia, putting foam into the anal opening)</li> <li>- Castration</li> </ul>	<p><b>Cruel treatment or punishment</b></p> <ul style="list-style-type: none"> <li>- Assault on a pregnant woman</li> <li>- Forced sexual contact against one's will</li> </ul>
<p><b>Cruel treatment or punishment</b></p> <ul style="list-style-type: none"> <li>- Dressing men in women's clothes</li> <li>- Search by individuals of the opposite sex</li> <li>- Sexual harassment</li> <li>- Forced nudity</li> </ul>	<p><b>Cruel and degrading treatment or punishment</b></p> <ul style="list-style-type: none"> <li>- Lack of proper sanitary conditions for women, including pregnant women</li> <li>- Lack of separate accommodations for men and women during long-term detention</li> </ul>

**Not separating men and women** in illegal detention facilities was mentioned in 45 interviews. In most cases, the premises were not suitable for this purpose: there were no separate toilets or beds; in some cases, there was no access to showers or fresh air.

“The meals were there too. The toilet, a bucket, was also there. We all went [to the toilet] together. And this woman did, everyone” (pp-298).

“It was not the limit. The limit was when they had 39 people there. In the cell. Again, everyone together, men and women. They tried to hold women separately sometimes, transfer us to another cell, but then these ‘conscripts’ came who had been on vacation, and they sent us to the basement; some people were brought for prisoner exchange, so then they needed this cell. And they put us together with the men again” (jw-072).

“They brought me to the archive. There were iron shelves on the first floor. [...] You could lock up 200 people there. There were approximately 70 people. There were both women and men” (yr-020).

“They threw two locals in the basement. A 30-year-old woman, A. During curfew, they went into the street, were arrested and thrown into the basement. You can imagine how she felt. We tried to look away: the toilet was common, there was no chance to wash yourself” (tc-903).

“The woman was sleeping on the same pallets as us. She ate the same food. The militants did not take her to the toilet separately; she used the bucket in the same room where we went. We had to look down not to watch” (nk-236).

“When I came [into the cell], there ] were six people. I was the seventh then. In the cell, there were [...] I will remember each one by name. On the right, there was a girl N. possibly, a student from the Tuhan-Baranovsky institute. In the right corner, there was M. as he imagined himself, a former commander of their checkpoint. There was also a woman [...] who was detained on the previous night” (yc-039).

“At that moment when they transferred us, A. and a woman were in the cell. She was from Donetsk, approximately 50 years old, with short dark hair, average build, black eyes. She was accused of coordinating fire. We were sleeping on the floor; there were old mattresses and old blankets, one pallet for approximately two people. The woman had the same food and schedule [as the men]. When she asked to go to the toilet, they didn’t always let her. As far as I understand, she was always holding it until they took her to the toilet.”

“Even H. was detained [in a cell] with us. A volunteer who followed us [...]. She was captured, spent four months in detention” (pn-566).

“After the arrest on 20 August 2014, after the first interrogation on 21 August 2014, my partner Y. and I were put into a former SSU basement in Donetsk. Later, they put a woman in our cell named M. The woman had the same food; her schedule was the same. She and her friend were arrested for allegedly coordinating and directing fire. In fact, she was simply taking food to Ukrainian soldiers at the checkpoint. They didn’t use sexual violence against her or assault her. But she went through strong psychological pressure. They were constantly threatening to kill her family and children. In the basement, we either went to the toilet or used the bottle, a 5-liter plastic container. The woman did the same. Nobody cared if you were a man or a woman. She spent 45-50 days in a common cell, almost two months” (sm-361).

According to the monitoring, **IAGs practised joint detention of women and men in 22 illegal detention facilities:**<sup>88</sup> in 11 facilities each in the Donetsk and Luhansk regions.

### **ILLEGAL DETENTION FACILITIES IN THE DONETSK REGION INCLUDE:**

- 1. The former TV centre building** (Donetsk, 61 Kuibysheva Street). Information about not separating male and female detainees was provided in one victim’s testimony. According to the respondents, the Vostok<sup>89</sup> battalion and representatives of the Oplot<sup>90</sup> unit were there.
- 2. The building and support facilities of a former military unit in the Motel area** (Donetsk, Elevatorna Street). Information about not separating male and female detainees was provided by one person. The Vostok battalion was located in these premises.
- 3. The building and support facilities of former military unit No. 3037 of the Interior Armed Forces** (and Interior Armed Forces college) (Donetsk, 1 Kuprina Street). Information about not separating male and female detainees was provided by one person. The Oplot unit was located at this address. Information about not separating male and female detainees was provided in seven testimonies. According to the respondents, the central command was located in the building along with IAGs at different times, including Vostok, Alfa, Sparta, former Berkut, OMON and Cossacks.<sup>91</sup>
- 4. Former SSU Regional Directorate in the Donetsk region** (Donetsk, 62 Shchorsa Street).

<sup>88</sup> We were able to identify the addresses of 22 illegal detention facilities where IAGs did not accommodate female and male detainees separately. In fact, this practice occurred in other facilities, but their address has not been established at this point.

<sup>89</sup> See Annex I.

<sup>90</sup> Ibid.

<sup>91</sup> Interviews cb-022, xm-921, vd-639, bi-375, yj-045.



Information about not separating male and female detainees was provided in seven testimonies. According to the respondents, the central command was located in the building along with IAGs at different times, including Vostok,<sup>92</sup> Alfa, Sparta, former Berkut, OMON and Cossacks.<sup>93</sup>

5. **The building and support facilities of the former Izolyatsiya factory** (Donetsk, 3 Svitloho Shlyakhu Street). Information about not separating male and female detainees was provided in two testimonies. It was not possible to identify the unit's name; however, victims stated that this unit was performing the functions of the Ministry of State Security of the DPR.
6. **Former SSU city unit in Slovyansk** (Slovyansk, 32 Tsentralna (Karla Marksa) Street). Information about not separating male and female detainees was provided by one person. Testimonies of victims did not include information about the unit located at this address. A number of victims stated that they saw people with chevrons of the so-called Russian Orthodox Army at this detention facility.<sup>94</sup>
7. **The building and support facilities of the former Nova Poshta branch No. 22** (Donetsk, 66 Travneva Street). Information about not separating male and female detainees was provided in the testimonies of three people. According to the victims, the Great Don Army Cossack Unit was in charge of this facility.<sup>95</sup>
8. **Former Liverpool Hotel** (Donetsk, 131 Artema Street). Information about not separating male and female detainees was provided by one person. The IAG in charge of this illegal detention facility has not been identified yet.
9. **The building of the former Kramatorsk city council** (Kramatorsk, 2 Myru (Lenina) Square). Information about not separating male and female detainees was provided in one testimony. The IAG in charge of this illegal detention facility has not been identified yet.
10. **The two-story building and support facilities of the former organized-crime directorate of the Makiivka city unit of the MIA in Donetsk region** (Makiivka, 5 Lebedieva Street). Information about not separating male and female detainees was provided by two people. The IAG in charge of this illegal detention facility has not been identified yet.
11. **The building of the former Snizhne-Torez joint city conscription office** (Snizhne, 3 Mendeleieva Street, according to other information, 47 or 72 Karapetiana Street). Information about not

separating male and female detainees was provided by two people. The IAG in charge of this illegal detention facility has not been identified yet.

## **SUCH ILLEGAL DETENTION FACILITIES IN THE LUHANSK REGION INCLUDE:**

1. **The building and support facilities of the former SSU Directorate in the Luhansk region** (Luhansk, 79 Radianska Street). Information about not separating male and female detainees was provided by one person. The Leshyi Unit was located at this address.
2. **The building of the former Kokhana shop and surrounding garage and kindergarten premises** (Luhansk, 10A Heroiv VVV Square). Information about not separating male and female detainees was provided in the testimonies of five people. The Smersh LPR KGB<sup>96</sup> was in charge of this illegal detention facility.
3. **The buildings of the former Luhansk regional state administration and Luhansk regional council** (Luhansk, 3 Heroiv VVV Square). Information about not separating male and female detainees was provided in the testimonies of four people. At different times, these buildings contained the commandant's office, LPR governing bodies, as well as representatives of different IAGs.
4. **The building of a former Alchevsk joint city conscription office** (Alchevsk, Horkoho Street 35). Information about not separating male and female detainees was provided by one person. The IAG in charge of this illegal detention facility has not been identified yet. One survivor stated that the local commandant's office was located there.
5. **Buildings of the dormitories of the Volodymyr Dal Eastern-Ukrainian National University** (Luhansk, 20A Molodizhnyi Quarter). Information about not separating male and female detainees was provided by three people. The Batman RRU established the illegal prison.<sup>97</sup>
6. **Buildings on the grounds of a former automobile enterprise** (Luhansk, Montazhna Street, the so-called Chorna Sotnia district). According to two people, men and women were held together there. The Batman RRU was in control of this facility.
7. **Buildings and support premises of the former Sievierodonetsk branch of the State Nitric Industry Institute** (Khimtekhnohiiia Scientific and Project Institute) (Sievierodonetsk, 1 Viliesova Street). Information about not separating male and female detainees was provided by one person. According to the information obtained, Pavlo Driomov was in charge of this detention facility.

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<sup>92</sup> See Annex I.

<sup>93</sup> Interviews cb-022, xm-921, vd-639, bi-375, yj-045.

<sup>94</sup> See Annex I.

<sup>95</sup> Ibid.

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<sup>96</sup> See Annex I.

<sup>97</sup> Ibid.

8. **The building of the former Stakhanov city unit of the MIA of Ukraine in the Luhansk region** (Kadiivka (Stakhanov), 51A Telmana Street). Information about not separating male and female detainees was provided by one person, who stated that the First Platov Cossack Platoon was located in these premises.
9. **The building and support premises of the former Stakhanov regional boarding school No. 1** (Kadiivka (Stakhanov), 1 Matrosova Street). Information about not separating male and female detainees was provided in the testimonies of three people. The M.I. Platov First Cossack Platoon<sup>98</sup> controlled this detention facility.
10. **Former Luhansk Zhovtnevyi district council** (14A 31-i Kvartal Street Luhansk). Information about not separating male and female detainees was provided by four people. The IAG in charge of this illegal detention facility has not been identified yet.
11. **The buildings and support premises of the former Sloboda feed factory in Rovenky** (Rovenky, 7 Vyhonna Street). Information about not separating male and female detainees was provided by one person. The IAG in charge of this illegal detention facility has not been identified yet.

## GBV AGAINST WOMEN IN ILLEGAL DETENTION FACILITIES

Interviews with former detainees of illegal detention facilities revealed information about two cases of detention of pregnant women (cb-822, rv-306), four cases of detaining women who said they had underage children at home (xc-070, jw-072, ys-909, gk-466), as well as one case when a woman was detained together with her child (td-046).

I: You said that men and women were together [in the cell].

R: Well, there was one woman. They brought her. Her eight-month-old child stayed at home alone” (gk-466).

Another respondent said that he was at the illegal detention facility with a woman whose underage child was at home. “She was crying and saying, ‘Guys, I have a five-year-old child at home. He’s by himself. I have no one to look after the child. I’m not from here. I’m just working here.’ [...] But they didn’t give a damn; she spent three days with us. I don’t know what happened to her next” (ys-909).

One of the respondents was detained together with a child: “One of them said, ‘Get your things together, come with us’. I said that my child would stay alone and he said, ‘Take the child with you’” (td-046).

Forms of GBV included coercing women to perform dirty work in a humiliating context (for instance, washing men’s underwear and uniforms by hand). Another form of GBV was the failure to provide for female hygiene requirements and detention in unsanitary conditions.

“There were no female hygiene items. You could ask for toilet paper, but there definitely not about these items [sanitary towels]. There was one brave woman among us who lost her patience and said, ‘Give us at least something!’ He brought three packs, ten pads each, large night pads. They divided these three packs between us. I think it was the 30th day of my stay. Before that, we tried to do what we could. We also had to wash our underwear and hang it up to dry. It was not possible to wash it there either” (te-160).

“At first, there was nothing in the garage. Then, they brought a mattress, a sheet, a pillow. And a blanket to cover myself since I was naked. They did not take me outside, it was impossible to go outside. There was a bucket I used as a toilet. I could not wash myself. During these 100 days, I washed myself three times. During the first days, my clothes were bloodstained and torn. They took it off me. I smelled very bad. Then, a doctor came to see me one more time. At that time, I was already wearing pants. He tried to pull those pants off me. It was so disgusting [...] And the pants stuck to my body because of these wounds, everything was [covered] in puss” (ru-375).

According to interviews with released women, the administrations of some detention facilities **created conditions that led to the rape of detainees**. One of these methods was not to separate female and male prisoners, including military personnel and ideological enemies. These women and the administrations of detention facilities considered this as a punishment that was likely to result in sexual violence. One of the interviewed women (rv-306) talked about being placed in a cell with two Chechen prisoners. The administration expected the Chechens to show particular cruelty towards this young woman, but the result was different.

“There were also two prisoners. Beslan and the other one, I forgot his name [...] They told me they were from Chechnya, contracted Russian military. They were sent to fight in the DPR. They were the first normal people I met there. They said they were detained from 11 or 13 March, and their parents, relatives did not even know where they were. When they were detained, as far as I understand, they were supposed to be released or put in better conditions, they received their phones to call their parents and tell them they were alive. They were watching them and gave them exactly a minute and a half to speak to their parents. Their parents came two days later. So I was surprised with what they said. Their parents came and could send them something. And they sent vitamins for pregnant women, because they said there was a clearly pregnant woman there and she needed something, instead

<sup>98</sup> See Annex I.

of asking for what they needed. They said it in Chechen so others wouldn't understand. I can't say anything bad, even though they tried to intimidate me talking about these Chechens" (rv-306).

## **GBV AGAINST MEN IN DETENTION FACILITIES**

IAGs considered illegally detained men especially dangerous. Therefore, men were subjected to targeted violence. They were persecuted, intimidated and tortured. There were attempts to recruit some of them for the IAGs. One of the detainees said the following about events that took place in the Donetsk region:

"A car came, they put everyone in the car and took them to one of the fields [...]. [They] brought us there, got everyone out of the car, there were fifty or sixty people from the basements [...] They brought several more cars, put the gunmen in. There were many militants. They told everyone to stand by the field one by one. We stood. Then, they told us to stand at arm's length, spread our arms, and stand straight. [...] Then, one of the orders was given [...] For everyone, for a certain number of people, so they would hear that [...] that was the end of the field, and whoever got there first received food and water. The fastest ran first, and then the explosions went off. It turned out to be a minefield. As it turned out later, they were afraid of the Ukrainian army, [...] threw the mines in the city, but nobody made a map [...] So they found a faster way. Why walk there with a mine finder or something else [...] (so they played with live people). Those who refused were shot on the spot. The same thing for the wounded ones: they were killed there, in the field" (eb-092).

Another form of violence with the purpose of humiliation and inflicting both physical and psychological suffering involved the **participation of women in humiliating or intimidating men** in the illegal detention facilities. In particular, there is a reported case of **urination on detainees** of the opposite sex.

"Once, during daytime toilet cleaning, a militant threw a grenade next to me. It didn't explode, it was fake. After he threw the grenade, three militants wearing 'Hirka' uniforms, with no insignia, went to the toilet with a civilian girl. I was sitting on the floor, protecting myself from a possible explosion with my hands, and they came in and started laughing because I was scared. The militants and the girl started hitting me, and when I was already on the floor from the beating, the girl came up to me, lifted her skirt up, took her underwear off and urinated on my face. Then, they started beating me again. After that, they dragged me to the cell and did not give me a chance to wash myself" (me-651).

"Five, six, maybe seven people [were beating me]. They changed constantly: two were beating me, and then

two [others] came. Even a girl came—an 'ukrop'<sup>99</sup> was captured'— she brought a stick. Just for fun [...] it was interesting to beat a real person. Especially since he is an enemy, it's OK. You know, how it's interesting to first tear a sparrow's head or a lizard's tail off. [...] It is interesting. The girls who came were young, up to 25-27 years old, they took the sticks and hit hard" (yr-820).

"About the woman who did the test shootings, they could have just brought their own to shoot. They said, 'We will let you shoot now.' They brought us to the wall. We stood right next to it, and they were shooting. They could bring any woman to show off. They loaded the guns and started shooting" (ys-909).

"They started hitting [me] with stocks, legs, then they stripped me to my underwear, handcuffed me and put me on the asphalt. They started threatening me, kicking me in the kidneys, in the head, poured water on me and [fired a gun] next to my ear. [...] In the process, drunk women wearing 'Hirka' uniforms joined in and poured beer on me. Drunk women suggested shooting me and burying me in the forest, they said I had to tell them the truth. At around 10 p.m., the women left and stopped provoking the men" (ty-057).

"The woman started kicking me, humiliating me, threatening to kill me, yelling that we were psychopathic monsters who came to kill children, women, ruin their homes. She was kicking me, wearing heels. It was very painful" (me-651).

Another form of humiliation and degrading treatment was **forcing captured military service members to wear female clothes and dance**.

"They had an entertainment activity on 8 March. They tried to make us wear women's dresses so that we would dance there. We were at gunpoint. Then, even they understood that it was too much. The idea was abandoned [...], they laughed but it wasn't funny for us. They put clothes [on us], and some commander came right away" (tc-903).

"There was constant humiliation; they usually did it at night when their superiors were not at the base. They used different methods, made us wear women's clothes, and we had to do it for several days. They put a black skirt on me and called me a monk since I was also wearing a black sports shirt" (ck-497).

There were also reported cases of GBV when prisoners were forced to **wipe up urine with their beard or drink it**.

"On the fourth day, they brought a former prosecutor. They did not hit him and let him go in the morning. Then

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<sup>99</sup> The term appeared after the Revolution of Dignity and originally meant patriot of Ukraine. During the conflict in the Donbass, it is used to identify all Ukrainian military, volunteers and supporters of the territorial integrity of Ukraine.



The basement of the SBU in Slovyansk, Donetsk region, which was used by the IAG as an illegal prison. Photo by Victor Chuprov.

they hit Chudyk, his assistant. Mostly because of the brother who dealt with drugs. And cases related to drugs were ‘covered up’. First, they were beating him behind the door, then in our room. They forced him to drink urine” (ye-983).

“They beat him in the bladder, he urinated, and they forced him to wipe the urine up with his beard” (xm-921).

There was also one reported case when a man was detained together with a child (sc-122), two cases when male detainees said they had underage children at home alone (bh-061, kn-093).

One of the respondents said that while he was at an illegal detention facility, members of the IAG “captured a man. They took his little son together with him. They were feeding the son in the kitchen, while his father, a drug lord, was held in the basement” (sc-122).

As illustrated by the above examples, GBV was widespread in illegal detention facilities controlled by IAGs. The polarization of gender roles, which is typical of armed conflict, served as a contributing factor in this process.

GBV in illegal detention facilities is used to punish, humiliate and intimidate those illegally deprived of their liberty. Due to gaps in the legislation outlined in Section 2.2, “Domestic legislation: standards and implementation in Ukraine” there is a lack of proper investigation and prosecution of perpetrators of GBV.

Overall, we recorded at least ten forms of GBV during this study. One of the most common forms of GBV in illegal detention facilities was not separating male and female detainees. Within this study, such practice was reported in 22 illegal detention facilities controlled by IAGs. This humiliating and traumatizing form of GBV could lead to other forms of violence, including sexual violence described in detail in chapter 3.4. “Sexual violence in illegal detention facilities in Donbas established by IAGs” and chapter 4 “Sexual violence committed by Ukrainian groups during armed conflict in eastern Ukraine”.

### 3.3. GBV AGAINST LGBTI

LGBTI face discrimination and are particularly vulnerable to GBV in many countries across the globe.<sup>100</sup> GBV against LGBTI can serve as punishment for deviation from traditional gender roles and norms of masculinity and femininity.

Women and girls who are lesbians or perceived as such can become victims of so-called correctional rape. Men and boys who belong to a “sexual minority” or have a “non-traditional” appearance can face GBV because their behaviour or appearance do not conform to the idea of a “real” man.

Most victims do not report violence because they fear secondary victimization. As a result, victims avoid seeking medical assistance, making a report to law enforcement or asking for psychological or social support.

The UN special rapporteur on extrajudicial, summary or arbitrary executions regularly points out cases where victims died because of their sexual orientation and/or gender identity, especially transgender individuals as a particularly vulnerable category.<sup>101</sup>

### HOMOPHOBIA AS A COMPONENT OF THE RUSSIAN SPRING IDEOLOGY

Even before the armed conflict in eastern Ukraine, a homophobic narrative was widely used by anti-Maidan and Russian Spring activists in their ideological confrontation with political opponents in the region. For example, on 28 December 2013, during a rally for Maidan supporters in a central square in Luhansk, their political opponents organized an opposing rally.<sup>102</sup> One of slogans used by the anti-Maidan supporters was “Luhansk public activists are sodomites”. Along with the rally, leaflets with information aimed at discrediting Euromaidan activists were disseminated in the apartment buildings where activists lived. These leaflets accused civil society representatives of being members of sexual minorities, “sodomy, group sex and molestation of minors”.

Later, anti-European mottos combined with homophobic rhetoric (condemnation of “gay Europe”)

<sup>100</sup> Swedish International Development Agency. (2015). Preventing and Responding to Gender-Based Violence: Expressions and Strategies. Retrieved from <http://www.sida.se/contentassets/3a820dbd152f4fca98bacde8a8101e15/preventing-and-responding-to-gender-based-violence.pdf>

<sup>101</sup> United Nations Human Rights Council. (2015, May 6). Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions before the Human Rights Council. A/HRC/29/37/Add.4. Retrieved from <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session29/Pages/ListReports.aspx>

<sup>102</sup> Oleksandr Kharytonov, an activist and Luhansk city council member from the Progressive Socialist Party of Ukraine, was the main speaker and organizer of the opposing rally. In January 2014, he was elected head of the Luhanska Gvardiia organization (which would become the key promoter of the Russian Spring). At a rally on 5 March, he would become the first people’s governor of the Luhansk region. Later, Kharytonov was arrested by the SSU, sentenced to five years in prison and released. He absconded to Moscow and was cooperating with ataman Kozitsyn’s Cossacks. In 2016, he was appointed the secretary of Kamyany Brid district committee in Luhansk of the newly established Communist Party of the LPR.



The future self-proclaimed people's governor of Lugansk region, Alexander Kharitonov, manages titushkas (supporters of the Ukrainian police force during the Euromaidan), who carried slogan «Luhansk public activists are sodomites». December 28, 2013. Luhansk. Photo by Olexandr Volchansky.



would become a regular theme in propagandist speeches by Russian Spring supporters.

In April-May 2014, after seizing administrative buildings, the separatists started creating IAGs, and the first illegal detention facilities appeared. It provided an opportunity to implement their homophobic policy through force and arms, which resulted in systematic persecution of LGBTI people. Twenty-five-year-old Ihor from Donetsk says, “I was really scared when armed people appeared in the streets. I knew that they were screaming constantly at the rallies that it’s necessary to kill people like me, and that we allegedly were involved in gay propaganda, and other nonsense. I did not take it seriously until armed people took over the city. I went to Kyiv, and I’m not planning to go back home.”<sup>103</sup> Kostyantyn, a gay activist from Donetsk, said that 80 per cent of the people he knew left the city, and others stayed in hiding at home.<sup>104</sup>

## PERSECUTION OF LGBTI PEOPLE IN THE ORDLO

LGBTI face a number of problems: homophobic legislation in the ORDLO; violence, threats, persecution and difficulties when going to other regions of Ukraine, especially for transgender individuals; lack of civil society organizations working to protect the rights of LGBTI community.

Oleksandr from Donetsk mentioned a case involving representatives of the DPR. He went out to buy cigarettes, and armed people approached him and asked for his passport. “They wanted to search me, started humiliating me psychologically and saying that I was, to put it nicely, gay. [...]. They didn’t beat me up and let me go, but it was very, very scary. I’m afraid to leave the house now.”<sup>105</sup>

Before the armed conflict, there were at least two organizations advocating the rights of the LGBTI community in Donetsk: the Nash Mir LGBT Human Rights Centre, which

moved to Kyiv; and the Apelsyn Luhansk regional initiative LGBT group, a branch of the Gay Alliance Ukraine (we were not able to find any information about its location).<sup>106</sup> In addition, at least two organizations in Donetsk worked to increase tolerance towards the LGBTI community, defend their rights and provide medical examinations. Their status at the present time is unknown.<sup>107</sup>

LDPR legislation includes the same homophobic provisions as Russian laws. For instance, the DPR law on Protecting Children from Information That Causes Harm to Their Health and Development (2 October 2015) copies the RF law and prohibits the distribution of information “denying family values” and “propagating non-traditional sexual relations” among children.

In March 2016, the so-called LPR Code of Administrative Offences was adopted. It includes punishment for promotion of non-traditional sexual relations among minors. Though there is no such tradition in the DPR, since the self-proclaimed republic uses the Administrative Code of Ukraine, the DPR law prescribes liability for the promotion of non-traditional sexual relations among minors.<sup>108</sup>

Russian legislation does not include direct punishment for inciting hatred based on sexual orientation or gender identity, but there is a protected characteristic described as a social group. The laws of the LPR and the DPR also include similar provisions.

## PHYSICAL VIOLENCE AGAINST THE LGBT COMMUNITY

Representatives of the authorities of the self-proclaimed republics approve violence against LGBTI and people with a

<sup>103</sup> Realgazeta.com.ua. (2015, May 26). Nazad v SSSR. Kak zhitvut predstaviteli LGBT v separatistskom Donbasse [Back to the USSR. The life of LGBT representatives in the separatist Donbas]. Retrieved from <http://realgazeta.com.ua/lgbt/>

<sup>104</sup> Ibid.

<sup>105</sup> Novostidonbassatv. (2014, June 17). Golosa LGBT [Voices of LGBT]. Retrieved from <https://youtu.be/Gj7u9Q1jNHM?t=6m14s>

<sup>106</sup> Nash Mir LGBT Human Rights Centre. (n.d.). Retrieved from <http://gay.org.ua/kontakty>

<sup>107</sup> National LGBT Portal. Organizations.(n.d.).Retrieved from <http://old.lgbt.org.ua/gid/org/>

<sup>108</sup> DPR. (2015, October 2). Law on Protecting Children from Information That Causes Harm to Their Health and Development. No. 79-IHC. Retrieved from <http://dnrsoviet.su/zakon-dnr-ozashhite-detej-ot-informatsii-prichinyushhej-vred-ih-zdorovyu-i-razvitiyu/>



Film director Alisa Kovalenko during the play «Captivity» by the «IDP's Theater». Alisa Kovalenko, a survivor of sexual violence, who was detained by the IAGs for five days. Retrieved from <https://www.ostro.org/donetsk/society/articles/501240/>

so-called non-traditional appearance.<sup>109</sup> Andriy Kravchuk, an expert from the Nash Mir LGBT Human Rights Centre, talked about the murder of Yuriy, a 38-year-old homosexual man, in Luhansk in January 2015 (the perpetrator was probably a man Yuriy met online). The Luhansk militia used this opportunity to create a database of gays in Luhansk with contact information taken from the victim's phone.<sup>110</sup> According to the expert, "you can be killed and raped in the DPR if someone thought you were not heterosexual".<sup>111</sup>

In June 2014, armed groups in Donetsk attacked the Babylon nightclub, where the LGBTI community held informal gatherings. According to one testimony, "The most immoral thing was when they took them outside, put them in one line, turned on the video camera and ordered them to kiss. 'If you don't want to, we'll shoot [you]'."<sup>112</sup>

Viktoria, the manager of the club, described these events: "A group of people, up to 10 people, ran into the club. First, they took documents, phones, money from all visitors. They later returned everything except the money. Two people were seriously beaten up. Others sustained bodily injuries and, of course, were scared (in shock). I didn't see any girls being attacked. Only men got hurt. It all lasted an hour, not more, and then everyone was released. Clearly, the men heard a lot of things about them then."<sup>113</sup>

<sup>109</sup> DNR-online. (2016, January 25). My dolzhny donesti svoim detiam tradicionnye cennosti - Glava DNR Aleksandr Zakharchenko [We have to communicate traditional values to children - Oleksandr Zakharchenko, Head of the DPR]. Retrieved from <http://dnr-online.ru/my-dolzhny-donesti-svoim-detyam-tradicionnye-cennosti-glava-dnr-aleksandr-zaxarchenko>; Ridus.ru. (2015, July 14). Civic journalism agency "Ridus". Zampolit opolcheniya DNR s pozvnyym "Kedr": "Kak sochetat veru i ubijstvo" [Political advisor to the DPR militia, nickname "Kedr": "How to combine faith and murder"]. Retrieved from <http://www.ridus.ru/news/191031>

<sup>110</sup> Realgazeta.com.ua. (2015, May 26). Nazad v SSSR. Kak zhivot predstaviteli LGBT v separatistskom Donbasse [Back to the USSR. The life of LGBT representatives in the separatist Donbas]. Retrieved from <http://realgazeta.com.ua/lgbt/>

<sup>111</sup> Anti-Discrimination Center "Memorial". (2016). Violation of LGBTI Rights in Crimea and Donbass: The Problem of Homophobia in Territories Beyond Ukraine's Control. Retrieved from [https://adcmemorial.org/wp-content/uploads/LGBT\\_report.pdf](https://adcmemorial.org/wp-content/uploads/LGBT_report.pdf)

<sup>112</sup> Ibid.

<sup>113</sup> Nash Mir Centre. (2015). Vid rozpachu do nadii. Stanovyshche LGBT v Ukraini u 2014 r. [From despair to hope. The situation of LGBT in Ukraine in 2014]. Kyiv: Nash Mir Centre.

Transgender people remain a particularly vulnerable group within the LGBT community.

According to Yuriy Frank, coordinator of the transgender stream of the Insight public organization, "Transgender individuals with documents that do not correspond with their appearance are in the conflict area and trying to escape from there. [...] In the DPR/LPR, people without documents or with 'questionable documents' are detained, coerced into doing 'correctional work', some people simply disappear."<sup>114</sup> One transgender man could not leave Donetsk because of a discrepancy in his documents, and public activists tried for three months to find a way to get him out. He finally left separatist-occupied Donetsk with the assistance of the OHCHR.<sup>115</sup> Oksana from Donetsk, a lawyer who identifies herself as a transgender lesbian woman, was stopped at a checkpoint in early May 2014. She had a gun pointed at her head and was called "a faggot".

She said, "We are afraid to go to the police or leave the house because we may not return alive [...] Over the past month, I heard more threats and insults because of my appearance than during my entire life."<sup>116</sup>

## VIOLENCE AGAINST LGBTI IN ILLEGAL DETENTION FACILITIES

LGBTI people try to hide their orientation due to fear for their safety. According to those who were able to leave Donetsk, if armed individuals found out about someone's orientation, they would take the person "to the basement, to intimidate [them], receive ransom and free labour. They humiliated and insulted [the person] in the basement."<sup>117</sup> In illegal detention facilities, one's sexual orientation could significantly increase the threat of violence. According to the testimony of a man detained at an illegal detention facility controlled by Luhansk commandant's office with Serhiy Hrachov in charge:

"There was a homosexual detained with us, K. They detained him for allegedly directing fire [...] He went through a lot [...] They didn't let him sleep, eat, or drink [...] They were beating him. When they detained him [...], a guard, nicknamed 'Vorobei' shoved a broom up his rear. After that, he couldn't walk for three days and was bleeding out [...]"

He did squats all day long. Only because he was [a derogatory term for a gay man]. Someone would come to the

<sup>114</sup> Commons.com.ua. (2015, March 5). Transgenderni liudy v Ukraini: ihnoruvannya potrebi iz boku derzhavy, patolohizacija i marhinalizacija [Transgender people in Ukraine: neglect of the needs by the state, pathologization and marginalization]. Retrieved from <http://commons.com.ua/ru/transgenderni-lyudi-v-ukrayini/>

<sup>115</sup> Ibid.

<sup>116</sup> Upogau.org. (2014, May 3). Khaos v vostochnoi Ukraini osobenno silno udaril po predstaviteliam LGBT [The chaos in eastern Ukraine has been particularly damaging to LGBT]. Retrieved from [http://upogau.org/ru/ourview/ourview\\_1095.html](http://upogau.org/ru/ourview/ourview_1095.html)

<sup>117</sup> Anti-Discrimination Center "Memorial". (2016). Violation of LGBTI Rights in Crimea and Donbass: The Problem of Homophobia in Territories beyond Ukraine's Control. Retrieved from [https://adcmemorial.org/wp-content/uploads/LGBT\\_report.pdf](https://adcmemorial.org/wp-content/uploads/LGBT_report.pdf)

door and say, 'Do squats'. And he would do squats for a long time. [...] Then we would say it was enough. While that person is behind the door smoking, he is doing squats.

[They] would beat him. At first, they punched him in the head. There were three boxers, they used him for training. They turned him into a punching bag” (pn-566).

Violence based on sexual orientation and/or gender identity became an ordinary practice in the LDPR. What served as the basis for this was the policy of the self-proclaimed government, the promotion of traditional gender roles, homophobic legislation and impunity for perpetrators of violence against LGBTI people.

### 3.4. SEXUAL VIOLENCE IN ILLEGAL DETENTION FACILITIES IN DONBAS ESTABLISHED BY IAGS

Sexual violence includes any act of a sexual nature committed without another person’s consent or any other violent act against a person’s sexual functions. Sexual violence in illegal detention facilities was selective.<sup>118</sup> The primary victims of sexual violence were women, as well as certain categories of male detainees.

There are **four main categories** of people held in illegal detention facilities based on the reason of detention:

1. People considered military or ideological opponents of the IAGs. This category included a group of people who engaged in armed resistance or supported such activities. Among them were AFU personnel, volunteers, and representatives of law enforcement bodies who kept their oath. The “worst” enemies were volunteers, especially those coming from the Luhansk and Donetsk regions.

This category also includes volunteers supporting the Ukrainian army and volunteer units. Allegations of supporting the Ukrainian military (including spying, coordinating fire, performing sniper tasks, etc.) were the most widespread grounds for the illegal detention of civilians. The majority of interviewees stated that the allegations were false and made up.

Among civilians, the following individuals belong to this category:

- Those openly expressing pro-Ukrainian views, supporting ideas of the integrity of the Ukrainian state;
- Members of Ukrainian nationalist organizations or parties (the Congress of Ukrainian Nationalists, the Svoboda party, the Right Sector, Prosvita etc.);
- Members of political parties, public organizations,



The basement of the city council in Kostyantynivka, Donetsk region, which was used by the IAG as an illegal prison. Photo by Volodymyr Shcherbachenko.

- groups and movements with an ideological background opposed to that of the separatists (supporters of Euromaidan, local activists from different political parties on the democratic side, etc.);
  - Representatives of religious communities, except Russian Orthodox (particularly Protestants, Buddhists, Greek Catholics, congregation of the Ukrainian Orthodox Church of the Kyiv Patriarchate);
  - Representatives of local authorities and local governance bodies who kept their oath;
  - Representatives of the LGBTI community;
  - Other individuals who expressed criticism towards the LDPR.
2. Individuals detained in illegal facilities for violating curfews, being intoxicated, stealing, violence, in particular sexual violence, etc.
  3. Individuals who were kidnapped for ransom (in monetary form, real estate, business etc.).
  4. Individuals detained or kidnapped to perform various tasks to serve the domestic and military needs of the IAGs.

Other categories of detainees also performed forced labour. We received testimony on the intentional use of civilians as forced labourers.

The risk of torture, cruel and degrading treatment, including sexual violence, was greatest for those considered by IAGs to be enemies or ideological enemies.

An analysis of victim and/or witness testimonies made it possible to identify different forms of sexual violence used in illegal detention facilities, which included:

<sup>118</sup> A short description of illegal detention facilities established by IAGs is provided in Section 3.4.3. “Identified illegal detention facilities where sexual violence took place”.



Shelter on the territory of Proletar glass factory, used by the IAG and Ukrainian armed formations as a place of illegal detention in Lysychansk, Lugansk region. Photo by Imke Hansen.

- Rape and threats of rape;
- Enforced prostitution;
- Torture with damage to the genitalia or threats to commit such acts (including torture applying electric shock to the genitalia);
- Attempts at castration or threats thereof;
- Penetration or threat of penetration of the anal opening with objects: soldering irons, drills, different types of weapons, a hose with barbed wire, insulation foam guns, etc.;
- Threat of sexual violence, particularly rape, against next of kin and relatives;
- Coercion to observe acts of sexual violence and torture with the use of sexual violence;
- Sexual harassment;
- Forced disrobing and nudity;
- Search by individuals of the opposite sex, including full or partial exposure;
- Humiliation of a sexual nature (putting on clothes with accentuated elements of genitalia);
- Coercion to watch naked men (exhibitionism);
- Cruel treatment towards pregnant women.

Sexual violence definitely leads to serious physical and psychological trauma. It is important that survivors of violence have unimpeded access to proper and timely medical assistance within 72 hours to reduce the risk of transmission of diseases and infections, as well as have access to urgent contraception.<sup>119</sup> Under circumstances of illegal detention, however, it is impossible to uphold these standards. Therefore, it is necessary to document cases of sexual violence thoroughly, in line with international standards. In particular, according to the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict, in addition to results of medical forensic results, other evidence can have evidentiary value, for instance, testimony, physical evidence from crime scenes or documentary evidence. Most clinicians and researchers agree that the extreme nature of torture is powerful enough on its own to produce mental and emotional consequences, regardless of the individual's pre-torture psychological status.<sup>120</sup> Given the psychological impact<sup>121</sup> of sexual violence and sexual torture, it is necessary to conduct a psychological evaluation as prescribed, in particular, in the Istanbul Protocol.<sup>122</sup>

### 3.4.1. SEXUAL VIOLENCE AGAINST WOMEN

Respondents often said that sexual violence was used against women while they were being tortured or separately.

<sup>119</sup> International Committee of the Red Cross. (2016, August 19). Sexual violence in armed conflict. Retrieved from <https://www.icrc.org/en/document/sexual-violence-armed-conflict-questions-and-answers>

<sup>120</sup> UN Office of the High Commissioner for Human Rights. (2004). Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("Istanbul Protocol"). HR/P/PT/8/Rev.1.

<sup>121</sup> The main psychiatric disorders associated with torture are PTSD and major depression. For more information, see Istanbul Protocol.

<sup>122</sup> For more information, see Istanbul Protocol, especially Chapter VI.



The documented forms of violence include rape; threats of, and attempts at, rape; damage to a pregnant woman's womb; sexual harassment; coercion to watch sexual violence against others and coercion to watch naked men. The most widespread form of sexual violence against women was rape. This act constitutes a crime under Articles 152 (rape) and 153 (violent unnatural gratification of sexual desire) of the Criminal Code of Ukraine. Depending on the characteristics and consequences, these can be classified as either medium-gravity or grave crimes.

There are numerous testimonies about cases of the rape of women in illegal detention facilities.<sup>123</sup> Some testimonies include information about criminal acts recorded on video (pp-298).

"I personally saw [...] how they brought out a naked woman and took her [...] to the second floor, where they had a barracks; other fighters from their group were sleeping and staying there. She was about 25 years old. They took me out to shower the next day, and they took her at the same time. She only had outer clothing, there was nothing underneath, one could see blood on her legs, it was clear they were tormenting her" (xv-530).

"One of the female prisoners told me she was raped after being tortured" (od-446).

"When I was detained by the illegal armed Batman RRU, I witnessed women being raped. I noticed that the guards came into the cell every night and woke a young woman, forcing her to exit the cell and telling her she was being called for questioning. I noticed that interrogations were usually accompanied by some torture and screams [...] In this case, there were no screams or signs of violence. After some time, the woman would come back. I noticed she felt uneasy and tried not to look at other people" (xr-637).

"I witnessed how a young girl, around 14-16 years old, was put in the basement. As a punishment for disobeying, the staff torturer, nicknamed Maniac, decided to send her as a gift to the frontline for fulfilment of the sexual needs of separatist fighters. After that, the girl was taken from the basement. After some time, they brought her back and she didn't hide that she had been taken to the frontline in an armoured vehicle" (xr-637).

"After some time, one of the fighters took the woman. Approximately five hours passed. When they brought her back, it was clear she was drunk and her clothes [...] were worn. She was hugging her husband, kissing him. Everything suggested that the terrorists had raped her several times. The second time, the woman asked the militants to give her a chance to wash herself. After that, they took her for several hours again. They brought her back late at night. She was again very drunk and her clothes were worn out. Then, she went to sleep right away and peed herself when she was sleeping" (nk-236).

"Approximately 2-3 times a week, they took her [a woman] from the cell, gave her alcohol and raped her. It was clear from her behaviour. She came back drunk, aggressive, yelling and being rude to everyone. 'Milioner' asked several times why we didn't rape her" (ck-497).

"I heard that girls were also captured, but not for long. They were civilians, and their parents paid ransom after a couple of days. They were also raped, 'Milioner' told us. I heard their screams from 'Milioner's' room. I didn't see them" (ck-497).

Almost all women detained in the illegal detention facilities mentioned the **threat of rape**. This form of sexual violence was a norm in communication between detainees and those who kidnapped and detained them.

"There was a moment: a militant from the Caucasus started talking to this T., and she was 19 years old. She was detained because her boyfriend served in the Ukrainian army, when cleansings started. Now she is serving in the militia forces [...] He told T., that if she didn't tell him who was doing it, he would rape her. He liked to do that and raped girls often, harassed them" (od-446).

"Among other 'interesting' things, he said that if I survived, the entire [...] collective would be raping me there" (pb-437).

"First, they told me, 'Why are you so ugly with a shapeless body?!' Thank God I'm not like that, and I didn't have to go through that too" (ru-375).

"Babai"<sup>124</sup> was walking around and saying in detail how he was going to have me" (mg-794).

"When we were tortured on the first day, they were yelling, 'We will give you to a platoon of soldiers and see what happens to you!'" (te-160).

There were also attempted **rapes**:

"They started to pull down pants, pull up T-shirts, unbuckle their belts and take their clothes off. Now, two years later, I can speak about this easily. But it all happened fast" (mg-794).

An analysis of collected testimonies shows that interviewees reported the following cases of rape:

- A single individual rape with the purpose of punishing, breaking resistance, obtaining information;
- Multiple, often regular rapes of a particular person, as a rule, for entertainment and fulfilment of sexual desire.

<sup>123</sup> Interviews xv-530, ap-189, yd-219, xr-637, yd-139, od-446, ov-517.

<sup>124</sup> Oleksandr Mozhayev (nickname "Babai"). Lives in Bilorechensk, Krasnodar region, Russian citizen, took part in illegal military action in Ukraine with the terrorist unit led by another Russian, Igor Girkin. Mozhayev was a representative of the Kuban Cossacks. For more information, see <http://www.unian.net/war/1343131-pogasshaya-zvezda-dnr-boevik-babay-pojalovalsya-na-spetsslujbyi-rf-i-zayavil-cto-emu-na-do>

In all cases of rape, the victims have no opportunity to complain or seek medical assistance.

Women captured by IAG representatives were subjected to **sexual violence during torture, cruel or degrading treatment and punishment**. For instance, perpetrators used a screwdriver on the body (breasts) of an illegally detained woman (ru-375). She describes how she was tortured:

“They sat down in front of me, playing with the pliers. Then, without asking anything, they started grabbing toes on my left foot and crushing them with pliers. Everything was hurting so much that I just clenched my teeth and moaned. Then, they decided that the pliers were weak and broken.

They wrapped tape around my face. They were wrapping it and asking questions. When I answered, they wrapped it even tighter. Then, they pulled me down until I fell to my knees. On my knees, I was dragged through the entire yard by the hair to this prosecutor’s office (around 100 metres). They pulled me to the second floor, to the prosecutor’s office. They put me in a chair, brought a hammer and started hitting my thighs and knees. Then, they pulled me to the prosecutor’s office. About ten people were drinking there. They continued to hit me in the knees. The hammer broke. They ran out and found another hammer. They were hitting me with another hammer until it broke too. Then, they brought a screw gun and started drilling my body. More than 10 times (twice in my chest and my foot; there are medical forensic results and photos).

A Russian military man nicknamed Solovei cut off my finger, and the Chechen started to push a teaspoon into my eye. Then, he started to pull out my right eye. I started screaming very loud then. When there were many tears, he decided that he pulled out the eye. When they lifted my face and saw that the eye was still there, he tried to put the teaspoon in my eye once again.”

In this case, sexual violence combined with other forms of torture and cruel treatment was used to break down the resistance of a woman who was a volunteer and helped the Ukrainian military and representatives of volunteer battalions. There are criminal proceedings open in this case; however, there has been no result in the investigation.

Sexual violence during illegal detention also had other forms: “however, there was another danger, sexual harassment, when they called [me] to clean the militants’ rooms, one of them harassed me, but the other militant saved me” (od-446).

Treatment of pregnant women was another form of sexual violence in illegal detention facilities. When a pregnant woman is held at a detention facility with restrictions on access to fresh air, water and normal nutrition or basic hygiene, it already has a negative impact on development of the foetus. The use of physical and psychological violence against a pregnant woman multiplies the negative consequences for her. Collected testimonies include information about two

cases of pregnant women held in detention facilities.<sup>125</sup> During forced detention, they were subjected to assaults.

“I asked [them] not to hit me, told them I was pregnant. They said it was very good, that the ‘ukrop’<sup>126</sup> child would die. They hit us with anything: buttstocks, their feet and bulletproof vests they found with us. They would hit us all over our bodies. They put out cigarettes on me. Because I was watching and screaming as they were beating others, they put duct tape over my head. I was three months pregnant then, and I started bleeding because of the beating. I lost consciousness” (cb-822).

“They wanted to hit me in the stomach, I still have a mark there [...] That’s why they said they were beating out the ‘ukrop’, because the mother is like that, and also a Jew and a nationalist, and the father is a member of the armed forces, so it’s not a child.

They took me out about five times a night. In the same way, face down and [hitting me with] sticks from the lower back to the knee. From the back, of course, when I turned over during the process, they were also holding me. They hit my knees, everything. Naturally, before that, when they took me out, dragged me with their hands, they were also beating me more. In the kidneys. Not the face but the body. They were also hitting me that way. I can’t tell exactly who. There were a lot of them. It was Denys Pavlovykh, the head. He was hitting me with a metal rod, saying that he was beating out an ‘ukrop’” (rv-306).

Treatment of pregnant detainees in the reported cases was intentionally cruel: they were not allowed to go to the toilet or have access to fresh air. The women were forced to carry heavy pots while doing kitchen work. They did not receive medical assistance. After a beating, one woman lost her child. In both cases, pregnant women were tortured to intentionally damage their womb and punish them for the ideological views of the future mothers. Attempts to harm the foetus were explained as a mechanism to prevent certain “unwanted” social ideas and reduce the number of potential ideological opponents in the future.

Some of the interviewees were **forced to watch sexual violence**. The traumatic experience in each case could be different and depended on many factors. According to the respondents, however, the detainees were traumatized by being forced to watch just as much as by the violence itself.

“They are only hitting him, and he is only moaning, and screaming, and howling. But it is so terrifying, it is so scary when you hear that the person is in pain. I can’t say what was scarier, being beaten or when they were beating him. At that moment, I thought my heart would stop. I survived horrible

<sup>125</sup> Interviews cb-822, rv-306, te-160.

<sup>126</sup> The term appeared after the Revolution of Dignity and originally meant patriot of Ukraine. During the conflict in the Donbass, it is used to identify all Ukrainian military, volunteers and supporters of the territorial integrity of Ukraine.

things. I understand now why people tell them everything when someone is being hurt next to them. Not when they are being hurt. Because it was, probably, one of the most terrifying moments of that period” (mg-794).

Women detained in illegal detention facilities were also forced to **look at naked men**. Exhibitionism is a form of sexual violence where the perpetrators are trying to provoke several types of feelings within the victim, including fear. For instance, while washing the underwear of IAG members, women had to look at naked men washing themselves and harassing them sexually.

“They prepared the shower room. A crowd of Russian military came. The women were forced to hand-wash their uniforms. They were washing them in cold water for everyone, along with their underwear and socks. The women were doing the wash in the shower room. The military shamelessly took off their clothes and washed themselves. Some chief told a woman, “The soldiers will wash themselves now, and you will rub my back” (te-160).

**Groping** women is always traumatizing and is considered an act of sexual torture.<sup>127</sup> At the beginning of the conflict, men were searching women at checkpoints (jw-072). Sometimes, men **forced women to disrobe** during these searches.

“They said, ‘We know everything about you, you killed our boys’; they started pushing each other. ‘Take off your shirt, show your bruises’, meaning bruises caused by buttstocks, they often check [people’s] shoulders for that at checkpoints” (ff-498).

An analysis of documented cases shows that women were subjected to sexual violence in illegal detention facilities. The most widespread forms of violence included rape, insults, humiliation and intimidation of a sexual nature. Documented cases of violence against women show that the state has to develop a systematic approach to documenting and investigating sexual violence in illegal detention facilities in the area of armed conflict in eastern Ukraine. The state also has to take into account sexual violence in future processes of transitional justice.

### 3.4.2. SEXUAL VIOLENCE AGAINST MEN

The forms of sexual violence against men reported by interviewees included the following: forced nudity; rape, attempted rape, threats of rape; threats of castration; sexual violence as a component of torture or inhuman treatment; insults, humiliation, intimidation of a sexual nature; threats of sexual violence against family members. The most common form of sexual violence against men was forced nudity. An individual is never as vulnerable as when naked and helpless. Nudity enhances the psychological terror of every aspect of

torture, as there is always the background of potential abuse, rape or sodomy.<sup>128</sup>

“They simply threw us there, and no one bothered us afterwards. Only in the morning, around 9, they forced us out of the cell, took off all our clothes, including our underwear. We asked, ‘What are you looking for, boys, we are completely naked’ – ‘This is necessary.’ They were just looking. They were men. There were no insults; they were simply doing their job” (vk-734).

“I was lying down completely naked, there was a piece of shorts here, they handcuffed me and said, ‘Let’s go and check your legend.’ It was the second day already. They took me outside, I was standing there naked trying to cover myself with a piece of shorts, they allowed me to tie it, and it was sort of like a robe. But my back was bare. They decided they wouldn’t put me in the car naked, but they tore my clothes” (il-230).

In most cases, the motive was not a personal search. These actions were aimed at humiliating the person and were accompanied by other forms of violence. As a rule, prisoners were held in a cell with other people.

“R.: Basement, cold, [they] made [me] take off all my clothes.

“I. The rest were also naked?”

“R.: They didn’t let anyone in there wearing clothes” (qo-757).

“They took me out of the cell, they already beat me up; I was covered in blood. They took me out, to the shower. Poured cold water over me, washed everything off, took all my clothes and threw me into the cell [with a girl]” (dy-379).

Male prisoners illegally held by the IAGs were also often subjected to sexual violence during torture and cruel treatment. In the described illegal detention facilities, men were disenfranchised and vulnerable. They suffered from torture, assaults, rape and unnatural gratification of sexual desire.<sup>129</sup>

These acts of violence were motivated by revenge and a desire to punish, devalue human dignity and intimidate. Perpetrators who used such punishment did so with impunity. The forms of violence described herein are characteristic of the criminal world, where they are used to break the victim’s resistance, settle a score or punish an opponent. In the criminal world, there are no civilized legal rules or safeguards against violence except for criminal traditions and principles.<sup>130</sup>

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<sup>128</sup> Ibid.

<sup>129</sup> Criminal Code of Ukraine, Articles 126-127, 146 and 152-154.

<sup>127</sup> UN Office of the High Commissioner for Human Rights. (2004). Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“Istanbul Protocol”). HR/P/PT/8/Rev.1, para.215.

<sup>130</sup> Lozovsky, V. (2013, March 21). Kak vyzhit i provesti vremia s polzozj v turme [How to survive and make good use of your time in prison]. Retrieved from <http://a.farit.ru/i/t-298423.html>

**Sexual violence during torture** was intentionally used to inflict grave moral and physical harm. Injuries and/or threats of injuries to the genitalia were inflicted upon military personnel, representatives of volunteer battalions and civilians, including volunteers, missionaries of non-Orthodox denominations and others. Male genitalia were subject to electric shocks, physical assaults; testimonies included information about anal penetration with foreign objects.<sup>131</sup>

“Roma ‘Gypsy’. He really looked like a gypsy. He was very cruel. He could put construction foam into a prisoner’s anal cavity” (cb-822).

“They brought me, took me upstairs. I was covered in blood. They put me on my knees. They put me on my feet, taking photos, selfies, shoved the gun into my ass, filming everything” (sc-122).

“There was a case where a boy who was not in his right mind, stealing all the time and was repeatedly detained, they tore his ball off. The doctor examined him” (vr-471).

“They were torturing—connecting [people] to electric currents. They handcuffed [them] to a metal bed, put wires on their hands and directed the current into their head, and connected a metal rod to their genitalia” (ap-379).

“They were also beating Serhiy regularly. There was very little space for two people. According to what he and the separatists said, they used a drill on his anus” (wb-508).

“There was a man, I don’t know his name or last name, from Kramatorsk or Slovyansk, wearing a nice beige shirt and a tie. From the conversations I heard from the separatists, he was supposedly a businessperson who sent some money to the Ukrainian army. They found him and detained him, wanted to castrate him. They held him separately and tortured him. Once, when I was brought to the torture room, I saw his clothes and shoes in the corner. They were covered in blood; there was a puddle of blood” (jo-536).

“A. was in the Tymur Battalion. He was injured, thrown out somewhere by a hospital, he was taken to the hospital; they came and finished him off in the hospital. About how they hurt him? Well, they turned his groin area into a bloody mess” (ri-728).

“In addition, he saw how another guy, he says it was not him, had a hose wrapped in barbed wire put into his anus. Then they took the hose out and pulled the barbed wire out” (xm-921).

“There was torture, I know for sure about the people who were here. They used the ‘tapiky’ method, attaching army phone wires to the genitalia” (tc-903).

“These [cases of rape] happened when I was a prisoner in the Donetsk SSU (from 5 November until 29 December 2014). There were threats of rape. Four people—a point man, an infantry officer and tankmen—were regularly raped” (vd-639).

Male interviewees also mentioned **attempts at sexual violence** by the IAGs: “At night, the militants came, approximately three people, one was hitting me in the stomach, the other one helped him, and the third one tried to pull down my pants. They couldn’t do it because there were no button on my pants; I attached a piece of wire instead. One of them had a can with construction foam in his hands. They yelled that we were putting construction foam in the rear opening, and they would do the same thing to me. They almost took off my pants, but got scared at the last moment, hit me several times and left” (ck-497).

“In November 2014, I was illegally captured and brought to Donetsk, to the militants’ headquarters. The headquarters were in the Bosse area, the Illichivsk region, in Donetsk; it was a building of the Donetsk military college of engineering and communication forces. During torture and abuse, [there was] a tall skinny man wearing civilian clothes, with protruding ears who tried to cut off my genitalia with an electric saw but he only managed to hurt my inner thigh” (da-653).

In addition, there were documented **threats to commit sexual violence** (threats of castration, sexual torture or rape) against men in illegal detention facilities.

“There were threats to poke my eye out or cut my groin with a knife” (ye-983).

“The separatists came in and said they would cut someone’s balls off, for that person to get ready” (fr-919).

“They put a soldering iron next to my face. ‘Do you understand what this is?’ Later, there was one man, they put a soldering iron into his ear, and he had to talk. Otherwise, it would get worse. They put it against his body, and when they stuck it into his ear, they said they would put it in other places, and he had to tell them everything” (ye-983).

One of the respondents mentioned threats of castration: “If you don’t start talking, we will give you to the Chechens, they are experts—they will cut everything off, put it in your mouth, and show it on TV” (ir-409).

A threat to damage the reproductive function in a number of cases was a form of punishment for one’s ideology, a mechanism to prevent the dissemination of certain ideas.

“They told him, ‘We will cut off your cock, and we will put a grenade there for giving birth to Nazis’ (te-160).

There was also a reported case of **sexual humiliation**:

“In the morning, when I was detained already, they gave me their things: some shorts and a suit. And the suit, the shorts were red and there were drawings, not drawings, but

<sup>131</sup> Under international criminal law, these acts can be qualified as rape. For more information, see, Article 8(2)(b)(xxii)-1 at the Elements of Crimes published by the International Criminal Court.

attached parts shaped like genitalia [...] I wore these shorts. And they also gave me a red helmet. Like 'bogatyrs' [warriors from folklore] had. Also to take pictures with me" (dy-379).

**Threats of rape** were widely used against men during interrogations. They could also be accompanied by threats to disclose information about sexual violence in social networks.

"One of the most dangerous, painful [memories] when I was naked, he cut my shorts and put a knife against my buttocks, saying 'We will find a pipe and rape you, film everything and publish it on your accounts' (il-230).

There is an online video<sup>132</sup> showing an IAG representative (based on pronunciation and self-identification, a Chechen, "chekh") threatening a captured AFU soldier with sexual violence. The video shows that the AFU soldier was detained together with other soldiers in a sewage well ("a pit"). The location of the illegal detention facility in this video has not been established.

The conversation between the AFU soldier and IAG representatives (four people) was filmed on purpose. The prisoner is ordered to stand in the well-lit corner of the sewage well, and the IAG member checks the conditions for filming. During the conversation, the prisoner is forced to say slogans in support of Ukraine ("Long live Ukraine!" and others) under the threat of force. After that, an IAG member with an accent says, "You know what I suggested? [...] To pull you out, clean out one of your body parts. I will personally f [\*\*\*] him, film and send it to them [military comrades] [...] Here's what I'm going to do [...] You said 'Long live Ukraine?'" After the end of video of the improvised interrogations and threats, we can hear the person talking to his accomplices from the IAG, "Guys, [...] I have the same suggestion. Let's take one of them, clean him up. I will personally f\*\*\* him. 'Long live Ukraine!' We will post in on the website for them to watch."

According to former detainees, all threats were perceived as real.

"[T]hey threatened to cut off to humiliate male dignity [...] promised to cut off fingers, poke out eyes and cut off one's manhood. These were threats they would follow through" (yr-820).

One of the forms of torture, inhuman or degrading treatment or punishment was **forcing detainees to watch acts of sexual violence**.

"They used the 'phone a friend' method, attached a current [electric wire] to the men's ears and women's nipples. They took me to that room and showed me what they had there. There was a bat, small hammers. One of the Ministry of State Security people liked to have a drink, put a prisoner on a chair

and attach an electric current, and several men were forced to watch, knowing they could face the same treatment" (wr-631).

In addition to threats of sexual violence against detainees at illegal detention facilities, there were also **threats of violence against their next of kin or relatives**, including threats of rape.

"Moreover, there were constant threats, [...] 'We will bring your girlfriend here, and you will watch us [...] her' or things like that" (jx-808).

"During the first days, we were held with our eyes [covered], hands tied, and shackles on our feet, we were assaulted at night. They threatened us, 'We will shoot you and rape your women'.<sup>133</sup>

Sexual violence against women and men in illegal detention facilities established by IAGs was widespread. In 76 interviews where respondents reported sexual violence, 61 interviews referred to cases of sexual violence<sup>134</sup> at illegal detention facilities. It was used to break down resistance, punish, humiliate or demonstrate dominance and full control over detainees.

There were 159 different forms of sexual violence recorded within this study. These took place either before people were placed in illegal detention facilities or at those facilities. Rape was the most common form of sexual violence against women, while forced nudity was most widespread for men.

The topic of sexual violence was taboo, which prevented people in illegal detention facilities from speaking openly about the violence. Information about these acts is limited to testimonies of released detainees. Survivors who reported illegal deprivation of liberty and torture to law enforcement bodies in Ukraine upon release were usually silent about being victims of sexual violence. Therefore, it is necessary to document cases of sexual violence during the conflict in eastern Ukraine in line with international standards.

### 3.4.3. IDENTIFIED ILLEGAL DETENTION FACILITIES WHERE SEXUAL VIOLENCE TOOK PLACE

During monitoring, we successfully identified 38 illegal detention facilities established by IAGs where sexual violence took place. These include 23 facilities in the Donetsk region (Donetsk, Horlivka, Druzhkivka, Kramatorsk, Makiivka, Slovyansk, Snizhne, and Khartsyzk) and 15 facilities in the Luhansk region (Luhansk, Alchevsk, Antratsyt, Rovenky, Sievierodonetsk, Kadiivka (Stakhanov)).

<sup>132</sup> Voynushki na Ukraine - Opolchenie 18+). (2015, August 12). Plennyj soldat VSU! Boets VSU v plenu! Opolchency vziali v plen Ukropa! [War games in Ukraine - Militia 18+] A captured AFU soldier! AFU fighter in captivity! Militants captured an Ukrop!]. Retrieved from <https://www.youtube.com/watch?v=1Vu50808zGY>

<sup>133</sup> Security Service of Ukraine. (2016). Testimonies of Ukrainian citizens held in captivity by Russian terrorist groups in the ORDLO on the RF military aggression against Ukraine, inhuman conditions of captivity, physical violence, and psychological torment. 1st and 4th editions. Kyiv: Security Service of Ukraine.

<sup>134</sup> Sixty-one interviews with 59 people, including 21 victims of sexual violence, 17 witnesses to sexual violence, 21 victims of, and witnesses to, sexual violence in an illegal detention facility.

# ILLEGAL DETENTION FACILITIES ESTABLISHED BY IAGS WHERE SEXUAL VIOLENCE TOOK PLACE

## Horlivka

Former premises of the Artemvuhillia state enterprise (13 Lenina Avenue)

Horlivka Organized Crime Directorate in the Donetsk region (44A Lenina Avenue)

Prosecutor's office in Horlivka (96 Peremohy Avenue)

## Makiivka

Organized Crime Directorate of the Makiivka City Unit of the MIA in the Donetsk region (5 Lebedieva Street)

## Donetsk

Former Institute of Religion (Donetsk Christian University) (106 Illicha Avenue)

Former Interior Armed Forces College (military unit No. 3037 of the Interior Armed Forces) (1 Kuprina Street)

Former SSU Regional Directorate in the Donetsk region (62 Shchorsa Street)

The building and support facilities of a former military unit in the Motel area (Elevatorna Street)

Former Nova Poshta branch (66 Travneva Street)

The building and support facilities of the former Izolyatsiya factory (3 Svitloho Shlyakhu Street)

Donetsk factory of rubber chemical products (1 Sofiyska Street)

## Kadiivka (Stakhanov)

The building of the former Organized Crime Directorate of the Stakhanov City Unit of the MIA of Ukraine in the Luhansk region (48 395th Shakhtarskoi Dyvizii Street)

The building and support premises of the former Stakhanov regional boarding school No. 1 (1 Matrosova Street)

## Luhansk

The building of the former Kokhana cafe/shop, and the surrounding garage and kindergarten premises (10A Heroiv VVV Square)

Buildings of the dormitories of the Volodymyr Dal Eastern-Ukrainian National University (20A Molodizhnyi Quarter)  
The Batman RRU was located at this address.\*

The building of the former SSU Directorate in the Luhansk region (79 Radianska Street)

The buildings of the former Luhansk regional state administration and the Luhansk regional council (3 Heroiv VVV Square)

The former Luhansk Zhovtnevyi district council (14A 31-i Kvartal Street)

The building of the former Lenin District Unit of the MIA in Luhansk (50 Shevchenka Quarter)

## Alchevsk

The building of a former Alchevsk joint city conscription office (Horkoho Street 35)

## Antratsyt

The building of the former Antratsyt city council (1 Lenina Street)

\*See Annex I.

# JOINT DETENTION OF WOMEN AND MEN IN ILLEGAL DETENTION FACILITIES ESTABLISHED BY THE IAG IN THE LUHANSK AND DONETSK REGIONS

## Snizhne

The building of the former Snizhne-Torez joint city conscription office (3 Mendeleva Street, according to other information, 47 or 72 Karapetiana Street)

## Sloviansk

Former SSU city unit in Sloviansk (32 Tsentralna (Karia Marksa) Street)

## Kramatorsk

The building of the former Kramatorsk city council (2 Myru (Lenina) Square)

## Makiivka

The two-story building and support facilities of the former organized-crime directorate of the Makiivka city unit of the MIA in Donetsk region (5 Lebedieva Street)

## Donetsk

The former TV centre building (61 Kuibysheva Street)

The building and support facilities of a former military unit in the Motel area (Elevatorna Street)

The building and support facilities of former military unit No. 3037 of the Interior Armed Forces (and Interior Armed Forces college) (1 Kuprina Street)

Former SSU Regional Directorate in the Donetsk region (62 Shchorsa Street)

The building and support facilities of the former Izolyatsiya factory (3 Svitloho Shiyakhu Street)

The building and support facilities of the former Nova Poshtia branch No. 22 (66 Travneva Street)

Former Liverpool Hotel (131 Artema Street)

## Sievierodonetsk

Buildings and support premises of the former Sievierodonetsk branch of the State Nitric Industry Institute (Khimtekhnohiiia Scientific and Project Institute) (1 Villesova Street)

## Kadiivka (Stakhanov)

The building of the former Stakhanov city unit of the MIA of Ukraine in the Luhansk region (51A Telimana Street)

The building and support premises of the former Stakhanov regional boarding school No. 1 (1 Matrosova Street)

## Luhansk

The building and support facilities of the former SSU Directorate in the Luhansk region (79 Radlanska Street)

The building of the former Kokhana shop and surrounding garage and kindergarten premises (10A Heroiv VVV Square)

The buildings of the former Luhansk regional state administration and Luhansk regional council (3 Heroiv VVV Square)

Buildings of the dormitories of the Volodymyr Dal Eastern-Ukrainian National University (20A Molodizhnyi Quarter)

Buildings on the grounds of a former automobile enterprise (Montazhna Street, the so-called Chorna Sotnia district)

Former Luhansk Zhovtnevyi district council (14A 31-i Kwartal Street). Information about not separating male and female detainees was provided by four people

## Rovenky

The buildings and support premises of the former Sloboda feed factory in Rovenky (7 Vykhonna Street)

## Alchevsk

The building of a former Alchevsk joint city conscription office (Horkoho Street 35)



# DONETSK. ILLEGAL DETENTION FACILITIES WERE SEXUAL VIOLENCE TOOK PLACE

1

## 1. Donetsk factory of rubber chemical products

### 1 Sofiyska Street

Different units were based at this address, including the Russian Orthodox Army of the DPR and the Mykolaivsky Special Battalion

- three cases of forced nudity

## 2. Former SSU Regional Directorate in the Donetsk region

### 62 Shchorsa Street

Different IAG, including Vostok, Alfa, Sparta, former Berkut, OMON and Cossacks

- three cases of rape
- two cases of threats of rape
- two cases of forced nudity
- one case of threats of mutilation/injury caused by sexual violence
- one case of sexual insults
- one case of sexual harassment

## 3. Former Institute of Religion (Donetsk Christian University)

### 106 Illich Avenue

The Oplot Battalion and Platnashka International Brigade

- two cases of rape
- one case of forced prostitution

## 4. The building and support facilities of a former military unit in the Motel area

### Elevatorna Street

The Vostok Battalion

- one case of forced prostitution
- one case of mutilation/injury caused by sexual violence

## 5. Former Interior Armed Forces College (military unit No. 3037 of the Interior Armed Forces)

### 1 Kuprina Street

The Oplot Unit

- one case of mutilation/injury caused by sexual violence
- two cases of forced nudity
- one case of rape

## 6. The building and support facilities of the former Izolyatsiya factory

### 3 Svitloho Shiyakhu Street

The IAG in charge of this illegal detention facility has not been identified yet

- one case of mutilation/injury caused by sexual violence

## 7. Former Nova Poshta branch

### 66 Travneva Street

The Great Don Army Cossack Unit

- three cases of sexual humiliation
- two cases of rape
- one case of mutilation/injury caused by sexual violence
- one case of forced nudity with the purpose of raping
- one case of threats of mutilation/injury caused by sexual violence
- one case of sexual insult



# LUHANSK. ILLEGAL DETENTION FACILITIES WERE SEXUAL VIOLENCE TOOK PLACE

## 1. The building of the former Kokhona shop, and the surrounding garage and kindergarten premises

### 10A Heroiv VV Square

The Smersh LPR KGB

- five cases of rape
- three cases of threats of mutilation/injury caused by sexual violence
- three cases of forced nudity
- two cases of sexual humiliation
- two cases of enforced prostitution
- two cases of mutilation/injury caused by sexual violence
- one case of sexual insult

## 2. Buildings of the dormitories of the Volodymyr Dal Eastern-Ukrainian National University

### 20A Molodizhnyi Quarter

The Batman RRU

- five cases of sexual humiliation
- two cases of rape
- two cases of threats of rape
- one case of forced nudity
- one case of mutilation/injury caused by sexual violence
- one case of threats of mutilation/injury caused by sexual violence

## 3. The building of the former SSU Directorate in the Luhansk region

### 79 Radianska Street

The Leshyi Unit

- one case of mutilation/injury caused by sexual violence

## 4. The buildings of the former Luhansk regional state administration and the Luhansk regional council

### 3 Heroiv VV Square

The IAG in charge of this illegal detention facility has not been identified yet

- two cases of sexual humiliation;
- one case of mutilation/injury caused by sexual violence

## 5. The former Luhansk Zhovtnevyi district council

### 14A 31-i Kvartal Street

The IAG in charge of this illegal detention facility has not been identified yet

- one case of rape
- one case of mutilation/injury caused by sexual violence

## 6. The building of the former Lenin District Unit of the MIA in Luhansk

### 50 Shevchenka Quarter

The IAG in charge of this illegal detention facility has not been identified yet

- one case of forced nudity



The following violations in illegal detention facilities were recorded: rape, enforced prostitution, torture accompanied by sexual violence, forced nudity, sexual harassment, as well as threats, insults and humiliation of a sexual nature.

The following illegal detention facilities with addresses were identified in the **Donetsk region**:

**1 Former Institute of Religion** (Donetsk Christian University) (Donetsk, 106 Illicha Avenue).

According to survivors' testimonies, members of the Oplot Battalion and Piatnashka International Brigade were based there.<sup>135</sup> The testimonies included information about:

- two cases of rape;
- one case of forced prostitution.

**2. Former Interior Armed Forces College** (military unit No. 3037 of the Interior Armed Forces) (Donetsk, 1 Kuprina Street).

The Oplot Unit was located in the illegal detention facility. Testimonies included information about:

- one case of mutilation/injury caused by sexual violence;
- two cases of forced nudity;
- one case of rape.

**3. Former SSU Regional Directorate in the Donetsk region** (Donetsk, 62 Shchorsa Street).

According to the respondents, the central command was located in the building along with IAGs at different times, including Vostok,<sup>136</sup> Alfa, Sparta, former Berkut, OMON and Cossacks.<sup>137</sup>

Testimonies included information about:

- three cases of rape;
- two cases of threats of rape;
- two cases of forced nudity;
- one case of threats of mutilation/injury caused by sexual violence;
- one case of sexual insults;
- one case of sexual harassment.

**4. The building and support facilities of a former military unit in the Motel area** (Donetsk, Elevatorna Street).

The Vostok Battalion was based at this facility. Testimonies included information about:

- one case of forced prostitution;

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<sup>135</sup> See Annex I.

<sup>136</sup> Ibid.

<sup>137</sup> Interviews cb-022, xm-921, vd-639, bi-375, yj-045.

- one case of mutilation/injury caused by sexual violence.

**5. Former Nova Poshta branch** (Donetsk, 66 Travneva Street).

According to the victims, the Great Don Army Cossack Unit was in charge of this facility.<sup>138</sup> Testimonies included information about:

- three cases of sexual humiliation;
- two cases of rape;
- one case of mutilation/injury caused by sexual violence;
- one case of forced nudity with the purpose of raping;
- one case of threats of mutilation/injury caused by sexual violence;
- one case of sexual insult.

**6. The building and support facilities of the former Izolyatsiya factory** (Donetsk, 3 Svitloho Shlyakhu Street).

It was not possible to identify the unit's name; however, victims stated that this unit was performing the functions of the Ministry of State Security of the DPR. Testimonies included information about one case of mutilation/injury caused by sexual violence.

**7. Donetsk factory of rubber chemical products** (Donetsk, 1 Sofyska Street).

According to open sources, different units were based at this address, including the Russian Orthodox Army of the DPR and the Mykolaivsky Special Battalion.<sup>139</sup> Testimonies included information about three cases of forced nudity.

**8. Former premises of the Artemvuhillia state enterprise** (Horlivka, 13 Lenina Avenue).

According to the testimonies of survivors, fighters from Igor Bezler's IAG were based at this facility. Testimonies included information about one case of mutilation/injury caused by sexual violence.

**9. Horlivka Organized Crime Directorate in the Donetsk region** (Horlivka, 44A Lenina Avenue).

This illegal detention facility was established by Igor Bezler's IAG. Testimonies included information about six cases of forced nudity.

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<sup>138</sup> See Annex I.

<sup>139</sup> Stopterror.in.ua. (2015, October 23). Batalion Specialnogo Naznachenija "Nikolaevskogo" [Mykolaivsky Special Battalion]. Retrieved from <https://stopterror.in.ua/info/2015/10/batalon-spetsialnogo-naznacheniya-nikolaevskogo-vympel/>; Stopterror.in.ua. (2015, November 21). List of illegal armed groups in the occupied areas of the Donetsk region. Retrieved from <https://stopterror.in.ua/info/2015/11/svodnyj-spisok-nezakonnyh-vooruzhennyh-formirovaniy-na-okkupirovanno-territorii-donetskoj-oblasti/>

**10. Prosecutor's office in Horlivka** (Horlivka, 96 Peremohy Avenue).

According to testimonies, Bezler was also in charge of this facility for some time. After the relocation of his unit, the Korska Unit occupied the building.<sup>140</sup> Testimonies included information about three cases of forced nudity.

**11. Organized Crime Directorate of the Makiivka City Unit of the MIA in the Donetsk region** (Makiivka, 5 Lebedieva Street).

The IAG in charge of this illegal detention facility has not been identified yet, since it was occupied by representatives of different IAGs at different times. Testimonies included information about one case of mutilation/injury caused by sexual violence.

According to the testimonies of survivors, we have identified the following illegal detention facilities in the **Luhansk region** where sexual violence was used:

**1. The building of the former Kokhana cafe/shop, and the surrounding garage and kindergarten premises** (Luhansk, 10A Heroiv VVV Square).

The Smersh LPR KGB was located at this address. Testimonies included information about:

- five cases of rape;
- three cases of threats of mutilation/injury caused by sexual violence;
- three cases of forced nudity;
- two cases of sexual humiliation;
- two cases of enforced prostitution;
- two cases of mutilation/injury caused by sexual violence;
- one case of sexual insult.

**2. Buildings of the dormitories of the Volodymyr Dal Eastern-Ukrainian National University** (Luhansk, 20A Molodizhnyi Quarter).

The Batman RRU was located at this address.<sup>141</sup>

Testimonies included information about:

- five cases of sexual humiliation;
- two cases of rape;
- two cases of threats of rape;
- one case of forced nudity;
- one case of mutilation/injury caused by sexual violence;
- one case of threats of mutilation/injury caused by sexual violence.

<sup>140</sup> See Annex I.

<sup>141</sup> Ibid.

**3. The building of the former SSU Directorate in the Luhansk region** (Luhansk, 79 Radianska Street).

The Leshyi Unit was located at this address.<sup>142</sup> Testimonies included information about one case of mutilation/injury caused by sexual violence.

**4. The buildings of the former Luhansk regional state administration and the Luhansk regional council** (Luhansk, 3 Heroiv VVV Square).

It was not possible to identify the IAG located at this facility. At different times, representatives of different IAGs were based at this address. Testimonies included information about:

- two cases of sexual humiliation;
- one case of mutilation/injury caused by sexual violence.

**5. The building of the former Organized Crime Directorate of the Stakhanov City Unit of the MIA of Ukraine in the Luhansk region** (Kadiivka (Stakhanov), 48 395th Shakhcharskoi Dyvizi Street).

One Cossack unit was based at this location, possibly the Ataman Matviy Platov Sixth Cossack Platoon.<sup>143</sup> Testimonies included information about five cases of forced nudity.

**6. The building and support premises of the former Stakhanov regional boarding school No. 1** (Stakhanov, 1 Matrosova Street).

The M.I. Platov First Cossack Platoon<sup>144</sup> was based at this illegal detention facility. Testimonies included information about:

- two cases of forced nudity;
- one case of sexual humiliation.

**7. The building of the former Antratsyt city council** (Antratsyt, 1 Lenina Street).

Victims were not able to identify the unit in control of this illegal detention facility. At the same time, according to open sources, Don Cossacks from the RF seized the city council and regional state administration buildings.<sup>145</sup> Testimonies included information about one case of rape.

<sup>142</sup> Ibid.

<sup>143</sup> Ibid.

<sup>144</sup> Ibid.

<sup>145</sup> 112.ua. (2017, May 4). V Antratsite vooruzhennye liudi zahvatili gorsovet. [Armed people in Antratsyt seized the city council]. Retrieved from <https://112.ua/obshchestvo/v-antratsite-vooruzhennye-lyudi-zahvatili-gorsovet-57216.html>; Sergeev, S. (2014, May 5). Antratsit 05.05.2014 Pribytie vezhlyvkh kazakov [Antratsyt 05.05.2014 Arrival of polite Cossacks]. Retrieved from [https://www.youtube.com/watch?v=A2Ux-l\\_EDlw&feature=youtu.be](https://www.youtube.com/watch?v=A2Ux-l_EDlw&feature=youtu.be); Podrobnosti.ua. (2014, May 3). Separatisty v Antratsyte svoziat oruzhie i stroiat blokposty [Separatists in Antratsyt are bringing arms and building roadblocks]. Retrieved from <http://podrobnosti.ua/974257-separatisty-v-antratsite-svoziat-oruzhie-i-stroiat-blokposty.html>; Kenigtiger. (2014, May 21). Boitsovyi kot Murz. Davajte ja kratenko, bez lishnih emotsij [Murz combat cat. Let me talk briefly without extra emotions]. Retrieved from <http://kenigtiger.livejournal.com/1479024.html>

**8. The building of a former Alchevsk joint city conscription office** (Alchevsk, Horkoho Street 35).

The IAG in charge of this illegal detention facility has not been identified. One survivor stated that the local commandant's office was located there. Testimonies included information about one case of rape.

**9. The former Luhansk Zhovtnevyi district council** (Luhansk, 14A 31-i Kvartal Street).

Based on available testimonies, the IAG in charge of this illegal detention facility has not been identified yet. Testimonies included information about:

- one case of rape;
- one case of mutilation/injury caused by sexual violence.

**11. The building of the former Lenin District Unit of the MIA in Luhansk** (Luhansk, 50 Shevchenka Quarter).

The IAG in charge of this illegal detention facility has not been identified yet. Testimonies included information about one case of forced nudity.

The **largest number of reported cases of sexual violence** were recorded in the following facilities:

- in the Donetsk region, in the building and auxiliary premises of the former SSU Directorate and in the two-story building and auxiliary premises of Nova Poshta branch No. 22;
- in the Luhansk region, in the former Kokhana shop, as well as surrounding auxiliary garage and kindergarten premises, and in the former dormitories of the Volodymyr Dal Eastern-Ukrainian National University.

Documented cases demonstrate the particular vulnerability of illegally detained individuals to various forms of sexual violence and illustrate the widespread use of sexual violence in armed conflict. Sexual violence has affected Ukrainian military personnel, representatives of volunteer battalions and civilians.

The information collected suggests that IAGs in the ORDLO created a network of illegal detention facilities where they used sexual violence against detainees. Illegal detention facilities existed in all major towns in the Luhansk and Donetsk regions affected by the conflict. Some of these facilities were controlled by a single IAG. The same people were in charge of different detention facilities.<sup>146</sup> Though illegal detention

facilities existed in different localities, the practice of sexual violence was virtually the same in both regions.

Individuals affected by sexual violence must have unconditional access to medical and psychological assistance, as well as proper legal support during the investigation of the crimes committed against them. A comprehensive assessment of the gravity of the crimes and the prosecution of the perpetrators of all crimes committed during the conflict is only possible when cases of sexual violence are taken into account during investigations and trials.

### 3.4.4. POTENTIAL PERPETRATORS OF SEXUAL VIOLENCE IN ILLEGAL DETENTION FACILITIES

Victim and witness testimonies do not provide sufficient information about perpetrators or the individuals in charge of illegal detention facilities. Therefore, the authors of this report used open sources in addition to information from interviewees to identify the individuals and their role in criminal acts.<sup>147</sup>

Based on the processing of all information obtained, we identified a list of illegal detention facilities in which sexual violence took place, as well as potential perpetrators of sexual violence, both direct perpetrators and commanders.

Unfortunately, most interviews did not provide sufficient information to identify all potential perpetrators. Therefore, the law enforcement agencies of Ukraine ought to conduct thorough investigations. Even when potential perpetrators of sexual violence have been identified, this information needs to be verified by law enforcement agencies.

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► Cossack Platoon led by Pavlo Driomov established several illegal detention facilities in Kadiivka (Stakhanov). These facilities were located in the building of former Stakhanov City Unit of the MIA of Ukraine in the Luhansk region (51A Telmana Street) and the building and support premises of the former Stakhanov regional boarding school No. 1 (1 Matrosova Street).

<sup>147</sup> One or several methods were used to identify people suspected of violating human rights, including: photo and video materials found by victims in open sources, by presenting possible suspects for identification (from a list of suspects recognized by victims in other interviews), found through OSINT in public sources; photo, video and articles referring both to the victim and possible suspects. The main sources of video and photo materials included: news websites in Ukraine, RF, as well as resources connected with the so-called republics, channels on video websites (<https://www.youtube.com>, <https://rutube.ru>); blogs on specialized websites (<http://livejournal.com>) etc. The main sources of personal information about possible suspects include: social media (<https://vk.com>, <https://ok.ru>, <https://facebook.com>) and specialized groups on social media; the MIA search service (<https://wanted.mvs.gov.ua/search/person>); specialized websites (<https://myrotvovets.center>, <https://stopterror.in.ua>).

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<sup>146</sup> Illegal detention facilities established by the Donetsk branch of Oplot were based in the former TV centre (Donetsk, 61 Kuibysheva Street); the building and support facilities of the former Izolyatsiya factory (Donetsk, 3 Svitloho Shlyakhu Street), the building and support facilities of former military unit No. 3037 of the Interior Armed Forces (Donetsk, 1 Kuprina Street); the Ataman Matviy Platov Sixth ►

## **FORMER SSU REGIONAL DIRECTORATE IN THE DONETSK REGION (DONETSK, 62 SHCHORSA STREET)**

During the period when sexual violence was used, Viktor Vasyliovych Zaiets, a former SSU employee, was responsible for detainees. According to testimonies, Oleksandr Khodakovskiy approved decisions to release or extend detention at this illegal detention facility.

**Full name: Viktor Vasyliovych Zaiets**  
**Nickname/Call sign: “Zaiets”**



Citizenship: Ukrainian  
Membership in IAG: has not been established  
Date of birth: 29.02.1968  
Role, position at the illegal detention facility: head of DPR counterintelligence  
Search status with the MIA of Ukraine: not on the list

**Full name: Oleksandr Serhiiiovych Khodakovskiy**  
**Nickname/Call sign: “Skif”**



Citizenship: Ukrainian  
Membership in IAG: Vostok Battalion  
Date of birth: 18.12.1972  
Role, position at the illegal detention facility: battalion commander, Minister of Security of the DPR  
Search status with the MIA of Ukraine: on the wanted list<sup>148</sup>

According to testimonies of respondents, among the perpetrators of sexual violence were Stanislav (“tall, approximately 195 cm, with blond hair”), “Miasnyk” and “Zombi” (“a former Berkut officer from Kramatorsk”). These individuals have not yet been identified.

In late September 2014, the management of the illegal prison changed. According to testimonies, the new administration arrived from Russia: “it was obvious that some of them were very different from the majority. Most likely, these were Russian military officers. They had a clear Russian, Moscow accent. [...] It was easy to figure out who they were based on the way they spoke” (sm-361).

## **THE BUILDING AND SUPPORT FACILITIES OF THE FORMER NOVA POSHTA BRANCH NO. 22 (DONETSK, 66 TRAVNEVA STREET)**

According to victims, The Great Don Army Cossack Unit, led by Yurii Safronenko, was in charge of this facility.<sup>149</sup>

**Full name: Yurii Viktorovych Safronenko**  
**Nickname/Call sign: “Batia”, “Batia Donetskyy”**



Citizenship: Ukrainian  
Membership in IAG: Donetsk regional organization of the Don Army Region Cossack Union  
Date of birth: 04.02.1967  
Role, position at the illegal detention facility: battalion commander, ataman, had a self-assigned rank of major-general  
Search status with the MIA of Ukraine: on the wanted list<sup>150</sup>

<sup>148</sup> Ministry of Internal Affairs of Ukraine. (n.d). Search. Persons absconding from state authorities. Retrieved from <https://wanted.mvs.gov.ua/searchperson/details/?id=0014219660088256>

<sup>149</sup> See Annex I.

<sup>150</sup> Ministry of Internal Affairs of Ukraine. (n.d). Search. Persons absconding from state authorities. Retrieved from <https://wanted.mvs.gov.ua/searchperson/details/?id=14501469https://wanted.mvs.gov.ua/searchperson/details/?id=14501469>

According to testimonies, a person with the call sign “Shchuka” was responsible for the detention and interrogation of detainees.

**Full name: Anton Vitaliiiovych Shchuchkin**  
**Nickname/Call sign: “Shchuka”**



Citizenship: Ukrainian  
Membership in IAG: Don Army Region Cossack Union  
Date of birth: 20.06.1989  
Role, position at the illegal detention facility: one of people responsible for the detention and interrogation of detainees  
Search status with the MIA of Ukraine: not on the list

Victims recognized a number of suspects on the Myrotvorets website who were direct participants in acts of violence (including sexual violence) against prisoners.<sup>151</sup> Among these people were:

**Full name: Oleksandr Viktorovych Kharybin**  
**Nickname/Call sign: “Milioner”**



Citizenship: Ukrainian  
Membership in IAG: Don Army Region Cossack Union  
Date of birth: 26.04.1966  
Role, position at the illegal detention facility: convoy officer, guard  
Search status with the MIA of Ukraine: not on the list

**Full name: Oleksandr Oleksandrovych Balzhy**  
**Nickname/Call sign: “Balu”**



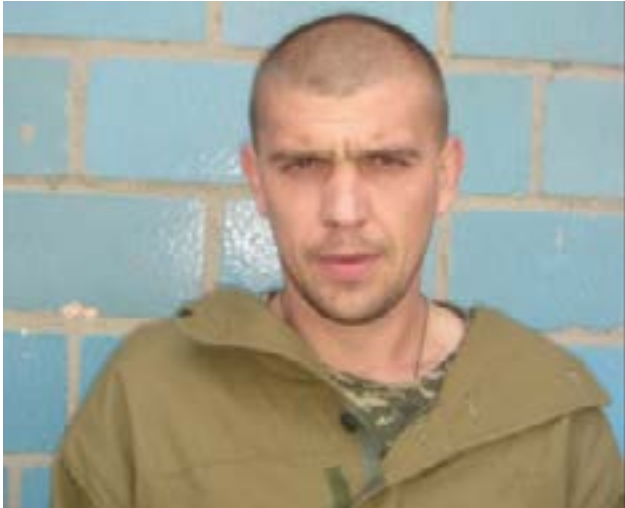
Citizenship: Ukrainian  
Membership in IAG: Don Army Region Cossack Union  
Date of birth: 20.08.1980  
Role, position at the illegal detention facility: convoy officer  
Search status with the MIA of Ukraine: not on the list

<sup>151</sup> Myrotvorets. (n.d.). Retrieved from <https://myrotvorets.center/979590-kak-prorossijskix-kazakov-iz-ksovd-pachkami-pakovali-v-terroristicheskoy-organizacii-dnr>

<sup>152</sup> Ministry of Internal Affairs of Ukraine. (n.d.). Search. Persons absconding from state authorities. Retrieved from <https://wanted.mvs.gov.ua/searchperson/details/?id=14227362120309>

<sup>153</sup> See also profile of Oleksandr Khodakovskiy.

**Full name: Serhii Volodymyrovych Zaitsev**  
**Nickname/Call sign: “Lysyi”**



Citizenship: Ukrainian  
Membership in IAG: Don Army Region Cossack Union  
Date of birth: 29.03.1985  
Role, position at the illegal detention facility: interrogation (according to testimonies of victims, was involved in prisoner exchange)  
Search status with the MIA of Ukraine: not on the list

**Full name: Vasyl Vasylivovych Honiaiev**  
**Nickname/Call sign: “Honiai”**



Citizenship: Ukrainian  
Membership in IAG: Don Army Region Cossack Union  
Date of birth: 26.04.1986  
Role, position at the illegal detention facility: directly used violence (victims pointed out particular cruelty)  
Search status with the MIA of Ukraine: not on the list

The unit and the personnel from illegal detention facilities included individuals from the RF, “The major said he was from Rostov and that all Russian officers serving in the occupied areas were officially registered in Chechnya” (ck-497).

**FORMER INTERIOR ARMED FORCES COLLEGE (MILITARY UNIT NO. 3037 OF THE INTERIOR ARMED FORCES) (DONETSK, 1 KUPRINA STREET)**

**Full name: Oleksandr Volodymyrovych Zakharchenko**  
**Nickname/Call sign: “First”, “Batia”, “Papa”**



Citizenship: Ukrainian  
Membership in IAG: commander of the Oplot branch in Donetsk, head of the DPR Council of Ministers  
Date of birth: 26.06.1976  
Role, position at the illegal detention facility: commander of the Oplot Unit  
Search status with the MIA of Ukraine: on the wanted list<sup>152</sup>

**THE BUILDING AND SUPPORT FACILITIES OF A FORMER MILITARY UNIT IN THE MOTEL AREA (DONETSK, ELEVATORNA STREET)<sup>153</sup>**

**Full name: has not been established**  
**Nickname/Call sign: “Zaur”**



Citizenship: has not been established  
Membership in IAG: Vostok Battalion  
Date of birth: has not been established  
Role, position at the illegal detention facility: security battalion of the Vostok Brigade, commander of the Pivden Platoon  
Search status with the MIA of Ukraine: has not been established

**THE BUILDING AND SUPPORT FACILITIES OF THE FORMER IZOLYATSIYA FACTORY**  
(DONETSK, 3 SVITLOHO SHLYAKHU STREET)

**Full name:** Stanislav Oleksandrovych Sliepniev  
**Nickname/Call sign:** “Mongol”



Citizenship: Ukrainian  
Membership in IAG: special operations service of the DPR Ministry of Security  
Date of birth: 20.08.1981  
Role, position at the illegal detention facility: head of the special operations service  
Search status with the MIA of Ukraine: on the wanted list<sup>154</sup>

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<sup>154</sup> Ministry of Internal Affairs of Ukraine. (n.d). Search. Persons absconding from state authorities. Retrieved from <https://wanted.mvs.gov.ua/searchperson/details/?id=14487310>

<sup>155</sup> Ministry of Internal Affairs of Ukraine. (n.d). Search. Persons absconding from state authorities. Retrieved from <https://wanted.mvs.gov.ua/searchperson/details/?id=14211618519681>

<sup>156</sup> In addition, there is a list of the so-called Cossack Corps of the so-called DPR available online, which has a possible suspect, Oleh Vitaliiiovych Kubrak, call sign “Satana”, born 23.11.1967.

**ORGANIZED CRIME DIRECTORATE OF MAKIIVKA CITY UNIT OF THE MIA IN THE DONETSK REGION** (MAKIIVKA, 5 LEBEDIEVA STREET)

**Full name:** Leonid Vitaliiiovych Baranov  
**Nickname/Call sign:** has not been established



Citizenship: Ukrainian  
Membership in IAG: Committee for POWs and Refugees of the so-called DPR  
Date of birth: 24.02.1982  
Role, position at the illegal detention facility: high-level commander responsible for POWs  
Search status with the MIA of Ukraine: on the wanted list<sup>155</sup>

**Full name:** Oleh Kubrak  
**Nickname/Call sign:** “Kobrak”, “Kubrachok”



Citizenship: has not been established  
Membership in IAG: unit 5, Oplot Separate Mechanized Brigade in Makiivka  
Date of birth: has not been established  
Role, position at the illegal detention facility: mid-level commander, conducted interrogations  
Search status with the MIA of Ukraine: has not been established<sup>156</sup>



**Full name: Oleksandr**  
**Nickname/Call sign: “Salat”**



Citizenship: has not been established  
Membership in IAG: has not been established  
Date of birth: has not been established  
Role, position at the illegal detention facility: mid-level commander, conducted interrogations  
Search status with the MIA of Ukraine: has not been established

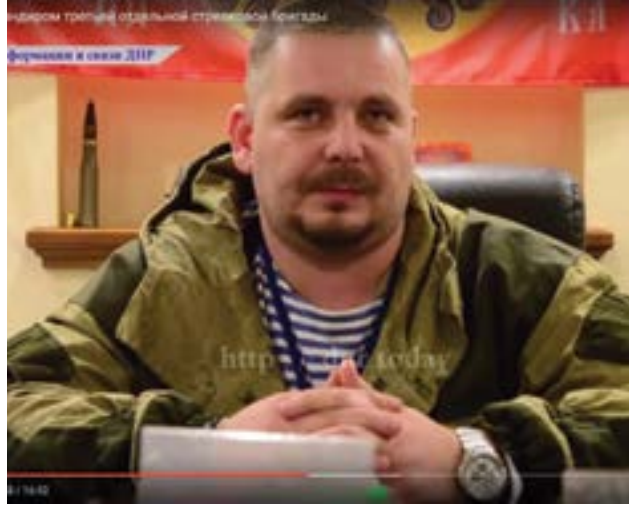
**FORMER PREMISES OF THE ARTEMVUHILLIA STATE ENTERPRISE (HORLIVKA, 13 LENINA AVENUE)**

**Full name: Igor Mykolaiovych Bezler**  
**Nickname/Call sign: “Bis” (“Bes”)**



Citizenship: Russian  
Membership in IAG: Bezler’s Unit  
Date of birth: 30.12.1965  
Role, position at the illegal detention facility: unit commander, DPR army general-major  
Search status with the MIA of Ukraine: on the wanted list<sup>157</sup>

**Full name: Maksym Vitaliiiovych Koroliuk**  
**Nickname/Call sign: “Botsman”**



Citizenship: Ukrainian  
Membership in IAG: Bezler’s Unit  
Date of birth: 22.12.1982  
Role, position at the illegal detention facility: commander  
Search status with the MIA of Ukraine: not on the list

**PROSECUTOR’S OFFICE IN HORLIVKA (HORLIVKA, 96 PEREMOHY AVENUE)**

**Full name: Olha Serhiivna Kachura**  
**Nickname/Call sign: “Korsa”**



Citizenship: Ukrainian  
Membership in IAG: Korsa Unit/Group  
Date of birth: 12.05.1970  
Role, position at the illegal detention facility: unit commander, artillery battery commander, mid-level commander of artillery units of the Third Separate Mobile Infantry Brigade  
Search status with the MIA of Ukraine: on the wanted list<sup>158</sup>

<sup>157</sup> Ministry of Internal Affairs of Ukraine. (n.d). Search. Persons absconding from state authorities. Retrieved from <https://wanted.mvs.gov.ua/searchperson/details/?id=0014223595836310>

<sup>158</sup> Ministry of Internal Affairs of Ukraine. (n.d). Search. Persons absconding from state authorities. Retrieved from <https://wanted.mvs.gov.ua/searchperson/details/?id=14499701>

**THE BUILDING OF THE FORMER KOKHANA SHOP, AND SURROUNDING GARAGE AND KINDERGARTEN PREMISES (LUHANSK, 10A HEROIV VVV SQUARE)**

The Smersh LPR KGB,<sup>159</sup> led by Valerii Bolotov, was in charge of this illegal detention facility. Ostap Chorny and Valerii Hromov served as commanders.

**Full name: Valerii Dmytrovych Bolotov**  
**Nickname/Call sign: “Dmytrovych”, “Persnyi”**



Citizenship: Ukrainian  
Membership in IAG: Army of the South-East, self-appointed governor of the Luhansk region, head of the LPR  
Date of birth/death: 13.02.1970–27.01.2017  
Role, position at the illegal detention facility: head of the so-called Smersh LPR KGB Unit (according to interview materials, made decisions on executions/killings)  
Search status with the MIA of Ukraine: on the wanted list<sup>160</sup>

<sup>159</sup> See Annex I.

<sup>160</sup> Ministry of Internal Affairs of Ukraine. (n.d). Search. Persons absconding from state authorities. Retrieved from <https://wanted.mvs.gov.ua/searchperson/details/?id=14192650066518>. The person will be on the wanted list till the moment, the corpse or its remnants will be found.

<sup>161</sup> Ibid.

<sup>162</sup> Ministry of Internal Affairs of Ukraine. (n.d). Search. Persons absconding from state authorities. Retrieved from <https://wanted.mvs.gov.ua/searchperson/details/?id=914343560494640>

**Full name: Volodymyr Volodymyrovych Hromov**  
**Nickname/Call sign: “Hrom”**



Citizenship: Ukrainian  
Membership in IAG: Army of the South-East  
Date of birth: 05.04.1963  
Role, position at the illegal detention facility: was responsible for interrogations, Bolotov’s deputy, head of LPR counterintelligence  
Search status with the MIA of Ukraine: on the wanted list<sup>161</sup>

**Full name: Ostap Volodymyrovych Chorny**  
**Nickname/Call sign: “Ostap”**



Citizenship: Ukrainian  
Membership in IAG: Zaporizhzhya Lower Cossack Army (Enerhodar Group), Smersh LPR KGB  
Date of birth: 04.02.1982  
Role, position at the illegal detention facility: unit commander  
Search status with the MIA of Ukraine: on the wanted list.<sup>162</sup>

It was not possible to establish the person responsible for detainees. It is possible that there were many people performing this function, including Ostap Chorny and other intermediary commanders: “Palych” (“Russian, 25-26 years old, engaged in combat, commandant”), “Bis” (“in charge of interrogations”), “Bizon” (“Oleksiy, in charge in this place of detention”).

**Full name: Pavlovych**

**Nickname/Call sign: “Palych”, “Pal Palych”**



Citizenship: Ukrainian

Membership in IAG: Smersh LPR KGB

Role, position at the illegal detention facility: conducted torture  
Search status with the MIA of Ukraine: has not been established

**Full name: Oleksii**

**Nickname/Call sign: “Bizon”**



Citizenship: Ukrainian

Membership in IAG: Smersh LPR KGB

Role, position at the illegal detention facility: guard, convoy officer  
Search status with the MIA of Ukraine: has not been established

Victims reported the presence of Russian military equipment and a large number of Russians: “There were several people from Rostov. According to the people from the group based at that location, they had fought in Dagestan, Iraq, Karabakh, Laos and Vietnam etc. There was also one Chechen and one Ossetian among them” (bc-122).

“Bis’ was definitely Russian [...] Clear Russian accent. ‘Varan’ said he was a former marine from Vladivostok, that he had his own business there” (mo-095).

**Full name: Andrii Biesov**

**Nickname/Call sign: “Bis”**



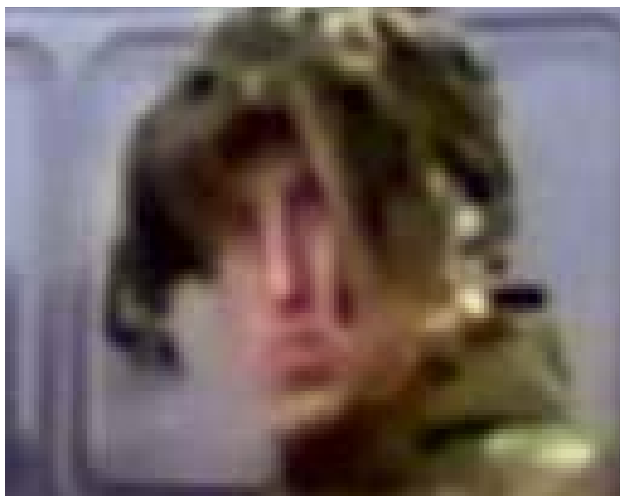
Citizenship: Russian

Membership in IAG: Smersh LPR KGB

Role, position at the illegal detention facility: conducted interrogations, torture  
Search status with the MIA of Ukraine: has not been established

**Full name: has not been established**

**Nickname/Call sign: “Varan”**



Citizenship: Russian

Membership in IAG: Smersh LPR KGB

Role, position at the illegal detention facility: guard  
Search status with the MIA of Ukraine: has not been established

**THE BUILDINGS OF THE FORMER LUHANSK REGIONAL STATE ADMINISTRATION AND THE LUHANSK REGIONAL COUNCIL (LUHANSK, 3 HEROIV VVV SQUARE).**

At different times, these buildings contained the commandant's office, LPR governing bodies, as well as representatives of different IAGs. There are testimonies about two individuals who were commanders of units when cases of violence took place: Serhii Hrachov and Ihor Plotnytskyi.

**Full name: Ihor Venedyktovych Plotnytskyi**  
**Nickname/Call sign: "Zoria"/"Zaria"**



Citizenship: Ukrainian  
Membership in IAG: Zoria Battalion  
Date of birth: 24.06.1964  
Role, position at the illegal detention facility: LPR minister of defence, LPR head<sup>163</sup>  
Search status with the MIA of Ukraine: on the wanted list<sup>164</sup>

<sup>163</sup> The illegal detention facility was located in the government buildings of the so-called republic.

<sup>164</sup> Ministry of Internal Affairs of Ukraine. (n.d). Search. Persons absconding from state authorities. Retrieved from <https://wanted.mvs.gov.ua/searchperson/details/?id=14192664046680>

<sup>165</sup> Ibid.

<sup>166</sup> Ministry of Internal Affairs of Ukraine. (n.d). Search. Persons absconding from state authorities. Retrieved from <https://wanted.mvs.gov.ua/searchperson/details/?id=00171116094366471881>

**Full name: Serhii Viktorovych Hrachov**  
**Nickname/Call sign: "Hrach", "Bagdad", "Batia"**



Citizenship: Ukrainian  
Membership in IAG: separate commandant platoon of the LPR people's militia  
Date of birth: 18.01.1965  
Role, position at the illegal detention facility: commandant of the seized building of the SSU directorate in the Luhansk region, military commandant of the Luhansk regional state administration, commandant of Luhansk  
Search status with the MIA of Ukraine: on the wanted list<sup>165</sup>

The head of the illegal detention facility has not been identified. However, victims mentioned a number of people who conducted interrogations and gave orders about the treatment of prisoners and detainees. These were, in particular, the investigators: "In the commandant's office, I was interrogated by Arkadii Yuriiiovych Korniiievskiy, an investigator from the investigative committee of the LPR, a former SSU official. He said that I should be handcuffed, not provided food or water" (cb-822).

**Full name: Arkadii Yuriiiovych Korniiievskiy**  
**Nickname/Call sign: N/A**

Citizenship: Ukrainian



Membership in IAG: LPR investigative committee  
Date of birth: 11.11.1969  
Role, position at the illegal detention facility: investigator  
Search status with the MIA of Ukraine: on the wanted list<sup>166</sup>

Interviewees repeatedly mentioned that citizens of the RF were among the management of the illegal prison: “There were representatives of the RF intelligence services, they had badges” (ri-859). “The guards. To be clear, Plotnyskyi, his guards, decided everything. This Russian said, ‘I am an officer, a professional military man’” (jw-672).

### **FORMER LUHANSK ZHOVTNEVYI DISTRICT COUNCIL (LUHANSK, 14A 31-I KVARTAL STREET)**

The IAG in charge of this illegal detention facility has not yet been identified. The victims mentioned that this facility was another commandant’s office led by Serhii Hrachov.<sup>167</sup>

The identity of the commandant of the illegal detention facility has not been established. However, interviewees named several heads of the intermediary management level. Among them were Arkadii Korniiievskyi and the “head of the guardhouse, a man from Luhansk with a Russian passport, he talked like a Russian”. Another person suspected of committing acts of sexual violence was a man with the call sign “Vorobei”. Two other individuals have not yet been identified.

The majority of interviewees said that Russians were among the member of the armed group and the management.

“I: When did they ask where the bruises came from? Did you try to complain?”

“R: We complained once. When the time came, we complained. The atmosphere changed. Some people were relocated, someone died, leadership positions changed. When we left, there were only Russians in charge. Before that, people from Luhansk. Only Hrachov stayed, and the rest [were] from Russia, everyone from there, in Luhansk.

“I: Were they responsible for the basement?”

“R: Yes, the head of the guardhouse, a mestizo, was a man from Luhansk with a Russian passport, he talked like a Russian” (pn-566).

<sup>167</sup> According to victims and witnesses, a network of commandant’s offices in towns in the Luhansk region was a part of a separate commandant platoon of the LPR people’s militia. These offices were established in former buildings of state and local authorities. The commandant’s office based in the former Zhovtnevyi district council in Luhansk belonged to this network. Therefore, Hrachov and Korniiievskyi are connected with this detention facility.

<sup>168</sup> Ministry of Internal Affairs of Ukraine. (n.d). Search. Persons absconding from state authorities. Retrieved from <https://wanted.mvs.gov.ua/searchperson/details/?id=0915043569933342>

<sup>169</sup> According to an informant, the prosecutor’s office of the so-called LPR has issued a search warrant for Igor Tsykunov. Similar cases have been initiated against Oleksii Dakhnenko and Serhii Konopliitskyi. For more information, see <https://www.youtube.com/watch?v=sFzvfo1HehY>, <https://www.youtube.com/watch?v=zyWm9mF1JUc>

### **FORMER DORMITORY BUILDINGS OF THE VOLODYMYR DAL EASTERN-UKRAINIAN NATIONAL UNIVERSITY (LUHANSK, 20A MOLODIZHNYI QUARTER).**

The Batman RRU was located at this address, with Oleksandr Biednov in charge.

**Full name: Oleksandr Oleksandrovych Biednov**  
**Nickname/Call sign: “Batman”**



Citizenship: Ukrainian

Membership in IAG: chief of staff of the Fourth Separate Brigade of the LPR people’s militia, commander of the Second Mobile Infantry Battalion of the Fourth Separate Brigade of the LPR people’s militia (Batman RRU), for a period, served as a minister of defence of the LPR

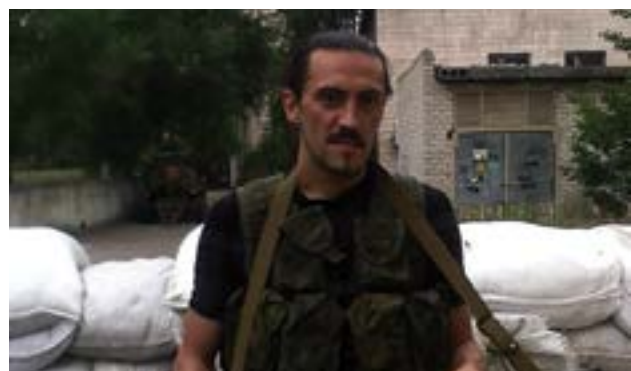
Date of birth/death: 29.08.1969–01.01.2015

Role, position at the illegal detention facility: unit commander

Search status with the MIA of Ukraine: on the wanted list<sup>168</sup>

Ihor Tsykunov and individuals with the call signs “Fobus” and “Subota” were the commandants of this facility at different times. According to the interviewees, “Maniak” used sexual violence.

**Full name: Igor Volodymyrovych Tsykunov<sup>169</sup>**  
**Nickname/Call sign: “Luish”**



Citizenship: Russian

Membership in IAG: Second Mobile Infantry Battalion of the Fourth Separate Brigade of the LPR people’s militia (Batman RRU)

Date of birth: 27.01.1977

Role, position at the illegal detention facility: head

Search status with the MIA of Ukraine: not on the list

**Full name: Oleksii Volodymyrovych Dakhnenko**

**Nickname/Call sign: “Fobus”**



Citizenship: Ukrainian

Membership in IAG: Second Mobile Infantry Battalion of the Fourth Separate Brigade of the LPR people’s militia (Batman RRU)

Date of birth: 19.07.1980

Role, position at the illegal detention facility: deputy head of the commandant’s squad

Search status with the MIA of Ukraine: not on the list

**Full name: Vitalii Henadiiovych Nester**

**Nickname/Call sign: “Subota”**

Citizenship: Ukrainian

Membership in IAG: Batman RRU

Date of birth: 07.12.1987

Role, position at the illegal detention facility: head

Search status with the MIA of Ukraine: not on the list

**Full name: Serhii Serhiiiovych Konoplitskyi**

**Nickname/Call sign: “Maniak”**



Citizenship: Ukrainian

Membership in IAG: Second Mobile Infantry Battalion of the Fourth Separate Brigade of the LPR people’s militia (Batman RRU)

Date of birth: 06.08.1966

Role, position at the illegal detention facility: head

Search status with the MIA of Ukraine: not on the list

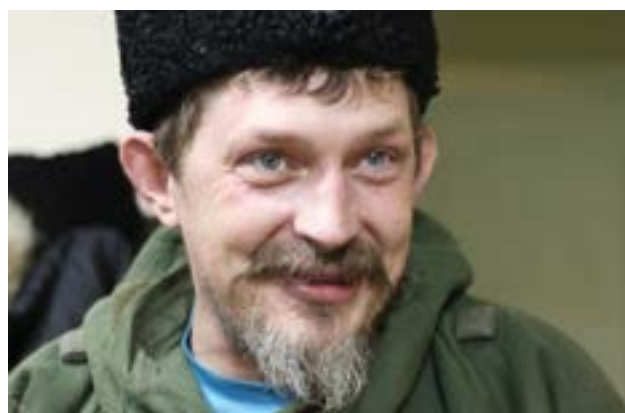
Victims stated that citizens of the RF were in the armed group: “A tall, skinny [man] with a long neck. Had a long, crooked nose, around 40 years old. Characteristic Russian speech. The other one, shorter than ‘Elbrus’, athletic, around 30 years old. Both had a characteristic Russian manner of speaking” (te-160).

### **THE BUILDING AND SUPPORT PREMISES OF THE FORMER STAKHANOV REGIONAL BOARDING SCHOOL NO. 1 (STAKHANOV, 1 MATROSOVA STREET)**

When the interviewees were detained at this facility, the M.I. Platov First Cossack Platoon led by Palvo Driomov was based at this illegal detention facility.

**Full name: Palvo Leonidovych Driomov**

**Nickname/Call sign: “Batia”**



Citizenship: Ukrainian

Membership in IAG: Sixth Separate Matvii Platov Cossack Platoon (formerly the M.I. Platov First Cossack Platoon), a separate 31st Cossack District of the Don Army

Date of birth/death: 22.11.1976–12.12.2015

Role, position at the illegal detention facility: unit commander, commander of the Cossack National Guard

Search status with the MIA of Ukraine: on the wanted list<sup>170</sup>

According to interviewees, “Sviatyi” and “Konsul” performed certain managerial functions. Their identities have not yet been established.

Victims talked about the support provided to the IAG by the RF, as well as the participation of Russians in the IAG: “There were mercenaries (not many, approximately 10 people), from the Don Army, they openly said they were Russians. The militants did not hide the fact they were supported by Russia. Medication, ammunition with RF labels” (td-446).

<sup>170</sup> Ministry of Internal Affairs of Ukraine. (n.d). Search. Persons absconding from state authorities. Retrieved from <https://wanted.mvs.gov.ua/searchperson/details/?id=0914343560494755>

<sup>171</sup> Ministry of Internal Affairs of Ukraine. (n.d). Search. Persons absconding from state authorities. Retrieved from <https://wanted.mvs.gov.ua/searchperson/details/?id=0915015639128227>

<sup>172</sup> See also profile of Pavlo Driomov.

In the Luhansk region, according to the testimonies, the following individuals were responsible for illegal detention facilities and/or committed sexual violence:

**THE BUILDING OF THE FORMER SSU DIRECTORATE IN THE LUHANSK REGION (LUHANSK, 79 RADIANSKA STREET).**

**Full name: Oleksii Anatoliiovych Pavlov**  
**Nickname/Call sign: “Leshyi”**



Citizenship: Ukrainian  
Membership in IAG: Leshyi Battalion  
Date of birth: 31.01.1975  
Role, position at the illegal detention facility: battalion commander, head  
Search status with the MIA of Ukraine: on the wanted list<sup>171</sup>

**Full name: Oleh Ruslanovych Chapaiev**  
**Nickname/Call sign: “Tyhr”**



Citizenship: Ukrainian  
Membership in IAG: Leshyi Battalion  
Date of birth: 10.12.1975  
Role, position at the illegal detention facility: investigator  
Search status with the MIA of Ukraine: not on the list

<sup>171</sup> The person's affiliation with an IAG at the time of committing the offences has not been identified. Later, according to different sources, he was Driomov's deputy, head of the investigative unit for combating crime and looting of the Internal Affairs Ministry of the so-called LPR, head of the so-called LPR counterintelligence.

<sup>174</sup> Ministry of Internal Affairs of Ukraine. (n.d). Search. Persons absconding from state authorities. Retrieved from <https://wanted.mvs.gov.ua/searchperson/details/?id=0915219569041594>

**THE BUILDING OF THE FORMER ORGANIZED CRIME DIRECTORATE OF THE STAKHANOV CITY UNIT OF THE MIA OF UKRAINE IN THE LUHANSK REGION (KADIIVKA (STAKHANOV), 48 395TH SHAKHTARSKOI DYVIZII STREET)**

**Full name: Hennadii Mykolaiovych Hrynevych**  
**Nickname/Call sign: “Siedoi”**



Citizenship: Ukrainian  
Membership in IAG: has not been established<sup>173</sup>  
Date of birth: 08.01.1955  
Role, position at the illegal detention facility: mid-level commander, interrogator  
Search status with the MIA of Ukraine: on the wanted list<sup>174</sup>

**Full name: Vasyl Serhiiiovych Kyseliov**  
**Nickname/Call sign: “Kysil”**



Citizenship: Ukrainian  
Membership in IAG: Cossack National Guard of the Great Don Army  
Date of birth: 13.09.1975  
Role, position at the illegal detention facility: mid-level commander, commandant of Kadiivka (Stakhanov), made decisions on apprehending people  
Search status with the MIA of Ukraine: on the wanted list<sup>175</sup>

<sup>175</sup> Ministry of Internal Affairs of Ukraine. (n.d). Search. Persons absconding from state authorities. Retrieved from <https://wanted.mvs.gov.ua/searchperson/details/?id=915037663401302>

## THE BUILDING OF FORMER LENIN DISTRICT UNIT OF THE MIA IN LUHANSK (LUHANSK, 50 SHEVCHENKA QUARTER).

**Full name:** Serhii Anatoliiovych Lytvyn

**Nickname/Call sign:** “TT”



**Citizenship:** Ukrainian

**Membership in IAG:** has not been established<sup>176</sup>

**Date of birth/death:** 02.07.1973–27.12.2016

**Role, position at the illegal detention facility:** mid-level commander, investigator, expert on working with POWs, deputy head of the Council of Ministers of the LPR

**Search status with the MIA of Ukraine:** not on the list

Based on interviews, 38 illegal detention facilities in the Luhansk and Donetsk regions were identified in which sexual violence took place. Potential perpetrators, commanders and direct perpetrators were identified for almost all of these facilities.

Among those identified based on testimonies and open-source information, several are not on the search list of the MIA of Ukraine, namely: Viktor Zaiets, Igor Tsykunov, Oleksii Dakhnenko, Serhii Konoplitskyi, Oleksandr Balzhy, Oleksandr Kharybin, Anton Shchuchkin, Serhii Zaitsev, Vasyl Honiaiev, Maksym Koroliuk, Oleh Chapaiev, Serhii Lytvyn and Vitalii Nester. Accordingly, law enforcement agencies ought to investigate cases of sexual violence at illegal detention facilities and identify and prosecute those responsible.



M.I. Platov First Separate Cossack Platoon.

Retrieved from <https://ce48.livejournal.com/3541.html>

The analysis provided in this chapter shows that men and women in illegal detention facilities were subjected to a wide range of forms of sexual violence. Despite the opportunities provided by international justice, the state has the primary responsibility for recording and investigating cases of sexual violence. Unfortunately, law enforcement agencies lack sufficient capacity to document this type of crime in line with international standards; they do not take into account the specifics of sexual crime in armed conflict. As a result, sexual violence is not recorded or investigated separately.

Recording and investigating conflict-related sexual violence by national law enforcement authorities is an important step in holding perpetrators responsible and restoring justice. Crimes of sexual violence must be taken into account during the transition period and in the process of the development and implementation of compensation and rehabilitation programmes.

<sup>176</sup> The person's affiliation with an IAG at the time of committing the offences has not been identified. Later, he joined the so-called LPR Council of Ministers.



# 4. SEXUAL VIOLENCE COMMITTED BY UKRAINIAN GROUPS DURING THE CONFLICT IN EASTERN UKRAINE

During this study, a number of cases of sexual violence committed by Ukrainian members of armed groups were recorded. Documenting sexual violence on government-controlled territory has been more complicated. Survivors and witnesses have been hesitant to talk about violence due to fear of reprisals, stigma in the community, as well as the secondary role assigned to sexual violence in armed conflict. Tolerance towards violence has also increased during the conflict.

While collecting information, we identified cases of sexual violence against men and women in illegal detention facilities,<sup>177</sup> at checkpoints and also in connection with the placement of military forces in populated areas.

According to testimonies of survivors and/or witnesses, sexual violence against women by Ukrainian groups included three cases of rape.

Sexual violence against men included:

- Forced nudity - three cases;
- Threat of rape - one case;
- Sexual exploitation of a child - one case;
- Other sexual threats - one case.

Analysis of recorded sexual violence committed by the Ukrainian military suggests that the Ukrainian military

resorted to different forms of sexual violence, including rape, but it was not as widespread as in the activities of IAGs.

Perpetrators of sexual violence against people detained in illegal detention facilities had certain motives. They tried to punish ideological opponents, exert pressure, intimidate and humiliate, as well as satisfy sexual desires.

Victims of violence, as a rule, were members of the IAGs and had different political views or supported IAGs. They could also be suspected of such support or loyalty towards the self-proclaimed republics.

A female interviewee who served in the Aidar Volunteer Battalion witnessed the following: “When a naked person is being kicked, a gun pointed at his head and at his face. It was in autumn 2014 [...]. The car came; they pulled people out of the trunk. Both were naked. A crowd gathered. No one else was beating them, only the people who brought them” (hv-597).

A male interviewee who was accused of supporting separatists and had actively worked with the Party of Regions in the conflict area said he was illegally detained, taken to Dnipro and held naked at a medical establishment: “I was already undressed, they took my clothes off, I mean, I took it off, in this room. My feet were tied with duct tape; my hands were handcuffed behind a chair” (fc-298).

According to another respondent, members of the volunteer battalion threatened him with rape when he was

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<sup>177</sup> Such illegal detention facilities were established by volunteer groups at the outset of the conflict.



Tornado Special Patrol Service of the police.  
Retrieved from <https://ua.112.ua/statji/shcho-take-batalion-tornado-i-chomu-avakovioho-rozformuvav-238261.html>.

apprehended at a checkpoint: “We will take you, we will, roughly speaking, all commit an act of violence against you” (ig-167).

Cases of sexual violence during the armed conflict are also described in open sources. For instance, a former Aidar Battalion member describes violence against a woman in a book:

“Later, they brought a local separatist and started interrogating her [...] Afterwards, they put her into the ventilation room. The tied-up drunk turned out to be a Maidan hero and an officer. He asked that his hands be united and gave his officer’s word he wouldn’t escape. When the separatist was locked up, he expressed the wish to bang her. The commandant didn’t allow him. But when he left, the Maidan hero went to the ventilation room and implemented his intent. In the morning, you could hear by the basement, ‘Why are you here? I’m in the line to discipline the separatist woman’.”<sup>178</sup>

Another former Aidar member described the following:

“There was a window with bars and foil on the first floor. Female prisoners were there. One of the ‘Afghans’ went inside. I heard her say, ‘Don’t, you cannot!’ And then muffled reserved moans.”<sup>179</sup>

An online video<sup>180</sup> that shows Ukrainian military men using sexual violence against IAG representatives. The context was that four IAG members were captured during a confrontation at an AFU checkpoint near the village of Novoluhanske (Bakhmut district, Donetsk region). The men’s hands and feet were restrained with duct tape and a belt, and the men are on the ground with visible traces of blood on their faces. An IAG member who used a grenade during the confrontation is face down on the ground with

<sup>178</sup> Orel, I. (2016). *Khronika odnoho batalionu* [Chronicles of one battalion]. Kharkiv: Folio.

<sup>179</sup> Theinsider.ua. (2015, January 5). *Sluzhili dva “aidarovtsa”. O chem priniato molchat na voine* [How two “Aidar” members served. Things you do not mention in wartime]. Retrieved from <http://www.theinsider.ua/politics/54a9af9fa9f76/>

<sup>180</sup> Ok.ru. (2016, May 16). *Tupy sepy nabuhalis!* [Stupid separatists were wasted]. Retrieved from <https://ok.ru/video/11279926605>



The base of Tornado Special Patrol Service of the police at the premises of the former school No. 32 (Pryvillia, Luhansk region). Photo by Imke Hansen.

the bottom part of his body bare. During an examination and interrogation, AFU members kick the IAG member several times in the head. One of them puts his foot on the prisoner’s head, another soldier pulls down the prisoner’s pants and underwear. The IAG representative does not respond to physical violence, but when he is undressed, he starts objecting, saying, “It is too much” and asks to put his clothes back on.

In this case, sexual violence was committed upon the initiative of a military man. Not all soldiers present approved of these actions. The violence was stopped following a commander’s order. The detainees were then moved to a forest, and the video shows them all with their clothes on. Their interrogation was videotaped.

The video shows sexual violence being used as punishment. Based on the reaction of the AFU members and the detained IAG representatives, it is clear that both sides consider such treatment equally as severe as physical violence.

Checkpoints and military presence in districts with a civilian population also increase the vulnerability of the population to sexual violence in the Donetsk and Luhansk regions.

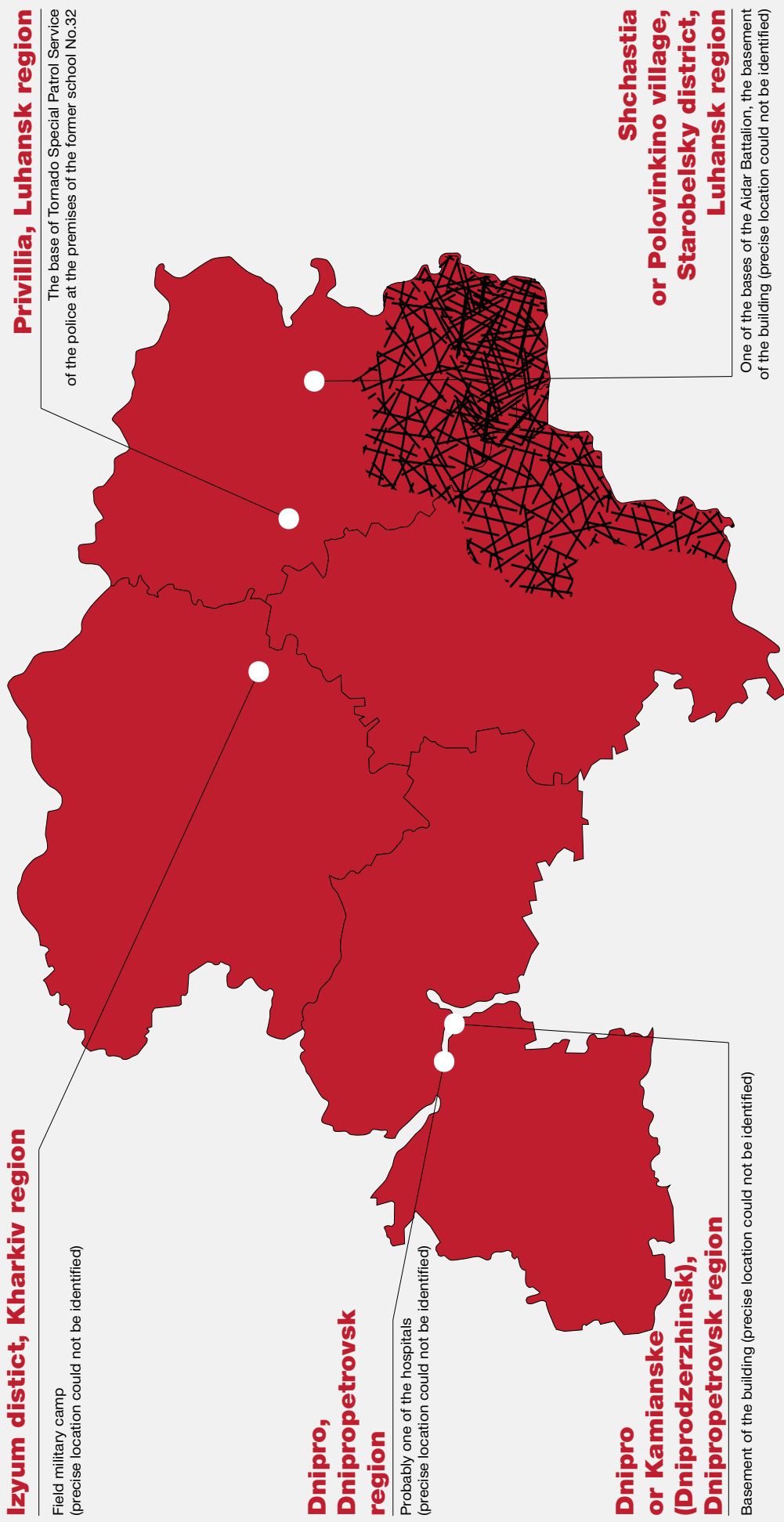
According to a public organization working in localities next to the front line, there are cases of sexual violence in these areas, but they are not reported, including due to threats from the military:

“A woman in M. contacted us saying she survived an attempt of sexual violence. He [the military man] was



The base of Aidar Battalion at the premises of the former sausage shop floor. Cells at the illegal place of detention. Polovinkino village, Starobelsky district, Luhansk region. Photo by Volodymyr Shcherbachenko.

# ILLEGAL PLACES OF DETENTION ESTABLISHED BY UKRAINIAN GROUPS WHERE SEXUAL VIOLENCE TOOK PLACE



harassing her, she rejected him, he fired several shots in her house. Then, the woman came to us; we informed law enforcement. After four days, [...] these military men came to this woman and used force to demand that she withdraw her statement. And they succeeded. Moreover, they started a hunt for our staff member who accepted the statement. The military personnel threatened our colleague. They started calling, complaining about her, said she was a spotter for the enemy's artillery" (dz-245).

During this study, representatives of civil society organizations and the population repeatedly informed the working group about sexual violence committed by the Ukrainian military. Information about cases of sexual violence is also available in open sources; however, it was only possible to document the cases described in this chapter.

Military personnel explain their refusal to speak about sexual violence because of solidarity with those they had served and risked their lives. Several witnesses and experts refused to document cases. They explained their refusal because of concerns about client safety, confidentiality of investigations and fear of persecution.

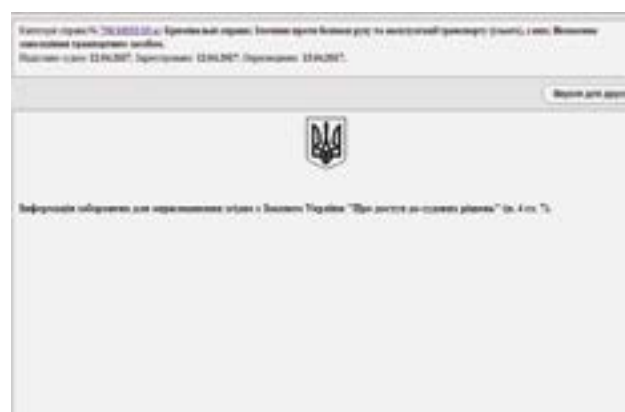
The research group has no grounds to conclude that sexual violence was systemic. It was rather an initiative of certain individuals, though military commanders could have been aware of such practices.

There is a high-profile criminal case on sexual violence that has been reviewed by a court. It was launched in 2015 against members of the Tornado Special Patrol Service of the police. The prosecutor's office charged three defendants with, inter alia, crimes under Article 153(2) of the Criminal Code of Ukraine (violent unnatural gratification of sexual desire).

The media extensively covered the Tornado Battalion case. The public in Ukraine engaged in a discussion on the fairness of the trial.<sup>181</sup> There were clashes between supporters of the Tornado Battalion and law enforcement officials next to the Obolon District Court in Kyiv, where the trial took place. Parliament members Semen Semenchenko (Samopomich Association), Andrii Lozovyi and Ihor Mosiichuk (Radical Party of Oleh Liashko) were among the protesters.<sup>182</sup>

The court issued its verdict in the case in April 2017. Access to the verdict is restricted.<sup>183</sup> We should note that, according to the Law of Ukraine on Access to Court Decisions, access to the entire document should not be restricted except for information directly related to the sexual act and other issues related to the victim's privacy. Information about the composition of the court, factual allegations, charges and the sentence should not be restricted.

The courts also considered a number of other cases concerning military personnel. Relevant information is provided in Section 10.1, "State authorities and local governance bodies responsible for combating GBV: functions and actions".



<sup>181</sup> Yakubovych, T. (2017, April 7). "Ja shcho, ikh pohliadom katuvav?" - yak u Kyievi oholoshuvaly vyrok "tornadivtsiam" ["Did I torture them by looking at them?" sentence for "Tornado" members announced in Kyiv]. Retrieved from <https://www.radiosvoboda.org/a/28416998.html>; Semenchenko, S. (2016, August 8). Shokiryushchaia pravda? Advokaty Tornado obnarodovali materialy [The shocking truth? Tornado lawyers published the materials]. Retrieved from [https://ua.censor.net.ua/blogs/3381/shokiryushchaya\\_prawda\\_advokaty\\_tornado\\_obnarodovali\\_materialy](https://ua.censor.net.ua/blogs/3381/shokiryushchaya_prawda_advokaty_tornado_obnarodovali_materialy)

<sup>182</sup> Censor.net. (2016, August 2). "Ya stanu poperedu, vyrvemo vorota i pidemo vpered", - Semenchenko zaklykav do shturnu Obolonskoho sudu ["I will stand in front, we will break down the gate and go forward", Semenchenko calls for an assault on Obolon court]. Retrieved from [https://ua.censor.net.ua/news/400202/ya\\_stanu\\_poperedu\\_vyrvemo\\_vorota\\_i\\_pidemo\\_vpered\\_semenchenko\\_zaklykav\\_do\\_shturnu\\_obolonskoho\\_sudu\\_video](https://ua.censor.net.ua/news/400202/ya_stanu_poperedu_vyrvemo_vorota_i_pidemo_vpered_semenchenko_zaklykav_do_shturnu_obolonskoho_sudu_video); Censor.net. (2016, August 2). Pid ▶

▶ Obolonskym sudom vidbulasia biika politzii ta prykhylnykiv zareshтовanykh biitsiv "Tornado" [A fight breaks out between the police and supporters of the arrested "Tornado" fighters]. Retrieved from [https://ua.censor.net.ua/news/400209/pid\\_obolonskym\\_sudom\\_vidbulasya\\_biyika\\_politsiyi\\_ta\\_prykhylnykiv\\_zareshтовanykh\\_biyitsiv\\_tornado\\_videofoto](https://ua.censor.net.ua/news/400209/pid_obolonskym_sudom_vidbulasya_biyika_politsiyi_ta_prykhylnykiv_zareshтовanykh_biyitsiv_tornado_videofoto)

<sup>183</sup> Unified State Register of Court Decisions. (2017, April 13). Case No. 756/16332/15-k. Retrieved from <http://www.reyestr.court.gov.ua/Review/65922725>

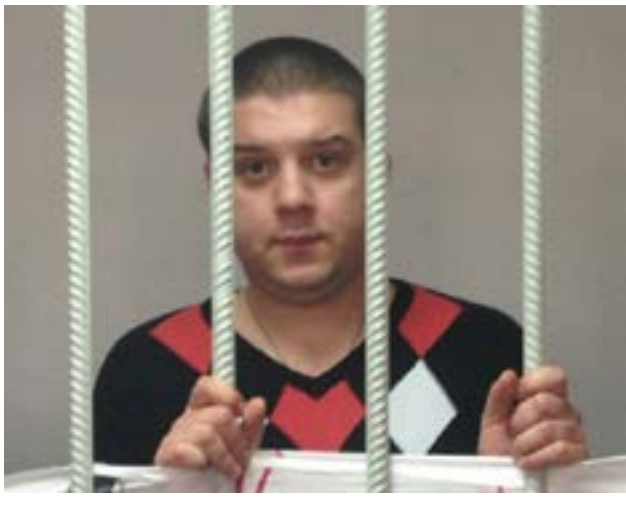
According to open sources,<sup>184</sup> the following individuals were charged under Article 153(2) of the Criminal Code of Ukraine:

**Full name: Ruslan Illich Onyshchenko<sup>185</sup>**  
**Nickname/ Call sign: “Albamaz”,<sup>186</sup> “Friman”**



Citizenship: Ukrainian  
Date of birth: 12.03.1972  
Role, position at the illegal detention facility: unit commander  
Search status with the MIA of Ukraine: apprehended on 17.06.2015  
Verdict of the first-instance court: imprisonment, 11 years

**Full name: Illia Ivanovych Kholod**  
**Nickname/ Call sign: “Kholod”**



<sup>184</sup> Gordonua.com. (2017, April 7). Obolonskii sud Kieva prigovoril komandira “Tornado” Onishchenko k 11 godam tiurny, ego zama Tsukura - k devyati [Obolon court in Kyiv sentenced Onishchenko, “Tornado” commander, to 11 years in jail, his deputy sentenced to nine years]. Retrieved from <http://gordonua.com/news/politics/obolonskiy-sud-kieva-prigovoril-komandira-tornado-onishchenko-k-11-godam-tyurny-a-ego-zama-cukura-k-9-ti-182139.html>; Prysjazhnuk, M. (2017, April 8). “Tornado” ne proshlo storonoj: eks boitsy roty MVD prigovoreny k razlichnym tiuremnym srokom [“Tornado” has not passed unnoticed: ex-fighters of the MIA unit sentenced to different terms of imprisonment]. Retrieved from <https://daily.rbc.ua/rus/show/eks-boitsy-roty-mvd-prigovoreny-razlichnym-1491597866.html>; Semenchenko, S. (2016, August 8). Shokiruyushchaia pravda? Advokaty Tornado obnarodovali materialy [The shocking truth? Tornado lawyers published the materials]. Retrieved from [https://ua.censor.net.ua/blogs/3381/shokiruyushchaya\\_pravda\\_advokaty\\_tornado\\_obnarodovali\\_materialy](https://ua.censor.net.ua/blogs/3381/shokiruyushchaya_pravda_advokaty_tornado_obnarodovali_materialy)

<sup>185</sup> Used his wife’s last name.

<sup>186</sup> Own last name, used as a nickname.

Citizenship: Ukrainian  
Role, position at the illegal detention facility: volunteer battalion member  
Search status with the MIA of Ukraine: apprehended on 10.03.2016  
Verdict of the first-instance court: imprisonment, 9 years 6 months

**Full name: Mykyta Volodymyrovych Kust**  
**Nickname/ Call sign: “Kust”**



Citizenship: Ukrainian  
Role, position at the illegal detention facility: volunteer battalion member, tactics and firearms training assistant  
Search status with the MIA of Ukraine: apprehended on 17.06.2015  
Verdict of the first-instance court: imprisonment, 9 years

The Criminal Code of Ukraine prescribes punishment for crimes against sexual freedom and inviolability, and victims can contact law enforcement bodies to defend their rights. Access to justice for victims of sexual violence is impeded due to a lack of knowledge among law enforcement officials. Survivors of violence often face stigma. As a result, violence is often not reported; it receives insufficient attention during investigations and trials in these cases.

Accordingly, it is crucial that the state establish an effective mechanism for preventing and combating sexual violence in conflict and ensure that perpetrators are held responsible. Particular attention should be paid to ensuring access to court decisions against sexual freedom and inviolability in accordance with the Law of Ukraine on Access to Court Decisions.

# 5. NUMBER OF VICTIMS OF SEXUAL VIOLENCE IN THE CONFLICT IN DONBAS. CHARACTERISTICS OF SEXUAL VIOLENCE

One of the key questions in research on the impact of any armed conflict is how many people suffered as a result. Considering the nature of sexual violence, the exact number of victims is unknown in any conflict, and estimates can vary greatly by tens or even hundreds of thousands of victims. For instance, in Rwanda, between 100,000 and 250,000 women were raped,<sup>187</sup> and in Bosnia and Herzegovina, the estimated number ranged from 20,000 to 40,000 women.<sup>188</sup> Thankfully, the number of victims of the conflict in Donbas has not reached such a scale yet, but the exact number of survivors of conflict-related sexual violence is still unknown.

This study shows that sexual violence was actively used in illegal detention facilities during the armed conflict in Donbas. At least one out of every four detainees of illegal prisons was a victim of, and/or witness to, sexual violence.<sup>189</sup>

According to the SSU, by early 2017, 3,100 people had been released from captivity.<sup>190</sup> Importantly, they are only

the released people that the SSU has knowledge of. For the most part, these are POWs, public and political activists and journalists who were in the government-controlled areas and included in official statistics. However, the number of Ukrainian citizens illegally detained in the ORDLO is significantly higher.

The list released by the SSU do not include citizens detained by the IAGs for administrative violations, namely consumption of alcohol, curfew violations etc., or local residents imprisoned for forced labour or ransom. Many of these people have remained in the temporarily occupied areas and have not filed reports with Ukrainian law enforcement. The majority of people detained for administrative offences in April-May 2014 also do not wish to contact law enforcement, even though they now reside in the government-controlled areas.

Estimates of the number of people held by IAGs in illegal detention facilities also suggest that there is a large number of victims of illegal detention. According to released hostages and former POWs, there were dozens, sometimes hundreds, of detainees in illegal detention facilities.

If we apply the one quarter ratio calculated in this study (“one out of every four detainees of illegal prisons was a victim of, and/or witness to, sexual violence”) to the official SSU data (3,100), we can conclude that at least 800 people suffered from sexual violence in illegal detention facilities established by IAGs.

Considering the above, as well as that the number of detainees in these facilities was two to three times greater than the number of those released and included

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<sup>187</sup> United Nations. (n.d.). Rwanda genocide and United Nations. Retrieved from <http://www.un.org/en/preventgenocide/rwanda/about/bgsexualviolence.shtml>

<sup>188</sup> UN Women. (2012). Protecting witnesses of wartime rape in Bosnia and Herzegovina. Retrieved from <http://www.unwomen.org/en/news/stories/2012/11/protecting-witnesses-of-wartime-rape-in-bosnia-and-herzegovina>

<sup>189</sup> Among 245 interviews with detainees of illegal detention facilities, there were 61 interviews with victims and/or witnesses of sexual violence.

<sup>190</sup> UNIAN. (2017, October 7). SBU zayavyla pro zvilnennya ponad 3 tysyach osib z polony boyovykiv z pochatku viiny na Donbasi.[The SBU announced the release of more than 3,000 people captured by militants since the beginning of war in Donbas.] Retrieved from <https://www.unian.ua/war/2120774-sbu-zayavila-pro-zvilnennya-ponad-3-tisyach-osib-z-polonu-boyovykiv-z-pochatku-viyni-na-donbasi.html>

## THE NUMBER OF PERSONS WHO WERE DETAINED BY THE NFP IN ILLEGAL PLACES OF NON-FREEDOM

Based on collected data, EUCCI analysts attempted to identify and estimate the number of detainees held by IAGs in illegal detention facilities. The figures provided above are mostly based on the testimonies of released individuals. In interviews, former prisoners and hostages recalled a number of people they were held in the same premises with. It also includes the number of other prisoners they saw at the time when they were able to leave the place where they were held (for instance, during forced labour). Some interviewees were in large establishments where prisoners were held in different places: for instance, such facilities were at the regional SSU directorates in Donetsk and Luhansk, Donetsk and Snizhne remand prisoners. First of all, the prisoners try to identify a general possible number of detainees. In rare cases, interviewees could name a number from 200 to 400 people who could have been detained at these premises.

Unfortunately, testimonies on the number of detainees are fragmented. When estimating the number of detainees in an illegal prison, a former prisoner or hostage describes the number of detainees from the day of his/her arrival at the illegal detention facilities to the day of release. A large number of such illegal detention facilities operated until the day of arrest/capture of a certain person and continued to operate after their release. It is not possible to establish the exact dates of their operation or the number of detainees.

In general, we can distinguish several large illegal detention facilities where the number of detainees ranged from 100 to over 200 people. These are premises of the former regional SSU Directorates in the Donetsk (xh-060, vr-401, pp-208, xc-570, xc-500, ri-877, ap-289, bh-461, jw-972, rv-106, sk-161, jo-436, ru-345, ff-450, yd-352, ys-985, od-446, qo-657, vd-639, vd-040, bi-375, xr-513, pr-177, em-411, ty-057) and Luhansk regions (oz-300, bc-222, xm-371). This category of illegal detention facilities also includes the premises of the former Snizhne City MIA Unit (ri-811, bi-320, ys-911, zh-632, xm-317, sk-161, jo-634, te-340, gk-376, sd-119, bi-375, jm-101, sm-099), the Interior Armed Forces College (military unit No. 3037) at 1 Kuprina Street in Donetsk (ys-777, yd-139, hs-313), boarding school No. 1 in Kadiivka (Stakhanov) in the Luhansk region (td-446, su-018, gk-466) and the building of former Organized Crime Directorate of the Stakhanov City Unit of the MIA of Ukraine in the Luhansk region (su-211, sk-392, su-018, qo-567).

Mass (100 people or more) detentions of POWs after the Ilovaisk "kettle" took place at the remand prisons in Snizhne and Donetsk, the Ilovaisk Transport Militia Unit (xh-060, xc-500, ri-877, ap-289, rv-106, ff-450), in a field (in some cases in pits in the field) next to the town of Ilovaisk and Starobieshevo in the Donetsk region (cx-373, ru-056, ys-589, yj-341, zb-295, tc-703, gk-269, ir-709, pr-097).

Testimonies about dozens of detainees can be found in interviews concerning the basements of the Artemvuhillia state enterprise (Horlivka, 13 Lenina Avenue) (wr-631), garages of the prosecutor's office in Horlivka (ru-375), the Nova Poshta building at 66 Travneva Street in Donetsk (bi-175, nk-236, ck-497), the territory of Izolyatsiya factory at 3 Svitloho Shlyakhu Street in Donetsk (oz-929), basements of the Donetsk TV Centre (xh-160, jo-832, hs-313, il-230); the former Voluntary Union for Army, Aviation and Fleet Support (DTSAAF) on Shchorsa Street in Rovenky, Luhansk region (sd-615), the premises of the Alchevsk conscription office (vr-471, lm-013, lm-571, yd-219), the premises of the former Alchevsk City MIA Unit (zh-132). In Luhansk, dozens of prisoners were detained in the basements of the Volodymyr Dal Eastern-Ukrainian National University (wb-308, te-160, xr-637), the basements of the former Zhovtnevyi district council (xc-171, jw-072, jw-672, xr-637, pn-566), the basements of the former Luhansk state regional administration (xc-171, cb-022, ri-859, jw-072, jw-672, vk-734), Dynamo hotel rooms (sd-615), the premises of the former Kokhana shop (10A Heroiv VVV Square) and in the premises of a former kindergarten next to the former Kokhana shop (bc-122). At least 10 people were detained in the former MIA city units in the towns of Sorokyne (Krasnodon) (jo-636) and Khrustalnyi (Kransyi Luch) (lm-321) in the Luhansk region, in the basements of the Institute of Religions (Donetsk Christian University) at 106 Illich Avenue (ap-189) and in the old military hospital on Liashenka Street in Donetsk (vk-334).

The establishment of illegal detention facilities was related to the activities of the IAGs. Every IAG or even their units established their own places of detention. Therefore, the duration of operation of these prisons was related to the functioning of the relevant IAG. The majority of illegal places of detention existed in the temporarily occupied areas from the beginning of the conflict (spring 2014) until the consolidation of power structures in the self-proclaimed republics. Some detention facilities disappeared following the dissolution of an IAG; others changed status and continued to operate after 2015.

Some illegal detention facilities stopped their operations earlier as a result of liberation of the area by AFU and volunteer battalions. They only existed from April until July 2014. These include facilities in the Donetsk region that could hold more than 10 people daily: temporary holding facilities of the Kramatorsk (te-355, xc-070), Druzhkivka (jo-536) and Slovyansk (yj-241, yd-391) MIA city units, the premises of the Kramatorsk (rv-233, qo-675) and Kostiantynivka city councils (ss-271, tc-629), the SSU directorate in Slovyansk (yj-241, ri-473, hs-200). Facilities with a similar capacity in the Luhansk region included the Sievierodonetsk (su-211) and Lysychansk MIA city units (gk-302), the SSU directorate in Sievierodonetsk (ye-983) and the basement of the Sievierodonetsk branch of the State Nitric Industry Institute (pa-398).

In 2016, the number of released detainees from illegal detention facilities significantly decreased, so there is almost no data on the operations of these facilities. According to the collected data, it is clear that the practice of detaining hostages and illegally apprehended individuals in conditions unsuitable for lengthy detention continued. These people were detained in office premises, administrative buildings, as well as in the buildings of remand prisons, penal colonies and the former regional SSU directorate in Donetsk region.

on SSU lists, the number of victims of sexual violence is proportionally higher, i.e. ranging from several hundred to several thousand people.

## **WAS SEXUAL VIOLENCE USED AS A WEAPON OF WAR IN THE CONFLICT IN DONBAS?**

As we can see, the absolute number of victims of sexual violence in Donbas is significantly lower than in the Yugoslav wars or the conflict in Rwanda. Sexual violence in the conflicts in Rwanda and the former Yugoslavia was systematic and widespread. Therefore, it was recognized as a weapon of war in those conflicts.<sup>191</sup>

In order to compare the prevalence of sexual violence in those conflicts with the conflict in Donbas, we used the ratio between the estimated number of victims of sexual violence and the number of casualties. Below is the data we received.

As expected, the ratio between the estimated number of victims of sexual violence and the number of casualties in the Donbas conflict is lower, since the intensity of sexual violence was lower as well. However, the ratios for abovementioned conflicts are not incomparable. Moreover, the identified trends—active use of sexual violence in illegal detention facilities, its use to intimidate and humiliate opponents—allows one to credibly argue that sexual violence was used as a weapon during the conflict in Donbas.

The specific characteristics of sexual violence in the armed conflict in Donbas stem from the nature of the conflict. Unlike the conflicts in Rwanda and the former Yugoslavia, the confrontation in Donbas is ideological rather than ethnic. One party to the conflict supports the preservation of state sovereignty and territorial integrity of Ukraine and pro-European choices in foreign policy. The other party's aim is either the creation of an independent state or states or the accession of certain Ukrainian territories to Russia.

The percentage of the local population actively participating in the conflict is rather small. Active participants in the conflict from the Luhansk and Donetsk regions involved as IAG members or opinion makers (politicians, public activists, journalists) do not have differences in language, anthropological body composition, skin colour or ethnicity. Participants in the conflict are divided by ideas. The only way to distinguish opponents by external signs here is when they intentionally wear certain symbols or uniforms, publicly state certain ideas or identify their support for certain ideas through their actions.

The passive role of the majority of locals in the conflict and physiological homogeneity of the active participants prevents mass violence against the local population. The

IAGs and Ukrainian military treat the locals mostly as “their own”. Locals have not shown widespread active resistance to any of the parties, so the latter have no grounds to use large-scale punitive measures. During the three years of the conflict, there have been no reports of large filtration camps, mass executions or rape. Locals mostly suffer from deteriorating social and economic conditions, arbitrary use of firearms and looting. The main motive of looting is economic gain rather than punishment for resistance.

As a result of the specific features of the conflict in Donbas, the number of clearly identified opponents to the parties is limited. These are civilians taking active part in the conflict, such as guerrilla fighters, social mobilizers, propagandists etc., as well as the military on both sides of the contact line. From the time of the Debaltseve “kettle” (February 2015), only position battles have been held, and there have been no large-scale offensives. In this situation, direct contact between the parties is limited and takes place at the contact line either during armed clashes or during apprehensions and arrests in areas controlled by the Ukrainian military or IAGs. When apprehended or arrested, a person representing the opponent or accused of supporting them usually ends up in official or illegal places of detention.

It is almost impossible to use sexual violence during armed clashes. Therefore, most recorded cases of sexual violence took place where it was possible, i.e. in detention facilities. Testimonies collected during this study suggest that Ukrainian military personnel and IAG members used sexual violence against prisoners and hostages, and such practices were widespread and systemic in the ORDLO.

During the active conflict phase (April 2014-February 2015), the number of ideological opponents and combatants brought to illegal detention facilities was high. In 2014, active civilian supporters of different directions for Ukraine's development were still on both sides of the contact line, i.e. where they were residing before the conflict. This made it easy to detain (primarily for ORDLO representatives) a large number of ideological opponents and put them in illegal detention facilities. The number of detainees started to decrease significantly in 2015, there were exchanges of POWs and civilian hostages, and,

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<sup>192</sup> United Nations. (n.d.). Rwanda genocide and United Nations. Retrieved from <http://www.un.org/en/preventgenocide/rwanda/about/bgsexualviolence.shtml>

<sup>193</sup> Ibid.

<sup>194</sup> UN Women. (2012). Protecting witnesses of wartime rape in Bosnia and Herzegovina. Retrieved from <http://www.unwomen.org/en/news/stories/2012/11/protecting-witnesses-of-wartime-rape-in-bosnia-and-herzegovina>

<sup>195</sup> International Center for Transitional Justice. (2009). Transitional Justice in the Former Yugoslavia. Retrieved from <https://www.ictj.org/sites/default/files/ICTJ-FormerYugoslavia-Justice-Facts-2009-English.pdf>

<sup>196</sup> Office of the United Nations High Commissioner for Human Rights. (2017). Report on the human rights situation in Ukraine 16 February to 15 May 2017. Retrieved from [http://www.ohchr.org/Documents/Countries/UA/UAReport18th\\_UKR.pdf](http://www.ohchr.org/Documents/Countries/UA/UAReport18th_UKR.pdf)

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<sup>191</sup> The United Nations Children's Fund. (1996). The State of the World's Children 1996. Sexual violence as a weapon of war. Retrieved from <https://www.unicef.org/sowc96pk/sexviol.htm>



# RATIO BETWEEN THE ESTIMATED NUMBER OF VICTIMS OF SEXUAL VIOLENCE AND THE NUMBER OF CASUALTIES

Estimated number of victims of sexual violence

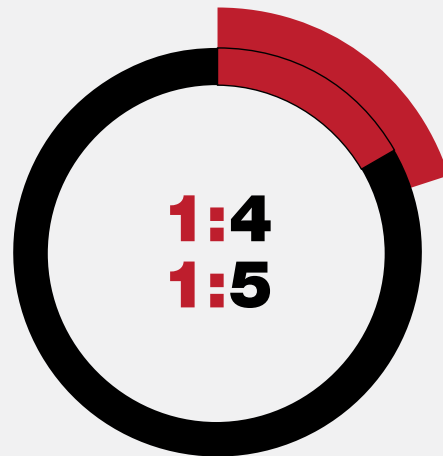
Estimated number of casualties

Ratio between the estimated number of victims of sexual violence and the number of casualties

## Conflict in Rwanda

100 000-250 000<sup>192</sup>

500 000-1 000 000<sup>193</sup>



## Yugoslav wars

20 000-40 000<sup>194</sup>

130 000-140 000<sup>195</sup>



## Armed conflict in Donbas

800-2 400

10 090<sup>196</sup>



accordingly, a lower number of reports of sexual violence in illegal detention facilities.

However, if the parties were able to contact more opponents (for instance, in case of active hostilities and mass relocation of units), it would be possible to reasonably argue that the parties would continue the use of sexual violence on a wider scale. Since contact and possibilities for using sexual violence are limited, it is only used when possible, namely in illegal detention facilities.

According to the testimonies in the previous chapter, IAGs were deliberately detaining and intimidating persons who held opposing or different political views and ideals. For this purpose, IAGs created a network of at least 112 illegal detention facilities where they held POWs and civilian hostages. During this study, we have identified 38 illegal prisons in this network where sexual violence was used. The list of 38 detention facilities includes the largest detention facilities described above where thousands of POWs and illegally detained civilians were held.

The authors of this report do not have documentary evidence to suggest that the policy of sexual violence was planned. Different, often competing armed groups controlled the described illegal detention facilities. However, the mass use of sexual violence in formally separated illegal detention facilities, in different localities and controlled by different armed groups shows that the practice of using sexual violence against detainees was systematic. Perpetrators of sexual violence acted independently from one another. Taken together, however, their actions created a common policy of terror and sexual violence against military and ideological opponents.

In 2014, Ukrainian armed groups also started establishing illegal detention facilities. There are documented testimonies about nine of these places, but, clearly, there were more of them. The number of detainees in these facilities was significantly lower because they were operating for a relatively short period. In addition, the system of law enforcement and penitentiary bodies was in operation in government-controlled territories.

Cases reported during this study show that men in illegal detention facilities were most often subjected to forced nudity, sexual torture and rape. This trend may not reflect the general situation in the conflict area but rather illustrates the nature of sexual violence in illegal detention facilities.<sup>197</sup>

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<sup>197</sup> This trend can be explained by several factors. The research group had the chance to interview the released detainees primarily in the government-controlled areas of Ukraine. People who return to the government-controlled areas are either released POWs or civilians from Donbas who cannot stay in the temporarily occupied areas due to ideological reasons and fear or threat of persecution.

The majority of this group are men since most AFU members are men. Detained civilians who actively supported the territorial integrity of Ukraine were also primarily men. Therefore, men constitute a majority among detainees of illegal detention facilities and interviewees in this study. ►

Among the victims of sexual violence were Ukrainian military and volunteer battalions, as well as non-combatants targeted for political reasons (active supporters of opponents or suspected of support, people with an active civic stance, supporters of sovereignty or a certain direction of state development).

Sexual violence was used not to receive sexual gratification, but to punish, intimidate, humiliate or demoralize the enemy and/or ideological opponent. These motives of sexual violence are clearly expressed in several interviews (yr-820, fc-298, dy-379).

Likewise, in a video showing threats of sexual violence against Ukrainian soldiers, an IAG member describes the motive of committing, recording and publishing a record of violence online as a method of influencing their military opponent.<sup>198</sup>

Incidents described in this chapter show that sexual violence on the part of IAGs during the armed conflict in Donbas was purposeful and primarily used as a method of intimidating, humiliating and punishing POWs and ideological opponents. Such practices were widespread in illegal detention facilities established by IAGs and were systematic. The Ukrainian party to the conflict also used sexual violence in the armed conflict as an instrument of pressure on political opponents and military enemies, but the number of reports of such incidents is small. To conclude, sexual violence was used to facilitate victory in the armed conflict and can be qualified as a weapon of war.

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► This proportion does not imply that women were subject to less severe forms of sexual violence in the illegal detention facilities or that they were less vulnerable to violence. The study showed that the number of women among detainees of illegal detention facilities (and interviewees) was lower.

The most common forms of violence against women were rape. There are grounds to consider that a large number of civilian women (who did not belong to ideological or military opponents) who were detained by IAGs in the illegal detention facilities and survived sexual violence continue to reside in the temporarily occupied areas, and they were not reached by the study.

<sup>198</sup> Voynushki na Ukraine - Opolchenie 18+). (2015, August 12). Plennyj soldat VSU! Boets VSU v plenu! Opolchency vziali v plen Ukropa! [War games in Ukraine - Militia 18+) A captured AFU soldier! AFU fighter in captivity! Militants captured an Ukrop!]. Retrieved from <https://www.youtube.com/watch?v=1Vu5O80zGY>

# 6. SEXUAL VIOLENCE COMMITTED BY IAGS IN THE ARMED CONFLICT IN EASTERN UKRAINE

## 6.1. CONDUCT

To evaluate the documented acts of sexual violence in the armed conflict as international crimes, we will turn to the three elements of a crime:

- conduct (what exactly was done?);
- circumstances (what was the context of the conduct?);
- mode of liability (how was the crime committed and what was the potential perpetrator's role in the crime of sexual violence?).<sup>199</sup>

Sexual violence can constitute a part of torture, mutilation, inhuman treatment, murder, persecution and outrages upon personal dignity.<sup>200</sup> Women, men, girls and boys can all be victims of sexual violence in armed conflict. At the same time, feelings of guilt, shame, fear of reprisal or taboo related to this issue often prevent survivors from reporting violence. In fact, testimonial evidence is often the only available evidence of a crime of sexual violence. In international criminal practice, for crimes of sexual violence, no corroboration of the survivor's testimony is required as a rule of procedure and evidence.<sup>201</sup>

Sexual violence can be committed for the purpose of sexual gratification, though in conflict the main goal is

primarily to demonstrate power and control over the victim. The rape of women and men during armed conflict is a form of attack displaying "conquest" and humiliation of female and male combatants. It can also serve as a punishment for deviation and non-conformity with social norms, for instance in the case of LGBTI people.

Sexual violence can be committed with the use of force or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power against such person or another person. Sexual violence can also be committed by taking advantage of a coercive environment or against a person incapable of giving genuine consent.

It does not necessarily entail the use of physical violence or any violent act: the environment can be sufficient to limit the person's capacity to give genuine consent.

"And that is when I learned V. story. She also had asthma; it was difficult for her to say that first she had been put in a separate [room]. The room was a metre, a metre and a half wide, three metres long. [...] These are auxiliary rooms, like a janitor's closet. They kept her in that room for approximately three hours. Then, 'Ramzan' came [...] He raped her. He told her that if she didn't agree, he would leave her there to die. She agreed, but I still think it's rape because she had no choice" (od-446).

In most identified cases, victims of sexual violence by IAGs were Ukrainian military personnel or civilian ideological opponents.<sup>202</sup> It was used to punish, humiliate,

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<sup>199</sup> Modes of liability include direct responsibility (direct perpetration); co-perpetration and responsibility for acting with a common purpose; indirect perpetration (the suspect exercises control over commission of the crime); ordering, soliciting/inducing; aiding and abetting; and responsibility of commanders and other superiors.

<sup>200</sup> Rome Statute, Articles 7(1)(f), 7(1)(h), 8(2)(a)(ii), 8(2)(b)(xxi), 8(2)(c)(i), 8(2)(c)(ii).

<sup>201</sup> United Kingdom: Foreign and Commonwealth Office. (2014). International Protocol on the Documentation and Investigation of Sexual Violence in Conflict. Retrieved from <http://www.refworld.org/docid/53f2fed34.html>

<sup>202</sup> According to respondents, 41 victims were Ukrainian military or volunteer battalion members, 38 had other political views (supported/were suspected of supporting the Ukrainian military, were Ukrainian activists, public figures, supported the state sovereignty and independence of Ukraine).

# SEXUAL VIOLENCE BY IAGS AGAINST WOMEN

**One out of every three**  
female interviewees in this study was a victim of,  
and/or witness to, sexual violence

**rape**

22 cases

**sexual insults,  
humiliation, intimidation**

10 cases

**forced nudity**

9 cases

**attempted rape**

8 cases

**threat of rape**

7 cases

**sexual violence as part  
of torture or inhuman treatment**

3 cases

**enforced prostitution**

2 cases

**damage to a pregnant  
woman's womb**

2 cases

**threats of sexual violence  
against family members**

2 cases

**absence of separate bathroom and/or  
shower facilities for men and women**

16 cases



# SEXUAL VIOLENCE BY IAGS AGAINST MEN

**One out of every four**  
male interviewees was a victim of,  
and/or witness to, sexual violence

**forced nudity**

34 cases

**sexual violence  
as part of torture**

18 cases

**sexual insults,  
humiliation, intimidation**

9 cases

**rape**

9 cases

**threat of rape**

9 cases

**threat of castration**

8 cases

**threats of sexual violence  
against family members**

3 cases

**attempted castration**

3 cases

**attempted rape**

1 cases



intimidate, obtain information or a confession, as well as to gratify sexual needs. In a number of cases, it was not possible to establish the motive, while the interviewees pointed out the perpetrator's violent tendencies.

Information about **175 cases of sexual violence by IAGs against women and men** was collected during this study. There were documented cases of rape,<sup>203</sup> attempts and/or threats of rape, sexual violence during torture, forced nudity, lack of separate shower facilities for women and men, sexual insults and humiliating statements.

Interviewees reported 81 cases of sexual violence by IAGs against women, including the following forms:

- rape – 22 cases;
- sexual insults, humiliation, intimidation – 10 cases;
- forced nudity – 9 cases;
- attempted rape – 8 cases,
- threat of rape – 7 cases;
- sexual violence as part of torture or inhuman treatment – 3 cases;
- enforced prostitution – 2 cases;
- damage to a pregnant woman's womb – 2 cases;
- threats of sexual violence against family members – 2 cases;
- absence of separate bathroom and/or shower facilities for men and women – 16 cases.

One out of every three female interviewees in this study was a victim of, and/or witness to, sexual violence.

Information about 94 cases of sexual violence by IAGs against men was collected during this study, including data on the following forms of violence:

- forced nudity – 34 cases;
- sexual violence as part of torture – 18 cases;
- sexual insults, humiliation, intimidation – 9 cases;
- rape – 9 cases;
- threat of rape – 9 cases;
- threat of castration – 8 cases;
- threats of sexual violence against family members – 3 cases;
- attempted castration – 3 cases;
- attempted rape – 1 case.

One out of every four male interviewees was a victim of, and/or witness to, sexual violence.

Based on collected data, we can state that sexual violence in the conflict in Donbas was used both independently and as a part of torture, inhuman or degrading treatment and punishment, and murder.

“The militants had something similar to a battery with two wires; they also had two bats, a wooden and a rubber one. They attached one wire to my sexual organ and the other one to my tongue, and turned on the current until I started seeing white spots. To make me stop screaming, they were hitting me with a bat in the head, knees, sexual organ, and periodically finished by kicking. The pain was unbearable; I bit a militant's boot from the pain” (ck-497).

It also served as a component of persecution of civilians, particularly on the grounds of their political views, religious belief, race and sexual orientation. According to a Protestant priest, “[they] burnt [my] feet with a lighter, used the electric shocker, pushed out my eyes, tore my mouth, shoved the cross into my anus” (ri-859). Another interviewee said: “When they [Cossacks] brought me to the cell for the first time, to the first cell, I asked, ‘Guys, are they naked?’ They were not completely naked; they had sheets wrapped around them. They said, ‘If I'm not mistaken, these are Baptists. When they were brought in, taken to the interrogation, they were undressed there’” (gk-466).

## 6.2. CONTEXTUAL CIRCUMSTANCES

It is important to emphasize the following contextual elements of sexual violence in the armed conflict:

1. sexual violence was associated with the armed conflict;
2. the perpetrators were aware of factual circumstances that established the existence of the armed conflict.

Collected victim and witness testimonies include numerous mentions of hostilities, their intensity (shellings, explosions and use of heavy artillery), casualties, military equipment and ammunition, military units and groups etc. These recollections show that the violence took place in the context of an armed conflict, and that the commanders and perpetrators were aware that the conflict existed.

“Escape was impossible, there were many separatists around, even when the shelling started and everyone ran into the courtyard” (xh-160).

“I resisted, the third came and they pulled me into the library basement behind ‘Veselenka’ station. There, I was recovering from a contusion for a while, pieces were falling from the ceiling, and only because of that I understood we were being shelled” (cb-022).

“There were battles. One night, they ran into the cell and said, ‘Get your things!’ It was approximately on 4 July, I had the phone with me. They transferred us from there into the garage next door. He said, ‘This is it. Stay here.’ And they put a body (one of their men died) into our cell” (pp-298).

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<sup>203</sup> For the purposes of this chapter, rape is an act of invading the body of a person by conduct resulting in penetration, however slight, of any part of the body of the victim or of the perpetrator with a sexual organ, or of the anal or genital opening of the victim with any object or any other part of the body. The invasion was committed by force, or by threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, against such person or another person, or by taking advantage of a coercive environment, or the invasion was committed against a person incapable of giving genuine consent due to natural, induced or age-related incapacity.

“In general, they treated all Ukrainian prisoners of war the same. It became worse several times when the Ukrainian army liberated new towns, and the guards lashed out at the prisoners, they could beat you up or humiliate you. The militants were especially angry when they brought at least 50 coffins with those who died from their side at Donetsk Airport” (xc-570).

“The major would visit periodically, the same one that took part in interrogations and asked me to show [him where] our headquarters and roadblock were, questions about location were simply a formality. He showed his new Russian navigation system, K. and I remembered it very well, but I forgot the name. It was a Russian satellite navigation, latest generation. They showed us the application where you could put the name of our location point and everything was online on the screen, I even saw where our guys’ machine gun was pointed” (ck-497).

The documented cases of sexual violence occurred as part of the activities of organized armed groups that took part in the conflict. Some witnesses also mentioned the participation of RF regular army units, representatives of the RF in IAGs established in uncontrolled areas, including professional military personnel, as direct perpetrators, field commanders etc.

In the illegal detention facilities, interviewees repeatedly saw citizens of the RF, including members of the armed forces. The interviewees identified them based on their **clothing, military insignia, language or ammunition**. Russian military personnel took part in interrogations and sexual violence or were in charge of the illegal detention facilities.

“Two Russians in civilian clothes conducted the interrogation<sup>204</sup> [...] It seems that one of them was a law enforcement official. He had a manner of speech that was very characteristic of Russian residents. They were asking about the location of military units” (cb-822).

“I saw shellings by the Russian Federation. When we were arranging the new commandant’s office in the Zhovtnevyi executive committee, there was a two-story dorm behind it where people from the Caucasus, Chechnya, maybe even Dagestan, lived. They were separate. [...] When talking to them, we clearly understood: these guys were from Grozny, some of them barely spoke Russian, and with a certain accent [...] In addition, this time they put a Russian, Sergey from Murmansk, in the cell with us. He was drunk and they threw him into the cell with ‘ukrop’ for discipline. This Sergey told us where he was from, that they didn’t even know where or why they were going, no one told them. They realized where they were only upon arrival” (cb-022).

“Armed mostly with AK-100s, there were also 47s and 74s. I was surprised because our army does not have AK-

100s at all.<sup>205</sup> The most surprising part was that every one of their AK-100s had an under-barrel grenade launcher, not a detachable one like we have, but a stationary one attached to the gun” (xh-160).

According to one of the interviewed military men: “Hromov spoke to me. How he introduced himself was that he was a Russian. He said he was an intelligence officer. Well, quite important, serious, he tried to recruit me”<sup>206</sup> (pp-298).

“I: Who apprehended you?<sup>207</sup>

“R: Military personnel of the Russian Federation. A petty officer of the RF army with a characteristic Russian accent. It was clear, first of all, from the way they spoke, their manner of speech, their appearance: Buryats, Ingush. Their dialect was different, for instance, if ‘fufaika’ is a pea coat for us, they called a regular jacket a ‘fufaika’. We even saw a lot of military equipment. It was different from ours in numbers and quality. For 2 kilometres, the entire road was covered in the military equipment: BMD-1s, BMD-2s, BRDs, at least 60 units, a ‘Nona’ system, KAMAZs (shorter and higher than ours were). There were at least 800 Russian military there. The BMD had the ‘dot in the circle’ in white paint on the side; it was back from Soviet times, meaning that these were infantrymen from the Pskov Division, an intelligence battalion. There were at least four companies of them. The military did not hide their affiliation with this brigade in conversations” (xc-570).

“There were two more prisoners detained with me. [...] They told me they were from Chechnya, that they were Russian contracted military. They were sent to the DPR to fight the war” (rv-306).

“Five people armed with machine guns and pistols stormed into my house in the Lutuhyne district of the Luhansk region. Four of them were wearing camouflage, with Russian marine patches” (yd-219).

“Two Russian soldiers were in the basement.<sup>208</sup> They were detained with us for two days. They told us they were from the Rostov region [...]. They served in a military unit. They were professional military personnel of the Russian Federation” (te-160).

“Before taking us to Antratsyt, they did another search. A young guy searched me. [...] He spoke Russian, said he was a Russian soldier who ‘came to help the brother nation save motherland from the bastards like us’ [...] Russian soldiers were in our convoy to Horlivka. They went in the

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<sup>205</sup> The events took place in Donetsk in the summer of 2014.

<sup>206</sup> The events took place in Luhansk.

<sup>207</sup> The events took place near Ilovaisk, Donetsk region.

<sup>208</sup> The events took place in Luhansk.

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<sup>204</sup> The events took place in the Luhansk region.

front and in the back. Spoke Russian. They guy who said he'd come from Russia was among them" (ru-375).

"We heard shots above.<sup>209</sup> Turns out, there was some Russian group. All wearing balaclavas, I saw 'Crimea. Berkut' on their patches" (fr-919).

"They took the bag off my head, put me in a chair, and tied my hands and feet to the chair with a duct tape.<sup>210</sup> I saw three people in front of me. One, a major, approximately 45 years old, with a scar on his left cheek, young-looking. [...] The interrogation started.

"They asked, 'Where are you now?'

"I said, 'Counterintelligence'.

"A blow.

"Asked again, 'Where are you now?'

"I said, 'With the militants'.

"A blow again.

"Third question, 'Where are you now?'

"I say, 'Hell'.

"Correct.'

"The militants who were with 'Dushman' later talked about taking part in the Afghan war. The major was a Russian officer. He asked about ranks, titles, techniques etc. The major said he was from Rostov, he said all Russian officers serving in the occupied areas were officially registered in Chechnya" (ck-497).

"R: What they did was: you do push-ups, you fall, they hit your neighbour in the cell, they don't touch you. It was psychological pressure [...]

"I: Who were they? Local?

"R: Russians. Specifically, Russians. I do not know if they were soldiers, but I do know they were Russians.

"I: How do you know they were Russians?

"R: Because they showed their documents. They were bragging to us.

"I: What was in the documents?

"R: A Russian passport. I don't remember the last name,

to be honest, because he covered it with a finger. Not a military one, just a passport" (pn-566).

Representatives of the Russian Armed Forces who held high-level positions in the IAG hierarchy in Donbas or in the occupying military, representatives of Russian counterintelligence were aware of the illegal detention facilities established by different IAGs in the Luhansk and Donetsk regions, and they also visited them multiple times. They saw and understood the nature of operations in these facilities, particularly they were not suitable for accommodating people long-term. They witnessed and often took part in the use of various forms of violence, including sexual violence, against individuals held in the illegal detention facilities.

### 6.3. MODE OF LIABILITY

The most challenging element is the mode of liability, i.e. the manner in which crimes were committed and the potential perpetrator's role in the crime of sexual violence (direct perpetrators, military commanders, and civilian commanders).

According to Article 25 of the Rome Statute, a person shall be criminally responsible and liable for punishment for a crime within the Court's jurisdiction if that person:

- commits such a crime, whether as an individual, jointly with another or through another person, regardless of whether that other person is criminally responsible;
- orders, solicits or induces the commission of such a crime that in fact occurs or is attempted;
- for the purpose of facilitating the commission of such a crime, aids, abets or otherwise assists in its commission or its attempted commission, including providing the means for its commission;
- in any other way contributes to the commission or attempted commission of such a crime by a group of people acting with a common purpose.

A military commander or person effectively acting as a military commander is also criminally responsible for crimes within the Court's jurisdiction committed by forces under his or her effective command and control or effective authority and control as the case may be. A crime can also occur as a result of his or her failure to exercise proper control over such forces, where:

- that military commander or person either knew or, owing to the circumstances at the time, should have known that the forces were committing or about to commit such crimes; and
- that military commander or person failed to take all necessary and reasonable measures within his or her power to prevent or repress the commission of crimes or to submit the matter to the competent authorities for investigation and prosecution.

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<sup>209</sup> The events took place in Luhansk.

<sup>210</sup> The events took place in Horlivka, Donetsk region.



# CASES OF SEXUAL VIOLENCE BY IAGS

**175**

**cases of sexual violence by IAGs against women and men was collected during this study**

**There were documented cases of**

rape

attempted rape

threat of rape

damage to a pregnant woman's womb

sexual violence as part of torture

forced nudity

sexual insults

humiliation

intimidation

enforced prostitution

threat of castration

attempted castration

threats of sexual violence against family members

absence of separate bathroom and/or shower facilities for men and women

In the collected interviews, there is only fragmented information about perpetrators of violence (general descriptions of individuals' appearance, call sign and affiliation with an IAG). There is also information about those who exercised control over direct perpetrators and gave orders, solicited or induced the commission of violence. This is connected with the fact that perpetrators of sexual violence often understood that they were committing criminal acts and tried to conceal those crimes. "When I was detained, they brought in a man suspected of paedophilia. I can see the moment when he was brought in, and he was a slightly chubby man, I already could see his buttocks, his pants fell down. [...] They are beating him all the time, pulling him in and closing, I see this part, and they close this solid door, but there is a crack, and you can hear everything. They are beating this man, saying, 'Faggot!' And he screams, 'I didn't do anything like that! I was seeing this woman at some point [...] But I treated her daughter well.' Back when they pulled him in, he tried to say something, but then they were only hitting him, he was only moaning, and screaming, and howling. [...] And I can say that someone said, 'Come on, not here, not here!' They continued to undress him. And someone started saying, 'Not here, not here! [...] Take him to the cell and continue there" (mg-794).

Even conversations about rapes of detainees in illegal detention facilities were not approved of, "In a conversation with other cellmates, I suggested that these were not interrogations but rapes. They told me they understood everything, but it's better not to talk, because we shouldn't

forget where we were. Sometimes, this woman was taken for so-called interrogations twice a night" (xr-637).

In Section 3.4.4, "Potential perpetrators of sexual violence in illegal detention facilities", we have provisionally identified 37 individuals who were in charge of illegal detention facilities and/or who possibly committed sexual violence. Among them, 13 individuals were not on the MIA search list. It is necessary that law enforcement bodies conduct investigations in relation to these individuals and hold them responsible.

To conclude, there have been reported cases of conflict-related sexual violence against women and men during the conflict in eastern Ukraine. We have also identified the commanders and potential perpetrators. The sexual violence had a geographical, temporal and/or causal link to the conflict.

Within the framework of this report, the authors did not intend to assess sexual violence in the context of specific articles of the Rome Statute or the relevant elements of crimes. The report was written with awareness-raising and advocacy purposes in mind; its objectives include the identification of problems in recording, investigating and counteracting conflict-related sexual violence. At the same time, the documented cases can constitute war crimes and crimes against humanity in accordance with the Rome Statute. The information presented in this report highlights the need for a specialized submission to the Office of the Prosecutor of the ICC.

# 7. SEXUAL VIOLENCE AS AN INFORMATION WARFARE COMPONENT DURING THE ARMED CONFLICT IN DONBAS

Media reports and other information spread through informal channels of communication have a significant impact on the situation with sexual violence. The issue of sexual violence in the context of information warfare can be the subject of a separate study. However, the information component of the war in Donbas is significant. Therefore, this chapter provides a brief overview of the key issues identified in relation to this matter.

From September 2014, Russian media were actively covering sexual violence; Ukrainian media started raising the issue in 2016. However, not only the media but also rumours had an impact on the level of awareness about sexual violence. Rumours spread through word of mouth, social media and propaganda media. Their impact on the population in the ATO area was incredibly strong, especially at the beginning of the conflict. The population was not critical about unverified information. For example, unverified news about an assault operation could force thousands to evacuate over several hours. Official Russian media, as well as other pro-separatist media, used false news to provoke outrage and conflict between the Ukrainian military, law enforcement and the local population in Donbas, as well as to spread panic.

The topic of sexual violence was regularly used in rumours and false messages. The author of this chapter has repeatedly heard rumours about sexual violence from the local population in the conflict area (from taxi drivers, in public spaces, at bus stops, shops etc.). As a rule, this information was mentioned as credible and obtained from an eyewitness. However, when we tried to identify the source of stories for reporting purposes, it would turn out that the real witnesses to the events were unknown.

The majority of the stories identified during this study described cases of forced sexual acts against women.

Rape is described in detail, with emphasis on its cruel, extraordinary nature, for instance, when the victim is a small child, underage girl or a pregnant or elderly woman.

“I also spoke with women raped by the mercenaries from the battalion [...]. They were subjected to group rape, almost all the women in the village, even the elderly ones”.<sup>211</sup>

Sometimes, the details are simply unrealistic, “A five-month-old child was raped in Slovyansk, the child died in front of her mother [...]”.<sup>212</sup>

Particular cruelty can be emphasized through narratives about injuries to the genitalia, rape in the presence of family members etc. One of the most common stories is the use of construction foam during rape. In this narrative, the woman (as a rule, young or underage) is raped by nationalists (representatives of the National Guard, volunteer battalions). After the crime, perpetrators put construction foam into the victim’s genitalia. The victim dies. In the stories with a “happy ending”, the victims are saved by doctors.

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<sup>211</sup> Kriviakina, E. (2014, October 6). Latvijskij pravozashchitnik: Menia nazyvajut svolochju za to, chto ja rasskazal pravdu o Donbasse [Latvian human rights defender: they call me a bastard for telling the truth about Donbas]. Retrieved from <https://www.crimea.kp.ru/daily/26291.5/3168939/>

<sup>212</sup> Fokyc. (2015, February 21). “Ya plakal” website forum. Discussion thread “Privet YaP iz Donbassa, my tuta...” [Hello to YaP from Donbas, we here...]. Message posted to <https://www.yaplakal.com/forum2/st/1075/topic977600.html>

“Refugee mothers with small children in their hands say [...]: the Nazis, Ukrainian nationalists, not mercenaries, captured a 14-year-old girl. They raped her and then put construction foam into her internal organs; she didn’t make it”.<sup>213</sup>

“Our girls are raped by fighters from the scourge battalions [...] There was a case when four young women who had been raped were brought to our hospital. And the militants not only scoffed at them, but put construction foam into their rectums. When they were brought, the entire staff was shocked. Our doctors are good, so they saved these women’s lives”.<sup>214</sup>

Another way of making the story more sensational is to claim that the rape was committed on a mass scale. “They often gang-raped almost all the women in the village”.<sup>215</sup> “Every day, commanders of the battalion take 15-20 women under 35 years old from the 107th Pryazovska female correctional prison for the night. The military take the detainees to their base, rape them and bring them back, barely alive, to the prison”.<sup>216</sup>

Since certain acts of sexual violence indeed did take place, we can assume that some of them could serve as the basis for the above rumours. However, it is important to note that rumours, especially fake news reports in the Russian media, exaggerate sexual (and other) crimes.

The Russian media used three key manipulation techniques<sup>217</sup> to spread false information about the level and severity of sexual violence in the area of hostilities.

**“The great lie”** – when false information is presented in a very serious manner, which makes it seem credible. Facts are mythologized, and new facts are invented. The scale of the described (actual or made-up) crimes and their severity are extremely exaggerated. Information about crimes and their scale reported by the Russian media (rape of the entire female population in villages, mass exploitation of female prisoners as sex slaves) is only available in these

media outlets, without any corroboration from a credible international organization.

**“Mixing facts” and “scary facts multiply”**<sup>218</sup> – facts are mixed with hypotheses and rumours. This makes it much more difficult to distinguish between truth and lies. For instance, accurate information about the exhumation of four bodies is complemented by made-up facts about concentration camps, executions of pregnant women etc.

**“Disguised attacks”** – when information useful for the manipulator is provided through neutral skills. To create the impression that information is credible, Russian media can emphasize the “expert” source of the information, the “independent” status of experts, and their EU background.<sup>219</sup> For instance, Channel Five (a Russian federal TV channel); the Vesti internet portal, which belongs to the Russian State TV and Radio Company and Komsomolskaya Pravda call Einars Graudins, a pro-Russian activist from Latvia, an “OSCE expert”. He spreads blatant lies about the number of civilian casualties and mass rapes of civilian women.<sup>220</sup> After the “expert” opinion of this Latvian politician is spread by Russian media, the lies of this “expert” are reproduced on Internet forums.<sup>221</sup> False reports reference the names of international experts with made-up comments or free interpretation by Russian journalists.

Publications actively use hate speech (“Nazis”, “fascists”) to describe the members of the AFU, National Police and volunteer battalions.

Disinformation campaigns are planned. Different Russian media (leading information agencies, TV and radio channels, print and online media) share information created with similar story templates at the same time. The information wave is supported by publications in blog entries and social networks. Separatist leaders and high-ranking Russian officials join in these disinformation campaigns.

<sup>213</sup> Ibid.

<sup>214</sup> Samoylova, R. (2014, December 25). Ukropy nasilijut zechek iz mariupolskoj kolonii [“Ukrops” are raping inmates from Mariupol prison]. Retrieved from <https://nahnews.org/126014-ukropy-nasiluyut-zechek-iz-mariupolskoj-kolonii>

<sup>215</sup> Kriviakina, E. (2014, October 6). Latviiskij pravozashchitnik: Menia nazyvajut svoločju za to, chto ja rasskazal pravdu o Donbasse [Latvian human rights defender: they call me a bastard for telling the truth about Donbas]. Retrieved from <https://www.crimea.kp.ru/daily/26291.5/3168939/>

<sup>216</sup> Samoylova, R. (2014, December 25). Ukropy nasilijut zechek iz mariupolskoj kolonii [“Ukrops” are raping inmates from Mariupol prison]. Retrieved from <https://nahnews.org/126014-ukropy-nasiluyut-zechek-iz-mariupolskoj-kolonii>

<sup>217</sup> Wartime.org.ua.(2012, January 19). Dezinformacija: potuzhna zbroia suchasnoi viiny [Disinformation: a powerful weapon of modern war]. Retrieved from <http://wartime.org.ua/768-dezinformacija-potuzhna-zbroya-suchasnoyi-viiny.html>; Petrovskaya, S. (2014, October 6). Deti skandirujut fashistskie lozungi i prizyvajut “ubivat moskalej”. Rossijskie SMI ob Ukrainie [Children chanting fascist slogans and calling to “kill Russians”. The Russian media on Ukraine]. Retrieved from <https://www.ostro.org/general/society/articles/455704/>

<sup>218</sup> Lykhomanov, P. (2014, September 25). Genotsid. Tysiachi zhiteljev Donbassa zverski unichtozheny karateliami [Genocide. Thousands of people in Donbas are wiped out by scourgers]. Retrieved from <https://rg.ru/2014/09/24/karateli-site.html>

<sup>219</sup> Chizhova, L., Sharogradskij, A. (2014, October 1). Tainstvennyj ekspert [The mysterious expert]. Retrieved from <https://www.svoboda.org/a/26615443.html>

<sup>220</sup> Doska objavlennii. Sankt-Peterburh. (2014, October 1). V massovyh zahoroneniach pod Donetskom najdeno pochni 400 tel [Almost 400 bodies found in mass grave near Donetsk]. Retrieved from <https://www.youtube.com/watch?v=H9g2EmUB5lo>; Vesti.ru. (2014, October 1). Rjadovoj bataliona “Dnepr” priznalsja v ubijstvah zhenshchin i detej [A private from Dnipro battalion admitted to murdering women and children]. Retrieved from <http://www.vesti.ru/doc.html?id=2012722>; Kriviakina, E. (2014, October 6). Latviiskij pravozashchitnik: Menia nazyvajut svoločju za to, chto ja rasskazal pravdu o Donbasse [Latvian human rights defender: they call me a bastard for telling the truth about Donbas]. Retrieved from <https://www.crimea.kp.ru/daily/26291.5/3168939/>

<sup>221</sup> 3rm.info. (2014, October 18). Raba Bozhija. Einars Graudins. Ja svoloč, rasskazavshaja pravdu o Donbasse [Einars Graudins. I am the bastard who told the truth about Donbas]. Retrieved from <http://3rm.info/publications/51882-eto-svidetelstvo-prestupleniy-ukronacistov-dolzhen-videt-vse-video.html>. – 18.10.2014; Anonymous user. (2014, October 18). Message in a discussion under the article “Krivorozhane po zovu serdca prinosiat tsvety k memorialnoj stole v chest voinov ATO” [People from Kryvyi Rih sincerely bring flowers to the memorial stela for ATO warriors]. Message posted to <http://krlife.com.ua/news/krivorozhane-po-zovu-serdtsa-prinosyat-tsvety-k-memorialnoi-stele-v-chest-voinov-ato-foto>

An example of a large-scale disinformation campaign targeting the population in Ukraine, Russia and the international community were reports and statements by Russian state officials following the exhumation of four civilians from a mass grave next to the Kommunar commune. The commune belongs to the village of Nyzhnia Krynka (Makiivka city council, Donetsk region). The grave was found in late September 2014 next to a possible former base of Ukrainian military units that are accused of extrajudicial killings. A mass grave containing five IAG members was discovered along with the civilian grave. There has been no international investigation of these cases, though OSCE representatives were invited to the exhumation. The National Guard denied that their units were located next to Nyzhnia Krynka.<sup>222</sup>

The story about the exhumation of graves near Nyzhnia Krynka was used by the RF as a tool to impose on the international community myths about mass war crimes allegedly committed by the Ukrainian military. Among these alleged crimes were a large number of summary executions of civilians by the Ukrainian military and the establishment of concentration camps for the population in Donbas. Another myth was that the Ukrainian military used mass rapes of women as a weapon of war. For this purpose, Russian media complemented the information about the grave of four civilians with a number of highly improbable stories about sexual violence in the conflict area.

For instance, Rossiiskaya gazeta, an official government publication, used the story about the exhumation in Nyzhnia Krynka as the introduction to an article that was followed by an “impartial” story about a murdered family of IDPs allegedly shared on social media by a militiaman named Shuvalov.<sup>223</sup>

“The mutilated bodies of two men on the floor: one is approximately 36 years old, the other one is old. A little farther are the bodies of two young women. Completely naked, with their stomachs cut open and signs of severe beating. And in the middle of all this, there is a small bundle crawling, murmuring something. It turned out to be a girl, two to three years old. A wound on her head, in fact, one part of her skin and ear cut down. It’s a miracle she survived. Based on the condition of these bodies, they were there for about a week.”

The Russian government newspaper had no doubts about the credibility of the story about an abandoned two-year-old living for a week among her murdered relatives. This story is accompanied by a report from the Army of the South-East about two waitresses kidnapped in Mariupol by the “fascists”, and the Ukrainian police being afraid to look for them.<sup>224</sup>

<sup>222</sup> 112.ua. (2014, August 23). Natsguardija sprostovuje povidomlennia pro nibyto pokhovannia liudej v tabori pid Donetskom [The National Guard denies information about alleged graves in a camp near Donetsk]. Retrieved from <https://ua.112.ua/suspilstvo/nacgvardiya-sprostovuye-povidomlennya-pro-nibito-pohovannyah-lyudej-v-tabori-pid-donetskom-119145.html>

<sup>223</sup> The media outlet does not provide links to the quoted person’s profile.

<sup>224</sup> Lykhanov, P. (2014, September 25). Genotsid. Tysiachi zhytelej Donbassa zverski

Russia’s NTV channel added to the exhumation story with rumours about “people disappearing in neighbouring villages during recent months, mostly young girls. And there were rumours that National Guard soldiers were raping and killing them.” In addition, the programme added details about one of the victims being eight-months pregnant. To enhance the impact, Russian journalists reported that, “according to certain sources”, there was “something like a concentration camp” where the Ukrainian military were located.<sup>225</sup>

Other Russian media also published similar reports on “multiple gang rapes of underage girls, 12, 13, 14 years old” near Nyzhnia Krynka, which so-called expert Einars Graudins called “the real genocide”.<sup>226</sup> Additional details about the tragedy of “half-decayed girls with their hands tied behind their backs with barbed wire and their pants pulled down to their knees” have already appeared on the LiveJournal page of a blogger from Novochemsk with the username “aba\_g”.<sup>227</sup>

The Dialog.UA website added another “expert” comment from Einars Graudins about the “countless crimes of the scourge battalions” to the piece on the exhumation. “First of all, there are multiple gang rapes of underage girls. This is a real situation”, the pro-Russian politician from Latvia is quoted as saying in this media outlet.<sup>228</sup>

Public figures have also joined the Russian media with sensational statements. According to Oleksii Zakharchenko, a separatist leader from Donetsk, the number of murdered civilians near Nyzhnia Krynka from four reached 40,<sup>229</sup> and with a week, Sergey Lavrov, the Russian Minister of Foreign Affairs, claimed that “over 400 bodies were found in graves around Donetsk”.<sup>230</sup>

unichtozheny karateliami [Genocide. Thousands of people in Donbas are wiped out by the scourgiers]. Retrieved from <https://rg.ru/2014/09/24/karateli-site.html>

<sup>225</sup> Ntv.ru. (2014, September 23). Donbass v uzhas: v braskoj mogile zherty natsguardii nashli beremennuju [Donbas is in shock: a pregnant woman was found in the mass grave of the victims of the National Guard]. Retrieved from <http://www.ntv.ru/novosti/1220116/>

<sup>226</sup> Platonov, A. (2014, September 29). Mezhdunarodnye nabliudateli issledujut zahoronenija v Donbasse [International observers inspect the graves in Donbas]. Retrieved from <http://www.tvc.ru/news/show/id/51350>

<sup>227</sup> Aba\_g. (2014, September 28). Massovye zahoronenija zamuchennyh i iznasilovannyh ukrainskoj armiej [Mass graves of those tortured and raped by the Ukrainian army]. Retrieved from <http://aba-g.livejournal.com/578163.html>

<sup>228</sup> Dialog.ua. (2014, October 1). Massovye zahoronenija mirnyh zhitelej v Donbasse: novye podrobnosti ot OBSE [Mass graves of civilians in Donbas: new details from the OSCE]. Retrieved from: [https://www.dialog.ua/news/20976\\_1412171057](https://www.dialog.ua/news/20976_1412171057).

<sup>229</sup> Tass.ru. (2014, September 25). Premier DNR: na meste massovyh zahoronenij najdeny tela 40 mirnyh zhitelej i plennyh [Prime minister of the DPR: bodies of 40 civilians and prisoners found in mass graves]. Retrieved from <http://tass.ru/mezhdunarodnaya-panorama/1465607>

<sup>230</sup> RT. (2014, October 1). Sergey Lavrov: RF budet dobivatsja objektivnogo rassledovaniya massovyh zahoronenij pod Donetskom [Sergey Lavrov: the RF will demand an objective investigation into the mass graves near Donetsk]. Retrieved from <https://russian.rt.com/article/52409>

These cases illustrate the false and manipulative nature of the information, intentional misrepresentation of facts and premeditated spreading of rumours by the Russian media, including state media, during the information war. International human rights organizations have also pointed out the “significant exaggeration” of the number of casualties and scale of war crimes by the Russian media and authorities. In general, there have been many publications on information manipulation by the Russian media during the war.<sup>231</sup> For the purposes of this study, it is important to emphasize the leading role of the sensitive issue of sexual violence in this information warfare. It has been actively used by Russian propaganda to incite conflict in Ukraine.

Publications in the Ukrainian media also display a simplified approach to covering sexual violence in Donbas, which is evident in headlines and the choice of facts and vocabulary.<sup>232</sup> However, overall, the range of publications on sexual violence in the conflict and presented opinions were significantly broader than what was offered by the Russian media. Ukrainian media included publications on sexual violence in illegal detention facilities in temporarily occupied areas.<sup>233</sup> Many publications were dedicated to investigating crimes committed by the Tornado Specialized Police Patrol Unit.<sup>234</sup> The media have actively covered the problem of the court review of cases of sexual violence committed by ATO participants. In particular, they covered the inadequate sentence issued by Oleksii Honcharuk, a judge from the Ivankiv District Court in the Kyiv region, in

relation to the rape of an underage girl by a soldier.<sup>235</sup> An OHCHR report on sexual violence generated a certain level of interest.<sup>236</sup> The issue of sexual violence in conflict and coverage of the issue by Ukrainian and international media has been discussed in various forums.<sup>237</sup>

In Ukraine, there are no strong state media outlets, and the state information policy has remained rather weak. Therefore, the position of state players is represented to a lesser extent in the discourse. Certain state authorities and officials have tried to explain their actions and stance on certain aspects of the issue when they commented on sexual violence. For instance, the Military Prosecutor’s Office or the National Guard explained their position in relation to the Tornado case. Iryna Herashchenko, first deputy chair of the Verkhovna Rada, also commented on the statements of officials or specialized UN bodies on sexual violence in Donbas. However, in general, Ukrainian media make their own choices concerning the perspective for covering the issue of sexual violence.

Unfortunately, for a long time, Ukrainian media were not paying sufficient attention to the issue of sexual violence in the conflict area. This was due to standard issues linked to covering the issue (survivors are not willing to publicize the facts, stigmatization of survivors etc.). In 2017, coverage of sexual violence in the national media has been much broader; however, these publications are not sufficient to form a sustainable public opinion in Ukraine that would condemn all forms of sexual violence, regardless of who the perpetrator might be. Survivors continue to be in need of information about support services and behavioural models in conflict. Countering Russian propaganda, including on the issue of sexual violence, is an important task for the public and the state, especially in Donbas, where Russian propaganda media continue to have a strong influence.

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<sup>231</sup> Radiosvoboda.org. (2014, October 1). Zmi Rosii znovu liakaiut nibyto torhivleiu orhanamy na Donbasi [The Russian media are spreading fears about alleged organ trafficking in Donbas]. Retrieved from <https://www.radiosvoboda.org/a/26616024.html>; Radiosvoboda.org. (2016, May 3). Ukraina i dezinformatsiia Kremliia. Mova propahandy [Ukraine and the Kremlin’s disinformation. The language of propaganda]. Retrieved from <https://www.radiosvoboda.org/a/27711965.html>

<sup>232</sup> Antikor.com.ua. (2014, June 15). Bandity Girkinia iznasilovali 50 devushek s Donetska [Girkin’s bandits raped 50 girls from Donetsk]. Retrieved from [https://antikor.com.ua/articles/9327-bandity\\_girkinia\\_iznasilovali\\_50\\_devushek\\_s\\_donetska](https://antikor.com.ua/articles/9327-bandity_girkinia_iznasilovali_50_devushek_s_donetska); Klen, Y. (2017, May 11). Nadmirna sturbovanist terorystiv naa Donbasi [Excessive concerns of the terrorists in Donbas]. Retrieved from <http://meest-online.com/ukraine/crime/nadmirna-sturbovanist-terorystiv-na-donbasi>; Kostik, V. (2015, September 9). “Russkij mir” prines na Donbas pytki, ubijstva, rabstvo i seksualnoe nasilie - OON [“The Russian world” has brought torture, murders, slavery and sexual violence to Donbas - UN]. Retrieved from <http://uapress.info/ru/news/show/94739>; Espresso.tv. (2017, August 18) V okupovanomu Luhansku hlopciam vidteper ne mozhna navchatysia razom z divchatamy [Boys cannot study together with girls now in occupied Luhansk]. Retrieved from [http://espresso.tv/news/2017/08/18/v\\_okupovanomu\\_lugansku\\_khlopcom\\_vidteper\\_ne\\_mozhna\\_navchatysya\\_razom\\_z\\_divchatamy](http://espresso.tv/news/2017/08/18/v_okupovanomu_lugansku_khlopcom_vidteper_ne_mozhna_navchatysya_razom_z_divchatamy)

<sup>233</sup> Kozak, T. (2016, July 5). U poloni na Donbasi. Seksualne nasytstvo [In captivity in Donbas. Sexual violence]. Retrieved from <https://www.radiosvoboda.org/a/27840050.html>; TSN.ua. (2017, April 2). Seksualne nasytstvo ta obstrily medustanov: v OON rozglianut porushennia prav liudyny na Donbasi [Sexual violence and shelling of medical facilities: the UN will look into human rights violations in Donbas]. Retrieved from <https://tsn.ua/ato/seksualne-nasytstvo-ta-obstrily-medustanov-v-oon-rozglianut-porushennia-prav-lyudini-na-donbasi-906653.html>

<sup>234</sup> Aminov, B. (2017, April 7). Batalion Tornado: razvrashchenie maloletnih, pytki i tok - kogo i za chto sudiat bolshe goda. [Tornado battalion: molestation of minors, torture and electricity - who has been on trial for over a year and why]. Retrieved from <http://fakty.ictv.ua/ru/ukraine/20170407-1591655/>; Vikna-novyny. (2016, September 5). Perezhyty “Tornado”: ekskluzyvne rozsliduvannia “Vikon” [Surviving Tornado: exclusive investigation by Vikna] Retrieved from <https://www.youtube.com/watch?v=30p4Afdm25Y>; Vikna-novyny. (2016, September 8). Perezhyty “Tornado”: rozpovid poterpiloi divchyny [Surviving Tornado: the victim’s story]. Retrieved from <https://www.youtube.com/watch?v=L8fGVW5Rskl> and other

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<sup>235</sup> ChPINFO. (2016, July 13). Veterana ATO, yakyi zhvaltuvav shkoliarku, sud vidpustyv na voliu [The court released the ATO veteran who raped a schoolgirl]. Retrieved from <https://www.youtube.com/watch?v=8IIKNDnxFV0>; Hromadske TV. (2016, July 21). Kompensatsiia u 3 tys. hrn ye dostatnim pokaranniam dlia biitsia ATO za zhvaltuvannia nepovnoletnoi - suddia [Compensation of 3,000 hryvnia is a sufficient penalty for ATO participant who raped a minor - judge]. Retrieved from <https://www.youtube.com/watch?v=GhbtpL3ocU>

<sup>236</sup> UNIAN (2017, July 16). Na okupovanii chastyni Donbasu pochastishaly vypadky seksualnogo nasytstva - misiia Ukrainy pry OON [The number of sexual violence cases has increased in the occupied part of Donbas - Ukrainian mission to the UN]. Retrieved from <https://www.unian.ua/war/1924439-na-okupovanii-chastini-donbasu-pochastishali-vipadki-seksualnogo-nasytstva-misiya-ukrajini-pri-oon.html>

<sup>237</sup> Gremlin. (2017, April 3). Zamovna stattia na UP? Zhertyvy viiny. Seksualne nasytstvo na Donbasi [A puff piece on Ukrainians Pravda? Victims of war. Sexual violence in Donbas]. Message posted to <https://forum.pravda.com.ua/index.php?topic=962426.0>

# 8. ANALYSIS OF STATISTICS ON CRIMINAL OFFENCES CONNECTED WITH GBV IN TERRITORIAL COMMUNITIES OF THE CONFLICT AREA

Data collection is crucial in understanding the nature and scale of violence, developing science-based programmes for combating violence, as well as evaluating the effectiveness of these programmes. There are no uniform statistics on criminal offences associated with, or general statistics on, GBV in Ukraine.<sup>238</sup> According to the scope of tasks of the Ministry of Social Policy,<sup>239</sup> its units have to record cases of gender discrimination and domestic violence. The ministry has to aggregate data about these cases and coordinate the actions of competent law enforcement units and guardianship authorities on prevention of domestic violence.

The procedure for compiling statistics on criminal offences related to GBV is analogous for the recording of criminal offences. When people report unlawful actions to law enforcement authorities, the competent official (investigator, prosecutor) takes a decision on entering information about these actions in the Unified Register of Pre-trial Investigations under the relevant qualification. The competent official fills out the relevant statistics card on the registration of a criminal offence. Information in the card includes minimal information on the unlawful action, the motive, circumstances and the victim. At this stage, it is difficult to qualify the actions as GBV. During a pre-trial investigation,

the authorities identify the victim and enter information on another statistics card, which provides an opportunity to link the criminal violation to GBV. Not all criminal proceedings on GBV reach the stage of victim identification. This happens due to a number of factors, the most important of which is the survivor's unwillingness to admit to being a victim or to make a statement. This is particularly true for victims of domestic violence, sexual harassment and rape. Only after the victim registration card is filled out and entered into the database can we say that this offence will be recorded as a GBV-related criminal offence.

According to responses to information requests, prosecutor's offices and the National Police record criminal offences. Prosecutor's offices only record the facts entered in the Unified Register of Pre-trial Investigations, i.e. where criminal proceedings were initiated. Therefore, for the purposes of this study, we also analysed the statistics provided by the National Police since they record the number of citizens' reports.

There is no separate registration or recording of information on GBV.<sup>240</sup> Our analysis of GBV-related criminal offences included the following types of crime: rape (Article 152 of the CCU), violent unnatural gratification of sexual desire (Article 153 of the CCU), as well as other offences related to domestic

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<sup>238</sup> For the purposes of analysing statistics in this chapter, GBV includes rape (Art. 152 of the CCU), violent unnatural gratification of sexual desire (Art. 153 of the CCU), as well as other offences related to domestic violence.

<sup>239</sup> Cabinet of Ministers. (2015, June 17). Resolution No. 423 on Adopting Regulations on the Ministry of Social Policy of Ukraine. Retrieved from <http://zakon5.rada.gov.ua/laws/show/423-2015-%D0%BF>

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<sup>240</sup> Letter of the Prosecutor-General's Office of Ukraine. (2016, August 5). No. 19/4-1157vikh-16; Letter of the Prosecutor-General's Office of Ukraine. (2016, July 26). No. 19/4-1086vikh-16; Letter of the Investigation Department of the Main Directorate of the National Police in the Donetsk Region. 2016 (2016, July 28). No. 6138/20/02; Letter of the Policy Department for Authorities under the Minister's Supervision and Monitoring of the MIA of Ukraine. (2016, August 22). No. 14/1484.

violence. Based on responses from law enforcement authorities, it is clear that these types of crimes are viewed as GBV.

According to the PGO, in the Donetsk region (government-controlled areas) from January 2014 to August 2017, there were 139 instances of rape registered, including 61 recorded cases (44 per cent), and 58 instances of violent unnatural gratification of sexual desire registered, including 46 recorded cases (79 per cent). Following pre-trial investigations, 26 criminal proceedings in rape cases (43 per cent of investigated cases) and 33 criminal proceedings (72 per cent of investigated cases) in cases of violent unnatural gratification of sexual desire were sent to court with an indictment.<sup>241</sup>

Based on different parts of Article 284 of the CPC of Ukraine, 78 criminal proceedings in cases of rape (56 per cent) and 12 proceedings in cases of violent unnatural gratification of sexual desire (21 per cent) were closed. This means that the investigating authorities established that a crime had not been committed or did not find sufficient evidence to prove the perpetrator's guilt in court and the means to obtain such evidence were exhausted.

In the Luhansk region during this period, there were criminal proceedings registered and launched following 66 reports of rape, including 41 recorded cases (62 per cent), and 19 cases of violent unnatural gratification of sexual desire (18 cases, 95 per cent recorded).<sup>242</sup> Based on the results of pre-trial investigations, 12 criminal proceedings in cases of rape and 11 proceedings in cases of violent unnatural gratification of sexual desire (29 per cent and 61 per cent, respectively, of investigated cases) were sent to court with an indictment. Pre-trial investigating authorities closed 25 (38 per cent) criminal proceedings in rape cases and one (5 per cent) criminal case of violent unnatural gratification of sexual desire pursuant to Article 284 of the CPC of Ukraine.

According to the Main Directorate of the National Police in the Donetsk region, from 2014 to August 2017, police investigators launched criminal proceedings in response to 30 reports of rape and 32 reports of violent unnatural gratification of sexual desire. Among these, 15 criminal proceedings in cases of rape (50 per cent) and two proceedings in cases of violent unnatural gratification of sexual desire (6 per cent) were closed under Article 284 of the CPC of Ukraine. Ten criminal proceedings (33 per cent) in cases of rape and 22 cases (69 per cent) of unnatural gratification of sexual desire were sent to court with an indictment.<sup>243</sup>

The difference in statistics on the number of criminal offences shows that prosecutor's offices also investigated criminal cases outside the jurisdiction of the pre-trial authorities of the National Police. These include, for instance, criminal proceedings against the AFU or National Guard members or National Police officers.

Prosecutor's offices also conduct investigation on special subjects, such as representatives of volunteer military groups.

According to the response of the Military Prosecutor's Office of the ATO forces, from the time the Office was established in September 2015, pre-trial investigating authorities of the military prosecutor's office and the National Police (with procedural guidance by prosecutors of the military prosecutor's offices in garrisons) investigated four criminal proceedings under Article 152 of the CCU. One of the proceedings was closed, another was sent to court with an indictment and two more are still under investigation.<sup>244</sup>

An analysis of the statistics on the number of female victims also does not provide a general understanding of GBV. If a person has not submitted a statement, investigators, prosecutors and the courts have the right to recognize someone as a victim only with their written consent.

An analysis of the numbers of rape cases and female victims of rape provide for several conclusions. The number of registered facts, as well as the number of launched criminal proceedings, is higher than the number of recorded cases, i.e. those where the victim was recognized. Some criminal proceedings are launched in cases of gang rapes where the number of victims is lower than the number of criminal proceedings.

Indicators on GBV in the conflict area will be significantly higher if we add the number of female victims of criminal offences that are not related to sexual violence (physical injuries, torture, assault and battery and incitement to suicide).

For instance, in 2014 (during the beginning and most active phase of the conflict), there were 14,194 female victims, which is almost twice as many when compared to the 8,287 victims in 2015. In 2016, there were 7,615 female victims, and 4,734 victims from January to August, 2017. The situation in the Luhansk region is similar: in 2014, there were 8,031 female victims, but less than half that number in 2015, with 3,074 victims. In 2016, there were 3,352 female victims, and 2,132 victims between January and August 2017.<sup>245</sup>

An additional analysis of statistics for January-March and April-December 2014 illustrates the negative impact of the armed conflict on GBV. For instance, with the start of active hostilities in the Donetsk and Luhansk regions, the number of female rape victims increased significantly. From January to March, five women were victims of rape in the Donetsk region, while there were 24 victims in the following months (29 victims). In the Luhansk region, there were four victims of rape in the former period and nineteen in the latter (23 women in total). As the situation is stabilizing, the number of rape victims is decreasing: six victims in the Donetsk region in 2015, 12 victims in 2016 and four victims in the first six months of 2017; five victims in

<sup>241</sup> Letter of the Prosecutor-General's Office (2017, September 7). No. 09-3008 No. 19/4-1360vikh-17.

<sup>242</sup> *Ibid.*

<sup>243</sup> Letter of the Main Directorate of the National Police in the Donetsk Region. (2017, September 29). No. 56zi/24-7/01-2017.

<sup>244</sup> Letter of the Military Prosecutor's Office of the ATO Forces. (2017, September 1). No. 10-523vikh-17.

<sup>245</sup> Letter of the Military Prosecutor's Office. (2017, September 7). No. 09-3008 No.19/4-1360vikh-17.



the Luhansk region in 2015, five victims in 2015, eight victims in 2016 and two victims in the first six months of 2017.<sup>246</sup>

This quantitative analysis of statistics provided by the PGO and the National Police, in addition to an evaluation of the level of crime in the region, shows systemic issues in combating GBV. The statistics only reflect the number of official reports to prosecutor's offices and the National Police on crimes against sexual freedom and inviolability. There are parallel statistics reflecting the number of cases of domestic violence. These ranges do not overlap; they are not aggregated. Therefore, it is impossible to provide an objective estimate of the prevalence of GBV in communities located away from the conflict area or near the conflict area. At the same time, the recording of GBV cases in the conflict area is more difficult because the system of state authorities responsible for social and legal assistance to GBV survivors has been dismantled.

In our view, there are two key systemic problems: lack of proper registration and recording of GBV cases (including those that do not constitute a crime) and the quality of pre-trial investigations and the prosecution of perpetrators.

High-quality gender-sensitive data on the nature and scale of GBV guarantees that the development and implementation of a prevention policy will be based on the needs of survivors. The system for collecting and analysing data on GBV should not exclude urgent measures designed to respond to and eliminate violence. In extraordinary circumstances, including in armed conflict, along with the data collection system, victims should have access to support services. It is also necessary to train experts who can collect data and provide consultations and referrals of GBV survivors.

It is difficult to assess the real scale of GBV in the armed conflict based on statistics. The number of registered GBV cases is underestimated since they can be recognized as GBV only after the applicant is recognized as a victim. Therefore, the number of GBV victims in statistics is a small fraction of the total number of victims. The lack of such data can point to issues in collection of information, including:

- stigma encountered by victims who report GBV;
- the danger, including threats of reprisals by the perpetrator or community;
- impunity of perpetrators;
- the lack of approved instruments and methods for collecting data related to GBV;
- the lack of or shortcomings of data protection mechanisms to guarantee security, confidentiality and anonymity of information about the victim;
- the lack of infrastructure of support services for victims of GBV;
- the lack of effective and high-quality services for the management of GBV victim cases;
- restricted mobility of women, other representatives of at-risk groups;

- restricted access to survivors, especially women and girls;
- limited time for establishing trust/understanding with victims;
- difficulties in creating spaces for the confidential interview process.

When developing the data collection and analysis systems, it is necessary to resolve issues related to ethics and security in GBV data collection. GBV victims can find themselves in danger if those documenting their cases are not able to follow the norms of ethics in data collection.<sup>247</sup>

## **COMPILING STATISTICS ON CONFLICT-RELATED GBV IN EASTERN UKRAINE**

Compiling statistics on GBV is closely related to data collection, which has to be conducted in accordance with another minimum standard, that of the security and protection of GBV survivors.

In the grey area of the ATO zone, as well as in the territory of the ORDLO, social services and public security systems are not fully functioning. This applies to women and girls who are particularly vulnerable to GBV. Therefore, the state has to ensure public safety, especially in the grey area and at crossing points, in particular, record all human rights violations, prevent gender-based offences, detain and prosecute perpetrators and minimize the risks of GBV.

To create a high-quality system for recording GBV-related data, it is important to adhere to the standards on justice and legal assistance. This has particular importance in extraordinary circumstances such as armed conflict while GBV survivors have difficulties in accessing justice even in regular conditions. These difficulties are connected with:

- the lack of trust in the justice system;
- the lack of knowledge of laws and rights;
- the impossibility of proving the guilt of GBV perpetrators;
- the risk of secondary victimization.

When a survivor chooses whether to contact the justice system, they can also experience cultural, economic or psychological social pressure connected with the social and cultural traditions of the community of the victim's family or with the perpetrator's service in the AFU.

The above issues impede or prevent victims from reporting to the justice system or seeking legal assistance. In armed conflict, these obstacles in accessing justice and legal assistance are even more pertinent. At the same time, survivors seek lawful justice but do not see solutions. Justice should allow the survivor to define justice in each situation and take into account the survivor's wishes based on individual circumstances.

<sup>246</sup> Letter of the Main Directorate of the National Police. (2017, September 8). No. 345zi346zi/27/02/2-2017.

<sup>247</sup> World Health Organization. (2012). Casebook on ethical issues in international health research. Retrieved from [http://apps.who.int/iris/bitstream/10665/44118/2/9789244547724\\_rus.pdf](http://apps.who.int/iris/bitstream/10665/44118/2/9789244547724_rus.pdf)

# 9. GBV IN COMMUNITIES REMOTE FROM THE ARMED CONFLICT AREA. VIOLENCE IN THE FAMILIES OF ATO PARTICIPANTS

An analysis of information from the media and National Police statistics reveals GBV not only in the Donetsk and Luhansk regions, where the situation is exacerbated by the conflict, but also in regions located away from the conflict area.

According to some academics, the most common factors contributing to the risk of GBV include cultural and economic social factors observed in communities located away from the conflict area. These factors are related to all forms of GBV, including domestic violence.

Social and cultural factors have an impact on the level of GBV in communities and nationwide. These include:

- the lack of a clear negative attitude to corporal punishment in society;
- demonstration of violence in the media;
- the lack of an effective government prevention policy on GBV;
- the lack of understanding of domestic violence as a social issue in communities;
- the low level of awareness among women and children of their rights;
- shortcomings in legislation: laws do not include direct norms protecting the rights of GBV survivors, legislation is too general, it needs to be specified and improved;
- the lack of credibility of law enforcement authorities in communities;

- an ineffective state policy on rehabilitation of military personnel and civilians upon return from the conflict area etc.

The second set includes socio-economic factors, namely:

- the difficult economic situation;
- unemployment, labour migration of family members (including migration outside the country);
- the low level of education and professional training;
- belonging to minorities;
- poor living conditions.

Motives behind GBV committed by men include:

- expressing authority (46.3 per cent);
- a desire to be in charge (40.4 per cent);
- inability to fulfil the role of provider (31.6 per cent);
- directing anger resulting from failure or a crisis in their personal or family life towards the victim (53.7 per cent);
- resentment resulting from conflict with other family members (15.4 per cent);
- intent to inflict pain, suffering or loss (75.7 per cent);
- desire to have the victim return (12.5 per cent);
- jealousy (21.3 per cent);
- reprisal (12.5 per cent);
- gain (11.8 per cent).<sup>248</sup>

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<sup>248</sup> Dzhuzha, O., Vasylevch, V.V., Hida, O.F. (2011). Profilaktyka zlochyniv [Preventing crime]. Kyiv: Atika.

As a rule, the perpetrator is driven by several motives at once.

Conflict leads to increased tolerance of certain types of violence. Members of society are constantly exposed to cruel war-related crimes in media coverage. When people are dying in conflict every day, less severe violence at home, within families and in the street (though it may cause serious harm to the mental and physical health of victims) is often perceived by victims as not worthy of attention or a situation that can be “suffered through and forgiven”.

Families of ATO members are at a heightened risk of suffering GBV. There are several reasons for this. When a combatant returns home, he needs a certain amount of time to adapt to peaceful conditions. The person's body is still functioning in high-caution mode, combat mode, which creates a vulnerability to social challenges. Family members have also gone through a long stressful period while waiting for their husband/wife. When apart, husbands and wives change, they often have to get to know each other again and build interaction in their relationships and at home. A lack of understanding may lead to violence. According to experts on the rehabilitation of ATO participants, violence in a veteran's family occurs, first of all, if it had happened before the war, though this time it is more frequent and intensive.

“My husband went to war as a volunteer. Before the war, he wasn't a really accomplished person; our family life was not cozy. He thought that everything would be solved 'there'. When he returned, it got worse. He snapped, we were fighting constantly [...] But when I brought up divorce, because I didn't want to live that way, and I didn't want our son to see our fights, my husband started threatening to kill himself. And I [...] I wasn't ready to take on that responsibility. I didn't know whether he would do it or not. If he did, I wouldn't know how to live with that.”<sup>249</sup>

An ATO participant said, “I know the story of one man who doesn't have a family, he lives with his mother, drinks a lot and beats her regularly. They call the police. They arrive. And what? 'Is he drunk?' 'He's Drunk.' 'A former combatant?' 'A combatant.' His mother does not want to complain, so he wouldn't have administrative or criminal proceedings against him. And him [...] he did horrible things [...] And how can we influence him? What can we say? Should we beat him? He left as an avatar,<sup>250</sup> and returned even more that way.”<sup>251</sup> In families where violence

was unacceptable before the war, these situations are rarer. As a rule, if such behaviour was not accepted in the family, the victim and perpetrator both seek help.

According to experts, approximately 25 per cent of people who took part in hostilities or were in that area find it difficult to adapt to life in peacetime. Some of them have PTSD.<sup>252</sup> One of the signs of this issue is excessive cautiousness and uncontrolled aggression. According to a man demobilized from the AFU:

“During the first three months, I created hell for my family. I created Debaltseve at home, and did it unconsciously. There was alcohol, breakdowns, returns to the war. There were insane mood swings. You could be sitting and smiling, then lash out, get offended and leave. A line in a shop: you leave, everyone's nervous system is broken. The nights were the worst. I am grateful to my family for surviving it. I know many guys whose families were broken. And the state doesn't care. Our families are our homeland. If not for the family, friends with whom I fought alongside, I would go insane [...] There are serious problems with work: they don't really want to see people after the war. My mind changed a lot during the war, I only see things in black-and-white; maybe it's wrong, but it's easier” (tc-903).

There is no information about cases of domestic violence among returned military; there is no such register. The category of “perpetrator of domestic violence” does not include a separate field for “military/demobilized military”.<sup>253</sup>

To reduce violence in the families of ATO participants, the relevant authorities and services have to engage in psychological, awareness-raising work and prepare the family for the issues they might encounter after the war. An understanding of each other's condition by family members helps avoid conflict situations.

As the conflict is ongoing, the issue of GBV is often used for ideological speculation. There are two polar approaches in society. On the one hand, there is stigma concerning ATO participants and their violent tendencies. On the other hand, there is an influential process of treating soldiers as heroes, which already forces victims to stay silent about violence.

According to Lena Ag, Secretary General of the Kvinna till Kvinna (“Woman to Woman”) foundation in Sweden:

<sup>249</sup> Vyrtsou, I (2016, July 4). Viina, yaka ne vidpuskaie. Pro domashnie nasyilstvo v simiah ATO [The war that will not let go. On domestic violence in ATO families]. Retrieved from <http://life.pravda.com.ua/society/2016/07/4/214486/>

<sup>250</sup> A slang term for ATO participants who start to abuse alcohol because of posttraumatic stress disorder.

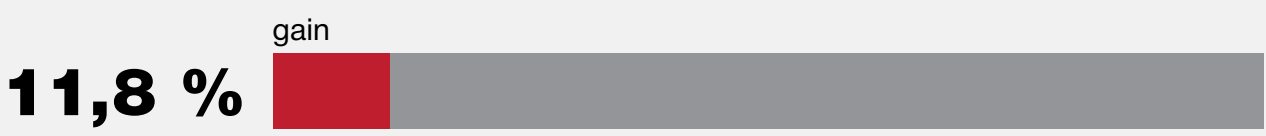
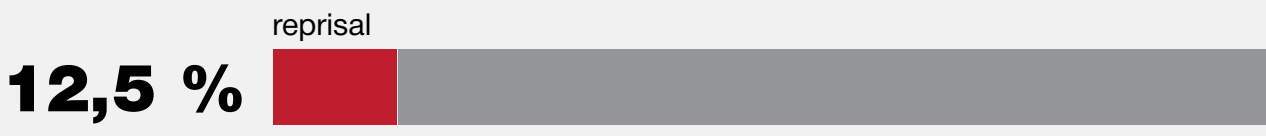
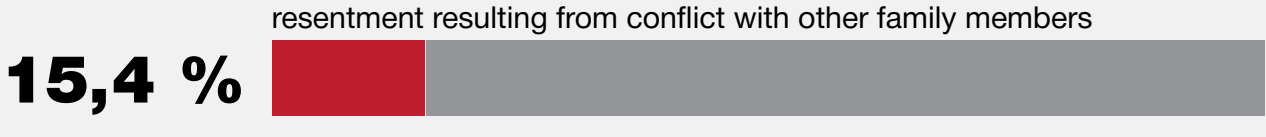
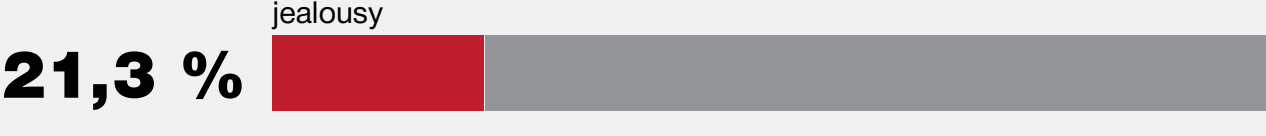
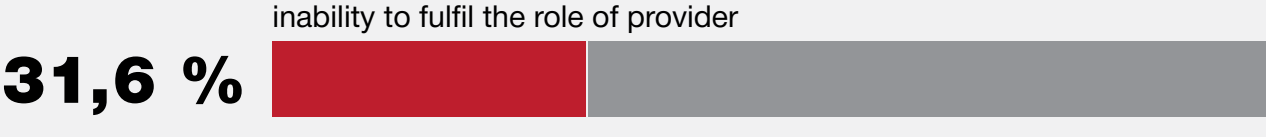
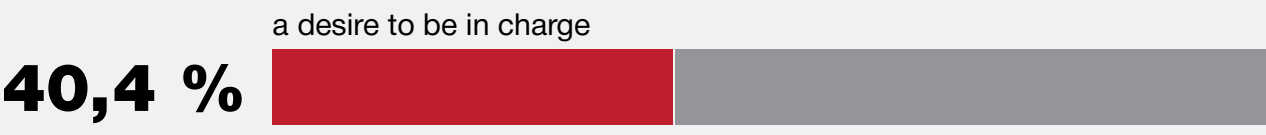
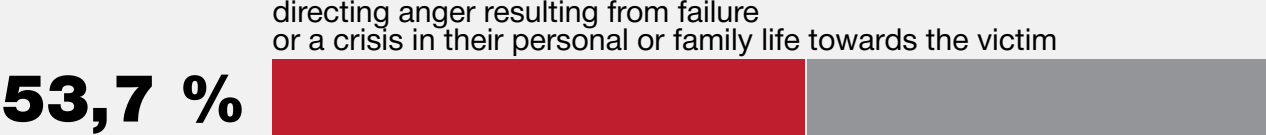
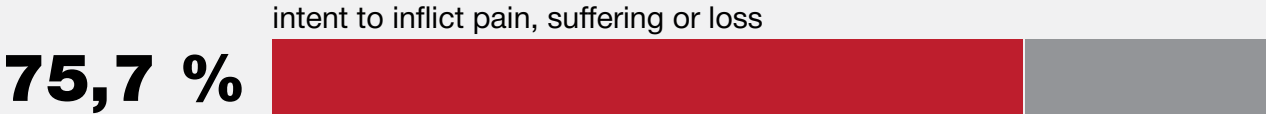
<sup>251</sup> Myrnyi, M., Vyrtsou, I. (2016, August 12). Nasyilstvo u simiakh uchasnykiv ATO: novi vyklyky dlia suspilstva chy zadavneni problemy? [Violence in the families of ATO ▶

▶ participants: new challenges for society or long-standing issues?] Retrieved from [http://gazeta.dt.ua/SOCIUM/nasyilstvo-u-sim-yah-uchasnykiv-ato-novi-vykliki-dlya-suspilstva-chi-zadavneni-problemi-\\_html](http://gazeta.dt.ua/SOCIUM/nasyilstvo-u-sim-yah-uchasnykiv-ato-novi-vykliki-dlya-suspilstva-chi-zadavneni-problemi-_html)

<sup>252</sup> Romanovska, D.D., Ilashchuk O.V. (2014). Profilyaktyka posttravmatychnyh stresovyh rozladiv: psyholohichni aspekty [Preventing posttraumatic stress disorder: psychological aspects]. – Chernivtsi: Technodruk.

<sup>253</sup> Letter of the Main Directorate of the National Police in the Donetsk Region. (2017, February 13). No. 1191.20.01-2017.

# MOTIVES BEHIND GBV COMMITTED BY MEN



“Our experience shows that patriotic feelings in the society can create obstacles to really admitting the existence of gender-based violence, and when the soldiers receive so much support that they gain unlimited freedom of action. Soldiers returning home can exhibit cruelty and violence, and still feel tolerance and support. Of course, it is unacceptable, and this issue must be solved.”<sup>254</sup>

According to veteran organizations, such behaviour is unacceptable and cannot be justified.<sup>255</sup> They actively condemn participants of hostilities for acts of violence against their wives and children and call such behaviour unworthy of soldiers. This position can serve as a resource to combat GBV within the families of ATO participants. For a combatant, the opinion of ATO participants will always matter more than the views of civilians.

We should also note that some combatants try to cope with stress with the help of alcohol or light drugs. Alcohol abuse leads to uncontrolled aggression and loss of self-control, which leads to violence at home and beyond. In Ukraine, there are no state programmes for rehabilitation of combatants from alcohol abuse, which exacerbates the situation.

“Many of them have alcohol-related epileptic seizures. Alcoholism makes epilepsy much more acute. Seventy-five per cent of them drink, especially those who survived 2014” (di-019).

Expert from hotlines established by nongovernmental organizations for victims of GBV said, “At the first glance, there are not many calls related to ATO, not more than 1 per cent. However, if we look at the distribution of these calls, one in five is about domestic violence. And nearly all calls start the same: ‘Everything was fine before the war. My husband was mobilized, and he returned a completely different person’.”<sup>256</sup>

GBV remains a hidden issue, including within the families of ATO participants. As a rule, only cases that have elements of a criminal or administrative offence are recorded. Women do not seek assistance because there are no specialized institutions. They are faced with a lack of understanding of the nature or solutions to their problems. However, after relevant information campaigns,



Tornado Special Patrol Service of the police. Retrieved from <https://inforesist.org/batalon-tornado-posle-aresta-12-bojcovzanyalkrugovuyy-oboronu-vozle-lisichanska/inforesist.org>.

GBV victims ask for help. A Volyn regional human rights organization called the Veles Association for Local Development implemented a project called “Preventing domestic violence in families of participants of the anti-terrorist operation”. During the first month, women and other members of families affected by domestic violence received 14 legal consultations and eight psychological consultations. These victims had not sought help before. In six months, there was 61 legal and 53 psychological consultations provided for women who had suffered from domestic violence.

Another specific characteristic of combating GBV in Ukraine is the lack of mechanisms for working with perpetrators. The experience of countries with a history of conflict in combating GBV shows the need to develop and implement relevant mechanisms. These include helplines, crisis centres for GBV survivors, enhanced penalties, specialized law enforcement units and gender-sensitive statistics, as well as correctional programmes. It is crucial to develop an approach to working with perpetrators, and there is effective international practice in terms of forced rehabilitation. For instance, in the USA, Poland, Bulgaria and France, there are effective mandatory correctional programmes supported by social services and law enforcement authorities. Meanwhile, in Ukraine, numerous assistance programmes for victims of violence and their rehabilitation have been introduced. In addition, specialized establishments and shelters have been created for victims of GBV. In the absence of an effective mechanism of working with perpetrators, the number of victims is rising along with the level of GBV.

In the future, it is necessary to develop and implement voluntary and compulsory correctional programs for perpetrators. In 2008-2010, methods for correctional work with perpetrators of domestic violence were developed and tested in Ukraine.<sup>257</sup> These programmes are being implemented under the supervision of the Ministry of

<sup>254</sup> Ag, L. (2016, May 23). Conflict-related sexual violence // Materials from the conference “Conflict-related sexual violence - Ukrainian context and lessons learned from Bosnia and Herzegovina and Georgia”. Kyiv.

<sup>255</sup> According to the Pobratymy public organization, as well as media reports. For instance, Shandro, V., Troshchynsk, T. (2016, July 9). Navit yakshcho ty heroj ATO i pobyv družhynu, ty zlochynets, Andrii Kozinchuk [Even if you are an ATO hero and beat up your wife, you are still a criminal, says Andrii Kozinchuk]. Retrieved from <https://hromadskeradio.org/programs/protydia-nasylstvu/navit-yakshcho-ty-geroy-ato-i-pobyv-družhynu-ty-zlochynets-andriy-kozinchuk>

<sup>256</sup> Myrnyi, M., Vyrtošu, I. (2016, August 12). Nasylstvo u simiakh uchasnykiv ATO: novi vyklyky dlia suspilstva chy zadavneni problemy? [Violence in the families of ATO participants: new challenges for society or long-standing issues?] Retrieved from <http://gazeta.dt.ua/SOCIUM/nasylstvo-u-sim-iah-uchasnykiv-ato-novi-viklyki-dlya-suspilstva-chi-zadavneni-problemi-.html>

<sup>257</sup> Mustafaeu, H.U., Dovhal, I.I. (2011). Metodychnyi posibnyk dlia fakhivtsiv, yaki vprovadzhuut korektsiini prohramy dlia osib, iaki vchynly nasylstvo v simi [Methodological guidance for experts implementing correctional programmes for perpetrators of domestic violence]. Kyiv: OSCE.

Social Policy of Ukraine. The key characteristic of the model is that the community consolidates its resources to prevent violence and engages law enforcement, local governance, social services and civil society to look at the family and, if necessary, provide assistance. They all form a multidisciplinary team playing an important role in providing assistance in each individual case and ensuring practical implementation of the correctional programmes.

Correctional work with perpetrators of domestic violence aims to change and improve the personal and physical qualities of the person and the specifics of their life, as well as to create conditions to develop potential opportunities. An analysis of social work experience suggests that the programme level is the most effective level of implementation of the correctional function. This level ensures fulfilment of the service recipient's needs. However, even with a multidisciplinary team, the perpetrator's motivation to take responsibility and join a correctional programme is low. In addition, legislative provisions on penalties for refusing to join such a programme are vague. Accordingly, the reach of correctional programmes remains low. For instance, in 2013, the registry of domestic violence perpetrators included 92,700 people, and only 4,300 (4.7 per cent) were referred to correctional programmes.<sup>258</sup> This number is almost three times higher than the previous year's

figure of 1.7 per cent. In 2013, almost 1,500 perpetrators took part in correctional programmes (34.6 per cent of referred cases).<sup>259</sup>

Correctional programmes should take into account the difficulties combatants face in adapting to peaceful conditions. In our view, current correctional programmes should be revised. Since they do not meet the needs of IDPs, veterans or victims of war, it is also necessary to develop new approaches to working with perpetrators of violence, considering combat trauma and risks of PTSD. For instance, based on the experiences and specific attitudes of veterans, programmes using peer-to-peer methods would be effective.

In summary, the armed conflict influenced the situation with GBV in the Donetsk and Luhansk regions, as well as in regions located away from the conflict area. The issue of GBV is relevant for the entire country due to increased tolerance towards certain types of violence. Moreover, demobilized soldiers have difficulties adapting to a peaceful life, especially in challenging social and economic conditions. In addition, there are no specialized rehabilitation and correctional programmes that would meet current needs.

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<sup>258</sup> UN Economic Commission for Europe. (2014). National review of implementation of the Beijing Declaration and Platform for Action (1995) and the outcomes of the twenty-third special session of the General Assembly (2000) in the context of the twentieth anniversary of the Fourth World Conference on Women and the adoption of the Beijing Declaration and Platform for Action (2015). Retrieved from [https://www.unece.org/fileadmin/DAM/Gender/publication/NV111.07\\_att1\\_att2\\_att3\\_merged.pdf](https://www.unece.org/fileadmin/DAM/Gender/publication/NV111.07_att1_att2_att3_merged.pdf)

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<sup>259</sup> Ibid.

# 10. RESPONSE OF THE STATE AUTHORITIES, LOCAL GOVERNMENT, CIVIL SOCIETY AND INTERNATIONAL COMMUNITY TO GBV IN THE ARMED CONFLICT IN EASTERN UKRAINE

## 10.1. STATE AUTHORITIES AND LOCAL GOVERNANCE BODIES RESPONSIBLE FOR COMBATING GBV: FUNCTIONS AND ACTIONS

In Ukraine, assistance for victims of GBV is provided by the competent units of the National Police, social services, child services and centres providing social services for families, children and youth. In addition, healthcare establishments, centres providing medical and social rehabilitation for domestic violence victims, educational establishments and crisis centres for victims of violence also work on this issue.

In this chapter, we will look at the powers of each state agency, as well as their actions to implement the relevant state policy in two regions affected by the conflict.

The **Ministry of Social Policy of Ukraine** includes the Department for Family, Gender Policy and Combating Trafficking in Human Beings, which serves as the Ministry's vehicle for developing and implementing gender policy in Ukraine. The Department includes units responsible for the following: gender policy, combating trafficking in human

beings, family policy and work with families with many children, as well as preventing domestic violence.

According to the Regulations on the Ministry of Social Policy of Ukraine,<sup>260</sup> it has to ensure development and implementation of state policy, in particular in the field of preventing domestic violence and combating human trafficking.

The Ministry of Social Policy was a beneficiary of a project by the OSCE Project Coordinator in Ukraine called "Response to the threats to social security resulting from conflict". Within this project,<sup>261</sup> the Ministry of Social Policy developed a draft CMU resolution on Approving the Procedure for Cooperation between Implementers of Measures to Prevent and Combat Gender-Based and/or Domestic Violence. It was developed pursuant to the CoE Convention on preventing and combating violence against

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<sup>260</sup> Cabinet of Ministers. (2015, June 17). Resolution No. 423 on Adopting Regulations on the Ministry of Social Policy of Ukraine. Retrieved from <http://zakon5.rada.gov.ua/laws/show/423-2015-%D0%BF>

<sup>261</sup> Letter of the Ministry of Social Policy. (2016, July 29). No. 175/59/206-16.

women and domestic violence. Therefore, the Ministry of Social Policy will launch the approval procedure only after the Law of Ukraine on Ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence is adopted.

CMU resolution No. 1087 of 5 September 2007 established a Council on Family, Gender Equality, Demographic Development, Prevention of Domestic Violence and Human Trafficking, which is also a temporary advisory body of the Cabinet of Ministers of Ukraine.<sup>262</sup> Similar coordination councils exist at the regional, district and city levels. For instance, according to the Directorate of Family and Youth of the Donetsk state regional administration, a Regional Council on Family, Gender Equality, Demographic Development, Prevention of Domestic Violence and Human Trafficking has been established and is operating in the Donetsk region. The council includes representatives of law enforcement, social services, health authorities, employment services, education and public organizations. The council meets once every quarter.<sup>263</sup>

Criminal proceedings and cases on administrative offences associated with GBV are reviewed by local courts. The prosecutor's office of Ukraine supports state prosecution in court in GBV-associated criminal proceedings.

## COMPETENT UNITS OF THE NATIONAL POLICE

Any act of GBV constitutes an offence, and the scope of powers and procedure for the **National Police** depends on whether it is a criminal or administrative offence. It is equally as important whether the violence took place in the family or beyond the family.

If GBV has elements of a criminal offence, the National Police will review information about such violence (statements, reports) in accordance with the Criminal Procedure Code. Investigators have to immediately, but in any case no later than within 24 hours after submission of a report, enter the information concerned in the Unified Register of Pre-Trial Investigations, and to initiate an investigation.

If GBV has signs of an administrative offence (Article 173, "Minor hooliganism", or Article 173(2), "Domestic violence"), information is reviewed in accordance with the procedure set out in the CAO. A protocol on an administrative offence is submitted to the courts in order to impose an administrative penalty on the responsible person.

If an act of violence is committed by one family member against another (domestic violence), the Law on Prevention of Domestic Violence<sup>264</sup> and the CMU Resolution on Approving the Procedure for Processing Statements and Reports on Domestic Violence or Substantiated Threats of Domestic Violence<sup>265</sup> prescribe the special (specific) powers of the National Police, including:

- identifying reasons and conditions that trigger domestic violence, taking measures within the limits of their plenary powers as to their removal;
- including in the preventive registry of individuals inclined to commit domestic violence, and carrying out preventive and educational activities among them;
- visiting families whose members are included in the preventive registry at their place of residence and conducting preventive activities with them;
- making official warnings to family members about the impermissibility of domestic violence;
- accepting and examining within the limits of the plenary powers foreseen by law statements and reports about domestic violence or about real threats of domestic violence;
- taking proper measures as to the discontinuation of domestic violence and actions of family members that are directed at implementation of a real threat thereof;
- informing family members where a real threat of domestic violence appears or where domestic violence has been committed about their rights, as well as measures and services that they can use;
- referring victims of domestic violence to specialized establishments for victims of domestic violence;
- issuing protective orders in cases foreseen by the law and monitoring fulfilment of protective orders;
- referring perpetrators of domestic violence to correctional programmes in crisis centres.

Any territorial unit of the police should provide direct assistance to victims of GBV who contact that unit. On 12 June 2017, the MIA launched a pilot project called "Polina" (mobile police groups to combat domestic violence). It was created under the closed-cycle principle and designed to identify cases of domestic violence. The project aims to ensure relevant responses, protect victims and prevent further cycles of violence. The project is being implemented in the Darnytskyi district of Kyiv, the Mylynovskyi district of Odesa and in Sievierodonetsk (Luhansk region). Its rollout across the entire country is planned for mid-2018.<sup>266</sup>

<sup>264</sup> Verkhovna Rada of Ukraine. (2001, November 15). Law of Ukraine No. 2789-III on Prevention of Domestic Violence. Retrieved from <http://zakon3.rada.gov.ua/laws/show/2789-14>.

<sup>265</sup> Cabinet of Ministers. (2003, April 26). Resolution No. 616 on Approving the Procedure for Processing Statements and Reports on Domestic Violence or Substantiated Threats of Domestic Violence. Retrieved from <http://zakon5.rada.gov.ua/laws/show/616-2003-%D0%BF>.

<sup>266</sup> Ministry of Interior of Ukraine. (2017, June 12). V Ukraini pochaly robotu mobilni hrupy politsii z protydii domashnomu nasyilstvu (FOTO, VIDEO) [Mobile groups for the prevention of domestic violence launched in Ukraine (photo, video)]. Retrieved from [http://mvs.gov.ua/ua/news/8656\\_V\\_Ukraini\\_pochali\\_robotu\\_mobilni\\_grupi\\_policii\\_z\\_protidii\\_domashnomu\\_nasilstvu\\_FOTO\\_VIDEO.htm](http://mvs.gov.ua/ua/news/8656_V_Ukraini_pochali_robotu_mobilni_grupi_policii_z_protidii_domashnomu_nasilstvu_FOTO_VIDEO.htm)

<sup>262</sup> Cabinet of Ministers. (2017, September 5). Resolution No. 1087 on Advisory Bodies on Families, Gender Equality, Demographic Development, Prevention of Domestic Violence and Human Trafficking. Retrieved from <http://zakon5.rada.gov.ua/laws/show/1087-2007-%D0%BF>

<sup>263</sup> Letter of the Directorate for Families and Youth of the Donetsk Regional State Administration. (2016, July 29). No. 10vkh.01-10/0016.



## SITUATION IN THE DONETSK AND LUHANSK REGIONS

According to the Main Directorate of the National Police in the Donetsk region, from January 2014 to August 2017, four criminal proceedings were initiated against members of the AFU under Articles 152 and 153 of the Criminal Code. Among these, two proceedings were closed under Article 284(1)(2) of the CPC, and two were transferred to the Military Prosecutor's Office based on jurisdiction.<sup>267</sup>

According to the Military Prosecutor's Office of the ATO forces, pre-trial investigation and supervision of observance of laws in the form of procedural guidance was conducted in two criminal cases with elements of a criminal offence under Article 152 of the CCU. One of these cases was transferred to court with an indictment; the other was closed due to the victim's decision to withdraw charges.<sup>268</sup> Moreover, it was stated that there were no cases of harassment, rape, sexual tormenting or physical injuries or sexual violence identified in the interviews with women and men released from captivity in 2014-2017. This proves that victims released from detention who reported deprivation of liberty and torture to law enforcement did not usually report GBV.

In response to an information request on the number of offences under Articles 152-153 of the CCU, the Main Directorate of the National Police stated that the Unified Register of Pre-trial Investigations did not include a checkbox for an "offence committed by an ATO participant" or "victim released from captivity and/or suffered from sexual violence in detention".<sup>269</sup>

Authorities of the Main Directorate of the National Police in the Donetsk region received 4,601 statements and reports of domestic violence in 2016, and 2,387 in the first half of 2017.<sup>270</sup> In response to these offences, there were 2,767 administrative protocols drawn up in 2016 and 1,517 protocols in the first half of 2017. According to the Main Directorate of the National Police in the Luhansk region, there were 437 statements and reports of domestic violence in 2016 and 401 in the first half of 2017; protocols on administrative offences were drawn up in all reported cases.<sup>271</sup>

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<sup>267</sup> Letter of the Main Directorate of the National Police in the Donetsk Region. (2017, September 9). No. 72zi/20/02-2017.

<sup>268</sup> Letter of the Military Prosecutor's Office for ATO Forces. (2017, September 12). No. 6-1258-vikh-17.

<sup>269</sup> Letter of the Main Directorate of the National Police in the Luhansk Region. (2017, September 8). No. ShCh-43zi/111/18/02-2017.

<sup>270</sup> Letter of the Main Directorate of the National Police in the Donetsk Region. (2017, September 7). No. 72zi/20/02-2017.

<sup>271</sup> Letter of the Main Directorate of the National Police in the Luhansk Region. (2017, September 8). No. ShCh-43zi/111/18/02-2017.

According to relevant nongovernmental organizations working on issues of GBV in the Luhansk and Donetsk regions, in 2014-2015, there was no effective inter-sectoral mechanism of coordination for the protection of victims of GBV. Different NGOs have been highlighting the problems related to GBV (starting in early 2015), opening up discussions and providing assistance for establishing effective mechanisms for protecting survivors.<sup>272</sup> However, Ukraine does not have a document coordinating the provision of assistance and protection to victims of GBV by different agencies. A representative of the prevention department of the Main Directorate of the National Police in the Luhansk region (March 2016) confirmed this in his presentation. He emphasized the relevance and urgency of the issue of GBV and said that the main problem was the lack of a joint interagency document on cooperation and exchange of information between agencies responsible for preventing and responding to GBV.<sup>273</sup>

Representatives of nongovernmental organizations reported that, in 2015, victims of GBV who received assistance mentioned that police had refused to accept reports on violence committed by military personnel.

Testimonies quoted in Chapter 6 "Sexual violence committed by IAGs during the armed conflict in eastern Ukraine", suggest that conflict-related sexual violence did not occur in individual acts only. Sexual violence also occurred in government-controlled areas; however, police statistics do not reflect this situation. Therefore, it is important to train the police in order to increase the effectiveness of investigations. It is also necessary to develop the skills of law enforcement officials needed to document cases of GBV and prosecute perpetrators of sexual violence, in particular, in line with the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict.

### **SOCIAL SERVICES, CHILD SERVICES CENTRES FOR SOCIAL SERVICES FOR FAMILIES, CHILDREN AND YOUTH**

**Social services** act at the local level as structural units within local governance bodies, district state administrations and district state administrations in the cities of Kyiv and Sevastopol. They are responsible for implementing the state policy on preventing domestic violence at the local level.

Social services:

- Receive, record and process victim statements and police reports on violence;

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<sup>272</sup> See Section 10.2 «Activities of ukrainian and international nongovernmental organizations on prevention of GBV and assistance to survivors of GBV».

<sup>273</sup> Humanitarianresponse.info. (2016, March 29). Gender-Based Violence Sub-Cluster Severodonetsk – Meeting Minutes. Retrieved from <https://www.humanitarianresponse.info/ru/operations/ukraine/sexual-and-gender-based-violence/documents/document-type/meeting-minutes/locations/luhanska-oblast>

- While processing statements, they visit victims of domestic violence or people who are under real threat of violence at their place of residence;
- Upon receiving a report on a threat to a person's life or health, they immediately inform the relevant national policy authority (by calling 102) to discontinue violence or actions by family members that pose a direct threat of violence;
- Organize the provision of services to victims of domestic violence and family members who are under a real threat of violence, including the following: psychological, legal, social and pedagogical, social and medical, informational and other forms of support. Victims can access services through a network of centres of social services for families, children and youth or their specialized agencies. If necessary, victims are referred to specialized establishments for victims of domestic violence (crisis centres, shelters, centres of medical and social rehabilitation).

**Child services** established within the regional state administrations, district state administrations and district state administrations in the cities of Kyiv and Sevastopol, as well as local governance bodies, for protecting children, particularly from GBV, perform the following functions:

- Receive statements and reports on cruel treatment of children;
- Maintain a registry of children in difficult life circumstances related to cruel treatment or threat thereof;
- Coordinate activities of entities in relation to social protection of children who have experienced cruel treatment;
- Ensure the provision of necessary support to a child who has suffered from cruel treatment in cooperation with other entities and taking into account the best interests of the child;
- Refer the child to healthcare facilities for examination, provision of necessary medical support, including in-patient treatment, as well as recording of the facts of cruel treatment;
- If necessary, represent the interests of children (including in court) who have suffered from cruel treatment or are under a threat thereof.

The network of **centres of social services for families, children and youth** includes the republican (in the Autonomous Republic of Crimea), regional, Kyiv and Sevastopol (regional centres), district, municipal and district centres in municipalities (local centres).

Local centres work directly with the population. In particular, they have the following tasks:

- Identifying families, children and young people in difficult life circumstances and in need of external support;
- Providing social assistance to families, children and young people in difficult life circumstances and in

need of external support, provision of social services based on a needs assessment;

- Ensuring cooperation with structural units of local executive authorities, local governance bodies, enterprises, establishments and organizations, as well as engaging the resources of territorial communities for social work with families, children and youth.

With regard to the cruel treatment of children or threat thereof, local centres:

- Receive statements and reports on the cruel treatment of children;
- Promptly (within one day) submit a written notification to child services and law enforcement bodies about the cruel treatment of a child or real threat thereof;
- Undertake urgent interventions, provide necessary service to children who have suffered from cruel treatment or are under a threat thereof, ensure social assistance to families of these children;
- If necessary, refer the family (or a family member) with a child who has suffered from cruel treatment or is under a threat thereof to a psychosocial support centre.

## SITUATION IN THE DONETSK AND LUHANSK REGIONS

According to the Directorate of Family and Youth in the Donetsk state regional administration, the number of reports of violence has increased over the past several years. In 2015, there were 4,500 reports, –4,616 reports in 2016, and 1,916 reports in the first six months of 2017.<sup>274</sup> To prevent domestic violence, there were 355 events held in 2016 and 262 events in the first half of 2017. The heads of structural units for families and youth of local councils and district state administrations, in cooperation with the police, specialists from child services and centres for social services for families, children and youth, visit families that have experienced domestic violence or a real threat thereof and compile reports on living conditions based on these visits.<sup>275</sup> Information about follow-up work with these families is unavailable.

Unlike the prevention department of the Main Directorate of the National Police in the Luhansk region, the Department of Social Services in the Luhansk state regional administration stated that there is effective cooperation between authorities involved in supporting women and girls who have suffered from GBV, including the Main Directorate of the National Police in the Luhansk region, social services, healthcare authorities and other entities.

<sup>274</sup> Letter of the Directorate for Families and Youth of the Donetsk Regional State Administration. (2017, September 1). No. 10vkh.01-10/017.

<sup>275</sup> Letter of the Directorate for Families and Youth of the Donetsk Regional State Administration. (2016, July 29). No. 10vkh.01-10/0016.

The Department allegedly has not received information from the Main Directorate of the National Police in the Luhansk region or other competent authorities on offences associated with GBV.<sup>276</sup>

In the Luhansk region, the established Luhansk Regional Centre for Psychosocial Support has the task of assisting people in difficult life circumstances. The centre was relocated from an area outside the government's control. Work to restore its full operations is ongoing.<sup>277</sup>

A similar centre in the Donetsk region, the Donetsk Regional Centre for Psychosocial Support, has resumed its operations in Druzhkivka. By August 2016, it had assisted 42 people in difficult life circumstances.<sup>278</sup> At the same time, there is a pressing issue of the lack of specialists at the centres for social services for families, children and youth. For instance, in some towns, the only staff at the centre are the director and an accountant, and victims of GBV cannot access high-quality assistance in those localities.

In the Luhansk region, only one lawyer and nine psychologists work at 16 centres for social services for families, children and youth.<sup>279</sup> The centres' staff lists do not include personnel responsible for working with victims of GBV.

## HEALTHCARE ESTABLISHMENTS, CENTRES FOR MEDICAL AND SOCIAL REHABILITATION OF DOMESTIC VIOLENCE VICTIMS

When medical establishments, outpatient care establishments, first-aid and emergency services, medical forensics bureaus and other healthcare facilities identify cases of physical or psychological violence, including GBV, they can:

- Examine and provide medical and psychological support to victims, and immediately inform local police authorities about the admission of the victim;
- Conduct a forensic medical examination of the victims, suspects (defendants), material evidence in cases associated with GBV (medical forensic bureaus);
- Receive reports of the cruel treatment of children or threats thereof and transfer such reports to child services and law enforcement at the place of residence (location) of the child within one day.

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<sup>276</sup> Letter of the Department of Social Services of the Luhansk Regional State Administration. (2016, July 28). No. 9/2548-31.

<sup>277</sup> Regional civil-military administration. (2017, June 12). Luhanskym oblasnym tsentrom sotsialno-psyholohichnoi dopomohy provodytsia vyiznyi pryom hromadian [Luhansk regional psychosocial support centre conducts off-site visits to citizens]. Retrieved from [http://www.loga.gov.ua/oda/press/news/praci/luganskim\\_oblasnim\\_centrom\\_sotsialno\\_psiholohichnoyi\\_dopomogi\\_provedeno\\_viyizniy](http://www.loga.gov.ua/oda/press/news/praci/luganskim_oblasnim_centrom_sotsialno_psiholohichnoyi_dopomogi_provedeno_viyizniy)

<sup>278</sup> Letter of the Directorate for Families and Youth of the Donetsk Regional State Administration. (2016, July 29). No. 10vkh.01-10/0016.

<sup>279</sup> Letter of the Luhansk Regional Centre for Families, Children and Youth. (2017, September 1). No. 374.

**Centres for medical and social rehabilitation of domestic violence victims** are established in accordance with the law on the establishment of healthcare facilities. Centres can be established within the existing system of healthcare facilities.

Victims of domestic violence (upon their consent or request) can be temporarily accommodated at the centres based on the conclusion of the centre's medical board. The term of accommodation depends on the specifics of their treatment needs and psychosocial rehabilitation. Victims can also choose to undergo outpatient treatment and psychosocial rehabilitation.

## SITUATION IN THE DONETSK AND LUHANSK REGIONS

According to the Ministry of Health of Ukraine, there are no centres for medical and social rehabilitation of domestic violence victims in the system of healthcare facilities.<sup>280</sup> Victims of domestic violence receive assistance at centres for psychosocial support and centres for social services for families, children and youth.<sup>281</sup>

The Luhansk Regional Bureau of Forensic Medicine (Sievierodonetsk) and the Donetsk Regional Bureau of Forensic Medicine (Mariupol) operate in the Luhansk and Donetsk regions.<sup>282</sup> According to the former there were 9 reports of sexual violence in 2014, 7 reports in 2015, 17 reports in 2016 and 1 report in the first six months of 2017 in the Luhansk region.<sup>283</sup>

In May 2016, the Department of Social Services of the Luhansk regional state administration in Sievierodonetsk initiated a coordination meeting on family, gender equality, demographic development and prevention of human trafficking. At the event, the representative of a local healthcare directorate mentioned that the directorate had eight forensic examination reports on victims of rape, including five cases where victims were underage girls. A representative of the local police did not mention this information in his presentation at the same meeting. According to him, legal representatives of the victims could have withdrawn their statements. There is no information on any other assistance, except medical, received by the victims.

According to representatives of state authorities and nongovernmental organizations working in areas close

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<sup>280</sup> Letter of the Ministry of Health of Ukraine. (2016, September 5). No. 3.49-17/1141/ZPI-16/22075.

<sup>281</sup> Letter of the Ministry of Social Policy. (2016, August 23). No. 189/59/206-16; Letter of the Directorate for Families and Youth of the Donetsk Regional State Administration. (2016, August 25). No. 10vkh.01-10/0019.

<sup>282</sup> Letter of the Ministry of Health of Ukraine. (2017, September, 12). No. 3.22-17.1182.ZPI-17.24375.

<sup>283</sup> Letter of the Ministry of Health of Ukraine. (2017, October 25). No. 3/02a-3846.

to the armed conflict zone, when victims decide to seek assistance, representatives of the authorities often do not inform the police about GBV because victims fear reprisals from the perpetrators. Accordingly, victims of GBV seek medical or psychological assistance more often.

Doctors do not have special instructions on compiling statistics on GBV cases. Therefore, it is impossible to see and assess the scale of the problem in a certain municipality or nationwide by looking at medical assistance provided to victims. Victims of violence do not always have access to comprehensive medical assistance, including emergency contraception and HIV prevention measures or to medical forensic examinations. This creates obstacles in the provision of assistance to victims, investigation and prosecution of perpetrators.

## EDUCATIONAL ESTABLISHMENTS

General education establishments, pre-school education establishments, out-of-school education establishments, higher education establishments and other types of **education establishments**:

- Receive statements and reports on the cruel treatment of children;
- Promptly (within one day) submit reports on the cruel treatment of children or threats thereof to child services and law enforcement bodies;
- Identify and discontinue cases of the cruel treatment of children or threats thereof in educational establishments;
- Organize the work of psychological services in the education system with children who have suffered from cruel treatment;
- Conduct awareness-raising activities for parents and other participants of the education process on preventing and combating the negative impact of the cruel treatment of children.

## CRISIS CENTRES FOR VICTIMS OF VIOLENCE

**Crisis centres** are specialized institutions for victims of domestic violence established by the local state administration pursuant to a submission from the Ministry of Social Policy of Ukraine. Crisis centres can also be established by local governance bodies, enterprises, institutions, organizations, charitable foundations, citizen associations and individual citizens upon approval of the Ministry of Social Policy of Ukraine.

The personnel of crisis centres:

- Hold meetings with family members who may be or are victims of domestic violence;
- Hold meetings with perpetrators of domestic violence for the purposes of correctional programs;
- Arrange the provision of necessary psychological, pedagogical, medical and legal support for family

members who may be or are victims of domestic violence;

- Find shelter for the temporary accommodation of family members who may be or are victims of domestic violence;
- Provide other assistance to victims of domestic violence.

## THE SITUATION IN UKRAINE, INCLUDING PARTICULAR CONDITIONS IN THE DONETSK AND LUHANSK REGIONS

According to the Department for Family, Gender Policy and Combating Trafficking in Human Beings of the Ministry of Social Policy, there are two crisis centres for victims of domestic violence in the Donetsk and Luhansk regions: the Donetsk Regional Centre for Psychosocial Support (Druzhkivka) and the Luhansk Regional Centre for Psychosocial Support (Sievierodonetsk). They provide the following services: psychological, social domestic, social pedagogical, social medical, social economic, as well as information and legal support.

Kateryna Levchenko, President of La Strada Ukraine, stated in an interview: “the biggest problem in providing assistance is the absence of a network of specialized facilities for temporary accommodation of domestic violence victims in Ukraine”.<sup>284</sup>

In 2014, the Ministry of Social Policy of Ukraine, with the support of the UNFPA in Ukraine, conducted a study on accessibility of their services for women who suffered from violence.<sup>285</sup> The study showed that many crisis centres did not have proper security arrangements for women. They did not always guarantee confidentiality, had no urgent contact arrangements with the police or necessary equipment (alarm buttons, surveillance cameras etc.). There is a need to provide training for experts at temporary accommodation facilities for victims of domestic violence. In 2013-2014, the employees from one out of every six centres did not receive any training.<sup>286</sup>

## PROSECUTOR'S OFFICES AND LOCAL COURTS

Prosecutor's offices support state prosecution in **court** in criminal proceedings associated with GBV. During

<sup>284</sup> Dobrota, V. (2016, March 2). Chomu v Ukraini ne buduiut prytulky dlia zhertv domashnoho nasylstva? [Why does Ukraine not create shelters for victims of domestic violence?]. Retrieved from <http://socportal.info/2016/03/02/chomu-v-ukrayini-ne-buduyut-pritulki-dlya-zhertv-domashn-ogo-nasil-stva.html>

<sup>285</sup> Demchenko, I. (2014). Analytical report on the results of sociological study “Accessibility of social services for women who suffered from violence”. Retrieved from [http://www.mlsp.gov.ua/labour/control/uk/publish/category?cat\\_id=166710](http://www.mlsp.gov.ua/labour/control/uk/publish/category?cat_id=166710)

<sup>286</sup> United Nations Population Fund. (2014). Surveys conducted in the framework of preparation of the eighth periodic report on the implementation in Ukraine of the UN Convention on the Elimination of All Forms of Discrimination against Women. Retrieved from [http://ukraine.unfpa.org/sites/default/files/pub-pdf/CEDAW\\_3%20surveys\\_%20UKR.pdf](http://ukraine.unfpa.org/sites/default/files/pub-pdf/CEDAW_3%20surveys_%20UKR.pdf)

pre-trial investigations, the prosecutor's office directs such investigations based on the CPC of Ukraine and in accordance with the powers prescribed in the CPC.

Criminal proceedings and administrative cases on GBV are adjudicated by local courts. In certain cases prescribed by law, appeals courts or the High Specialized Court of Ukraine for Civil and Criminal cases review these cases on appeal or in cassation proceedings, respectively.

## SITUATION IN THE DONETSK AND LUHANSK REGIONS

According to the PGO, from 2014 to August 2016, there were 197 criminal proceedings launched in cases under Articles 152 (rape) and 153 (violent unnatural gratification of sexual desire). Fifty-nine proceedings were transferred to court with indictments. During this period, there were 85 criminal proceedings launched under these articles in the Luhansk region, including 28 criminal proceedings transferred to court.<sup>287</sup>

According to the Military Prosecutor's Office of the ATO forces, in 2015, military prosecutor's offices in garrisons exercised procedural guidance in two criminal proceedings under Article 152 (rape) of the CCU. Both criminal proceedings were closed by police investigators on the grounds of the absence of the elements of a crime in the actions of the military officers involved.<sup>288</sup>

At the same time, there is reliable information that in September 2016 investigators from a National Police unit in the Luhansk region under procedural guidance by military prosecutors from the Luhansk garrison were investigating a crime under Article 152(3) of the CCU. In that case, a military serviceman raped an underage girl in early June 2016.

According to the territorial directorate of the SCA, local courts of general jurisdiction in the Luhansk region received 33 criminal proceedings under Articles 152-156 of the CCU (crimes against sexual freedom and inviolability of a person) in 2014, nine proceedings in 2015, seven proceedings in 2016 and six proceedings in the first six months of 2017.<sup>289</sup>

In the period from 2014 to the present, local courts of general jurisdiction in the Donetsk and Luhansk regions have reviewed multiple cases associated with GBV committed by military personnel.

For instance, on 16 October 2014, the Pershotravnevyi

District Court in the Donetsk region issued a decision to accept a reconciliation agreement between the perpetrator and the victim. A contracted military officer from the Berdiansk Border Unit admitted guilt in inflicting minor bodily injuries to his former wife.<sup>290</sup>

On 13 October 2015, the Illichivsk District Court in Mariupol convicted a senior soldier from Field Mail Military Unit B6266 of a criminal offence under Article 121(1) of the CCU and sentenced him to five years in prison. The perpetrator was accused of inflicting grave bodily injuries to two people, including one woman, while under the influence of alcohol. In court, the defendant confessed and stated that his crime was triggered by psychological stress related to his military service.<sup>291</sup>

On 29 January 2016, the Artemivsk District Court in the Donetsk region convicted a military serviceman from Field Mail Military Unit B4750 of a criminal offence under Article 121(2) of the CCU and sentenced him to eight years in prison for inflicting grave bodily injuries causing death. The conflict between the perpetrator and the victim was caused by the perpetrator's sexual harassment of the victim's wife.<sup>292</sup>

On 19 May 2016, the Rubizhne City Court in the Luhansk region convicted a contracted military officer of a criminal offence under Article 121(1) of the CCU and sentenced him to three years and six months in prison with one year of probation. The perpetrator was accused of inflicting grave bodily injuries while on duty to a woman serving in the military.<sup>293</sup>

In July 2017, a panel of three judges from the Obolon District Court in Kyiv issued a verdict in case No. 756/16332/15-k against 12 members of the Tornado Specialized Police Patrol Unit who had been on duty in the ATO area. The prosecutor's office charged three the defendants with, inter alia, crimes under Article 153(2) of the CCU (violent unnatural gratification of sexual desire committed repeatedly or by a group).

A very small number of indictments has been sent to the courts or resulted from court proceedings. We can conclude that only a small number of perpetrators of GBV are held accountable. This is also because victims of violence often cannot provide sufficient information to identify perpetrators (names, appearance etc.). In addition, violence takes place under circumstances that make it impossible to preserve sufficient evidence of violence.

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<sup>287</sup> Letter of the Prosecutor's General Office. (2017, September 7). No. 09-3008 No. 19/4-1360vikh-17.

<sup>288</sup> Letter of the Military Prosecutor's Office for ATO Forces. (2016, July 21). No. 06-1216vikh-16.

<sup>289</sup> Letter of the State's Court Administration (Territorial Department). (2017, August 30). No.1463/17-vikh.

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<sup>290</sup> Unified State Registry of Court Decisions. (2014, November 7). Retrieved from <http://www.reyestr.court.gov.ua/Review/41193056>

<sup>291</sup> Unified State Registry of Court Decisions. (2015, October 19). Retrieved from <http://www.reyestr.court.gov.ua/Review/52280961>

<sup>292</sup> Unified State Registry of Court Decisions. (2016, February 3). Retrieved from <http://www.reyestr.court.gov.ua/Review/55283218>

<sup>293</sup> Unified State Registry of Court Decisions. (2016, May 25). Retrieved from <http://www.reyestr.court.gov.ua/Review/57803092>

There have been multiple cases when GBV committed by military personnel from the AFU and other armed groups has not been included in official statistics kept by law enforcement bodies on crimes committed by the military. For instance, it seems that these statistics include only criminal proceedings in which military personnel were notified that they were suspected of committing a crime. At the same time, in many criminal cases, there are significant delays in serving written notice of suspicion caused by different factors.

Ukraine does not have a joint interagency document on cooperation and exchange of information between agencies responsible for preventing and responding to GBV. CMU Resolution No. 616 of 26 April 2003 on Approving the Procedure for Processing Statements and Reports on Domestic Violence or Substantiated Threats of Domestic Violence, Joint Order of the Ministry of Family, Youth and Sports of Ukraine and the MIA of Ukraine No. 3131/386 of 7 September 2009 on Approval of the Instruction for Cooperation between Structural Units Responsible for Implementation of the State Policy on the Prevention of Domestic Violence, Child Services, Centres for Social Services for Families, Children and Youth and Relevant Internal Affairs Units on Prevention Measures Concerning Domestic Violence and other legal documents only refer to domestic violence. They do not cover all forms of GBV or meet current needs in terms of a relevant response to GBV in armed conflict.

National legislation in Ukraine that governs the activities and powers of all the above institutions almost never uses the term “gender-based violence”. Usually, it includes the terms “violence” in general or “domestic violence”, “violence against children”, which directs the work of social services, child services, centres for social services for families, children and youth, centres for medical and social rehabilitation of domestic violence victims and other entities. This work is not always effective.

The CCU and CAO do not include separate provisions prescribing punishment for GBV, i.e. recognizing it as a separate offence. Competent units of the National Police face issues in prosecuting perpetrators since not all forms of GBV are recognized as offences under these codes. The National Police work primarily to address the consequences of offences (prosecute perpetrators). However, there are almost no activities to prevent GBV.

Prosecution authorities and the courts do not have separate statistics on cases (offences) associated with GBV, including GBV in the ATO area. Statistics register information based on the object of the crime (life, health, sexual freedom and inviolability etc.), which distorts the actual state of this problem in Ukraine. For the public and international community, official statistics can lead to an inaccurate conclusion about the satisfactory situation in regard to GBV in the armed-conflict area. However, monitoring conducted by national and international

nongovernmental human rights organizations provides different results.

Therefore, the authorities responsible for combating GBV are not always effective; their work does not meet the needs of survivors of violence. The lack of financing, organizations and human resources leads to practical problems interfering with the provision of necessary services to victims. Different agencies that assist victims and counteract GBV at the national and local levels lack coordination. These and other issues prevent an objective assessment of the scale of GBV and development of response programmes, as well as inclusion of matters associated with sexual violence in future transitional justice processes, such as criminal prosecution and development and implementation of compensation programmes.

## **10.2. ACTIVITIES OF UKRAINIAN AND INTERNATIONAL NONGOVERNMENTAL ORGANIZATIONS ON PREVENTION OF GBV AND ASSISTANCE TO SURVIVORS OF GBV**

The conflict in Ukraine created obstacles in accessing social services, exacerbated gender inequality and led to increased vulnerability to GBV. After the start of the conflict, most international, national and local civil society organizations focused on the needs of the most vulnerable categories, i.e. women and adolescent girls, in five regions. Two of these regions are the scene of the military conflict (Donetsk and Luhansk); the other three have the highest numbers of registered IDPs (the Dnipropetrovsk, Zaporizhzhya and Kharkiv regions).

Services provided by organizations include psychological, legal, social and educational, and informational support. In addition, organizations can submit reports on the cruel treatment of children or threat thereof to the relevant authorities. They can provide shelter to survivors of GBV.

### **INTERNATIONAL ORGANIZATIONS**

In 2014, the UNFPA launched a GBV sub-cluster in the framework of humanitarian crisis response. The sub-cluster coordinates services on prevention of, and response to, GBV against women, men, girls and boys in eastern regions of Ukraine.

The sub-cluster includes five regional working groups: in Kramatorsk, Sievierodonetsk, Kharkiv, Dnipro and Zaporizhzhya. The sub-cluster is always open to cooperation with organizations that provide services for victims of GBV.

This year, the sub-cluster continued its activities in the following areas: protection of GBV survivors and those at highest risk strengthened through increased access to life-saving information and raised awareness of duty bearers; ensuring that essential GBV services (health, PSS,

legal, etc.) are increasingly available/accessible in a non-discriminatory way; improving the quality of GBV services through strengthened inter-sectoral coordination.<sup>294</sup>

In December 2016, the UNFPA opened the first shelter for GBV survivors in Kharkiv.<sup>295</sup> This year, the UNFPA established a network of 10 emergency service delivery points (SDPs) for survivors of physical and sexual violence based on existing healthcare facilities along the contact line and places with concentrated IDP populations.<sup>296</sup>

The following international organizations provide psychosocial support to victims of GBV in the Luhansk and Donetsk regions, including the grey zone: Action against Hunger (ACF) International, People in Need, Médecins du Monde (MDM).

## **NATIONAL AND LOCAL ORGANIZATIONS**

NGOs continue to study the situation and the impact of conflict on the prevalence of GBV. Over the course of the conflict, NGOs have significantly increased and expanded their activities to support survivors of GBV. They also engage in active awareness-raising and advocacy work at all levels (from local to national) to achieve recognition of the problem of GBV.

La Strada Ukraine operates national hotlines on trafficking in human beings, prevention of violence and protection of children's rights. The organization provides psychological assistance to survivors of human trafficking and violence. It also develops and disseminates information for people affected by human trafficking and violence.

Organizations that provide legal assistance and/or representation in court include Vostok SOS CF, Rightto Protection CF, Station Kharkov (Stantsiia Kharkiv) CF, Social Crisis Centre (Sotsialnyi Kryzovyi Tsent) NGO

(Kharkiv), the KHUDC Fund for Help for the Victims of Violence (Fond Dopomohy Zhertvam Nasyllia) (Kharkiv), Initiative (Initsiatyva) ICF (Kharkiv), Hromadska Platforma (Public Platform) (Luhansk region) and others.

Organizations providing psychosocial support for women who have suffered from violence in the Donetsk and Luhansk regions include Slovyanske Serce CF (with temporary accommodation), Psychological Crisis Service (Asotsiatsiia fakhivtsiv z podolannia naslidkiv psykhotravmuuiuchykh podii) NGO enterprise, the Dnipropetrovsk regional NGO Promin (legal, psychological, medical assistance for victims of human trafficking), branches of the All-Ukrainian Network of People Living With HIV.

With the support of the UNFPA, the following organizations implement mobile psychosocial teams in the Donetsk, Luhansk, Kharkiv, Dnipropetrovsk and Zaporizhzhya regions: the Open Association of Practising Psychologists Transformation (Transformatsiia) (Kramatorsk, Sloviansk, Druzhkivka), the Agency for Democratic Development of Donbass NGO (Donetsk region), Vse Mozhlyvo CO CF (Melitopol), Rozrada NGO, Crimea SOS (in 17 regions of Ukraine), the Social Crisis Centre (Sotsialnyi Kryzovyi Tsent) NGO (Kharkiv), the All-Ukrainian Charitable Fund for Help for the Victims of Violence (Fond Dopomohy Zhertvam Nasyllia), the Ukrainian Foundation for Public Health.

There is a wide network of organizations providing support to survivors of GBV at the local and national levels. They also conduct awareness-raising activities to prevent and combat GBV, including conflict-related violence. In addition to providing assistance, international organizations play an important role in coordinating and disseminating information about organizations' local activities.

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<sup>294</sup> Humanitarianresponse.info. (2017). Gender-Based Violence Sub-Cluster Action Plan 2017. Retrieved from [https://www.humanitarianresponse.info/system/files/documents/files/gbv\\_sc\\_ap\\_2017\\_ukr.pdf](https://www.humanitarianresponse.info/system/files/documents/files/gbv_sc_ap_2017_ukr.pdf)

<sup>295</sup> United Nations Population Fund. (2017). Ukraine Humanitarian Newsletter. Retrieved from <http://www.unfpa.org.ua/files/articles/6/95/Ukraine%20Humanitarian%20Newsletter%20Issue%2005.pdf>

<sup>296</sup> United Nations Population Fund. (2017). Ukraine Humanitarian Newsletter. Retrieved from [http://www.unfpa.org.ua/files/articles/7/19/Ukraine\\_Humanitarian\\_Newsletter\\_%20Issue%2006.pdf](http://www.unfpa.org.ua/files/articles/7/19/Ukraine_Humanitarian_Newsletter_%20Issue%2006.pdf)

# 11. CONCLUSIONS

- GBV is any act of violence directed against a person because of their social role (gender) that results in, or is likely to result in, physical, sexual or mental harm or suffering, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. GBV is different from other forms of violence not in the nature of the acts involved, but in the motivation. GBV is broader than sexual violence. Sexual violence includes any act of a sexual nature committed without another person's consent or any other violent action against the sexual functions of a person. In Ukraine, the terms "gender-based violence", "domestic violence" and "sexual violence" are often confused and used interchangeably.
- There is no definition of GBV in national legislation. The CCU and CAO of Ukraine do not qualify GBV as a separate offence. The legal qualification of offences takes place depending on the object of the offence (life, health, sexual freedom and sexual inviolability), the nature of offence (including the place, time, method or circumstances of the offence), the subject of the offence (civilian, military personnel), the mental attitude of the person towards the action/inaction or its consequences (intentional or recklessness), motive, objective of the offence etc.
- The number of crimes recorded in the URPI, the number of indictments sent to courts and criminal proceedings adjudicated by the courts is low. We can conclude that only a small number of perpetrators of GBV, including sexual violence, are held accountable. The prosecution of perpetrators is also complicated because victims of violence often cannot provide sufficient information to identify perpetrators. In addition, violence takes place under circumstances that make it impossible to preserve sufficient evidence of the offence.
- Due to stigma, survivors of GBV seek medical or psychological assistance more often than they contact law enforcement. Those who submit reports to law enforcement often do not receive legal assistance. They complain about the lack of action by law enforcement, repeated investigative activities and the absence of any practical results from investigations.
- Assistance to victims of GBV is provided by the competent units of the National Police, social services, child services, as well as centres for social services for families, children and youth, healthcare establishments, centres for medical and social rehabilitation of domestic violence victims, educational establishments and crisis centres for victims of violence. Since there is no definition of GBV in legislation, it is mostly addressed in the context of domestic violence or violence against children. These are the focus areas for state authorities and local governance bodies responsible for combating GBV.
- There is a lack of an effective coordination mechanism between agencies responsible for prevention and response to GBV, as well as financial, material and professional resources. These shortcomings impede the provision of services that would meet the needs of victims, which also makes responses to GBV more challenging.
- Data collection is crucial in understanding the nature and scale of violence, developing knowledge-based programmes for combating violence, as well as evaluating the effectiveness of these programmes. There are no uniform statistics on criminal offences associated with GBV or general statistics on GBV in Ukraine, which is illustrated by the discrepancies in the information provided by the PGO, the National Police and international and domestic nongovernmental organizations. In addition to data on crimes associated with GBV received from the Prosecutor-General's Office and the National Police, there are statistics on domestic violence. The courts do not have separate statistics on GBV, including in the ATO area. In healthcare facilities, doctors do not have special instructions on compiling statistics on GBV cases.
- There is no comprehensive approach to collecting and processing information on GBV, including cases related to the conflict in eastern Ukraine. Therefore,



it is impossible to make an objective assessment of the scale of GBV. At the same time, even incomplete statistics and fragmented information from international and domestic organizations suggest that the level of GBV has increased due to the armed conflict in eastern Ukraine, which led to an increased number of cases of GBV in both the private and public domains.

- This study showed that the prevalence of GBV in eastern Ukraine depends on three factors: the conflict phase, distance from the line of contact and the entity exercising control over the area. The majority of recorded cases of sexual violence occurred from 2014 to early 2015, during the active phase of hostilities.
- This study includes an analysis of materials from 297 interviews collected by members of the Justice for Peace in Donbas Coalition. The following types of violence motivated by social role (gender) were identified during this study: accommodating men and women representing different parties in the conflict together; denying access to young children, including infants; urination on prisoners by individuals of the opposite sex; failure to consider female hygiene needs, anti-sanitary conditions; forcing military servicemen to wear women's clothes; forcing male POWs to dance in women's clothes. The practice of not holding male and female detainees separately was reported in 22 illegal detention facilities controlled by IAGs.
- The authors of the report identified that one out of every four interviews included information on different forms of sexual violence. The analysed cases of violence have a temporal, geographic and/or causal connection with the armed conflict.
- Sexual and gender-based violence constitutes a grave violation of international humanitarian law. Articles 7 and 8 of the Rome Statute include an open list of sexual crimes that constitute crimes against humanity and war crimes. War crimes are grave breaches of the Geneva Conventions, including those based on gender, such as torture or inhuman treatment, wilfully causing great suffering or serious injury to body or health. These actions were reported in the course of the armed conflict in Donbas. UN Security Council Resolution 1325 (2000) stresses the need to exclude these crimes, where feasible, from amnesty provisions.
- Though Ukraine has not ratified the Rome Statute of the ICC, it has recognized the ICC's jurisdiction concerning crimes against Euromaidan participants, as well as crimes against humanity and war crimes committed by senior officials of the Russian Federation and leaders of the terrorist organizations LDPR that led to extremely grave consequences and mass murder of Ukrainian nationals.
- In the framework of this study, information about 175 cases of sexual violence committed by IAGs against women and men was recorded. Interviewees reported 81 cases of sexual violence against women and 94 cases of sexual violence against men.
- Most often, IAGs used sexual violence against Ukrainian military personnel or ideological opponents among civilians. Civilians were subjected to sexual violence based on their political views, such as supporting (allegedly supporting) the Ukrainian military, individuals with an active civic stance, supporters of the territorial integrity and sovereignty of Ukraine etc. Other factors, such as race, religious beliefs and sexual orientation, also served as grounds for violence.
- Sexual violence was used to punish, intimidate, humiliate or demoralize, obtain information or a confession, as well as for gratification of sexual desire. In certain cases, the motives for sexual violence have not been established.
- Representatives of IAGs in the ORDLO created a network of at least 112 illegal detention facilities where they held prisoners of war and civilian hostages. During this study, we identified 38 illegal prisons in this network where sexual violence was used against women and men.
- Women and men in illegal detention facilities were victims of, and/or witnesses to, different forms of sexual violence, such as rape and threat of rape; forced prostitution; torture with damage to the genitalia or threats to commit such acts; attempts or threats to castrate; penetration or threat of penetration of the anus with objects; threats of sexual violence, in particular rape, against next of kin and relatives; coercion/forcing victims to observe acts of sexual violence and torture with the use of sexual violence; sexual harassment; forced disrobing and nudity; searches by individuals of the opposite sex, including full or partial exposure; humiliation of a sexual nature. One of the most common forms of sexual violence against women was rape, against men, it was forced nudity.
- Sexual violence in illegal detention facilities controlled by different IAGs was systematic and widespread. Accordingly, there are grounds to consider sexual violence as a tool of war in the conflict in Donbas. Cases documented during this study may constitute war crimes and crimes against humanity under the Rome Statute.
- Identified cases of sexual violence by the Ukrainian military included acts against men and women in illegal detention facilities, at checkpoints, as well as connected with the placement of military forces in populated areas. Forms of sexual violence included

the rape of women, forced nudity and threats of rape against men, sexual exploitation of children, as well as other sexual threats.

- The key motives of sexual violence included attempts to punish, exert pressure due to political views, intimidate and humiliate. Restoring control over certain areas and including volunteer battalions in the AFU increased the level of control and accountability of the military.
- In May 2017, a verdict in the case of members of the Tornado Special Patrol Service of police was issued. Three members of Tornado were accused of sexual violence. At the time of this report, access to the verdict was restricted.
- Interviewees who reported illegal deprivation of liberty and torture to law enforcement agencies in Ukraine upon their release from illegal detention facilities usually did not mention being subjected to GBV, including sexual violence. This conclusion is confirmed by the lack of documented cases. In addition, law enforcement agencies lack sufficient capacity to investigate, document and prosecute perpetrators in cases of GBV, including sexual violence, in line with international standards.
- In the territory of the LDPR, the risk of GBV is significantly higher due to the presence of the RF military and IAGs, as well as restricted access for international humanitarian and human rights organizations to the Donetsk and Luhansk regions. The developing system of power relations and law in the so-called people's republics are characterized by selective justice and lack of legal safeguards. De facto legislation in the LDPR on crimes against sexual freedom and inviolability is identical to the RF law in its structure, qualification and punishment.
- LGBTI constitute one of the most vulnerable categories in terms of risks of GBV due to polarization and acceptance of only traditional gender roles and the use of homophobic laws in the LDPR that copy homophobic provisions of Russian legislation. LGBTI who stayed in the ORDLO almost never seek medical or psychosocial assistance or contact law enforcement authorities. They fear secondary victimization and the threat of physical, sexual and psychological violence.
- Cases against representatives of the authorities in the LDPR are almost never investigated, especially those associated with GBV. There are three contributing factors in this situation: attempts to create an impression that the law enforcement agents of the LDPR are law-abiding; fear of reprisals by armed individuals and the lack of effective legal remedies or the need for approval for investigation from the military and political leadership of the republics. For a certain time, GBV was a part of the policy of IAG representatives that was being implemented.
- The data shows that sexual violence was used in the conflict in Donbas and constituted a component of other grave violations of human rights, such as illegal detention, torture, inhuman or degrading treatment and punishment, murder or persecution on the grounds of political views, religious beliefs, race and sexual orientation.
- The topic of sexual violence was one of the key themes in the information war in Donbas; it was actively used by Russian propaganda to incite conflict. The manipulative techniques used included “the great lie”, “mixing facts” and “scary facts multiply”, as well as the “disguised attack”. Objective and professional coverage of sexual violence in the media is an important component of prevention, response and counteraction to violence in armed conflict. Combating Russian propaganda, including that using the theme of sexual violence, remains an important task for society and the state.
- Recently, there has been a certain decrease in GBV in the Donetsk and Luhansk regions due to the termination of active hostilities and the restoration of state authorities in the controlled territories. However, considering a number of unresolved systemic issues, GBV remains a serious threat in the region.
- The armed conflict influenced the situation with GBV not only in regions with a difficult social and economic situation associated with the conflict, but also in regions located away from the conflict area. According to experts, approximately 25 per cent of the people who took part in hostilities or were in the area find it difficult to adapt to life in peacetime. Some of them suffer from PTSD. At the same time, there are no effective mechanisms for working with perpetrators of domestic violence in Ukraine, and the state programmes for rehabilitation of combatants do not take into account the war trauma or the risk of PTSD.
- National and local nongovernmental and charitable organizations have significantly increased and expanded their activities to support survivors of GBV. Representatives of national and international organizations provide or facilitate the provision of psychosocial, legal and medical assistance. They also engage in active awareness-raising and advocacy work at all levels (from local to national) to achieve recognition of the problem of GBV. According to representatives of nongovernmental organizations working in the areas close to the armed-conflict zone, victims seek medical or psychological assistance more often than they file reports with law enforcement authorities since they fear secondary victimization.

# 12. RECOMMENDATIONS

- To the Verkhovna Rada of Ukraine - to ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence.
- To the Verkhovna Rada of Ukraine - to ratify the European Convention on the Compensation of Victims of Violent Crimes.
- To the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine - to revoke amnesty for individuals suspected, accused or convicted of war crimes, crimes against humanity or serious violations of human rights, including conflict-related sexual violence.
- To the Verkhovna Rada of Ukraine - to ensure comprehensive inclusion of matters associated with conflict-related sexual violence in transitional justice processes, particularly the development and implementation of compensation programmes.
- To the Ministry of Social Policy of Ukraine - to promptly initiate the development and adoption of a legal instrument to ensure coordination between agencies responsible for the prevention of, and response to, GBV that would meet current needs in the field of response to GBV in conflict.
- To the Ministry of Internal Affairs, Prosecutor-General's Office and the State Court Administration of Ukraine - to introduce legislative amendments and ensure the compilation of statistics on GBV, including disaggregated data for ATO areas and families of demobilized soldiers.
- To the Ministry of Internal Affairs, Ministry of Defence and the Headquarters of the AFU - to introduce an educational and awareness-raising component concerning international humanitarian law, conduct regular information campaigns to raise awareness in the military on the impermissibility of such acts and liability for committing GBV in armed conflict.
- To the Ministry of Internal Affairs, Security Service of Ukraine, Prosecutor-General's Office, Military Prosecutor's Office and the Ministry of Defence - to provide personnel training on international standards on documentation and investigation of conflict-related sexual violence, including the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict, the Istanbul Protocol.
- To the Ministry of Internal Affairs, the Headquarters of the AFU and the Security Service of Ukraine - to establish the necessary conditions for an effective response to cases of GBV in the areas located directly near the contact line (the grey zone) and exit-and-entry checkpoints.
- To the Security Service of Ukraine, Ministry of Defence, Ministry of Internal Affairs, Prosecutor-General's Office and Military Prosecutor's Office - to organize the systematic collection of information on violations of international humanitarian law in the ORDLO and the ATO area, to ensure coordinated preparation of submissions to the Office of the Prosecutor of the ICC.
- To the Security Service of Ukraine in cooperation with the Prosecutor-General's Office, Military Prosecutor's Office and Ministry of Internal Affairs - to ensure the recording and investigation of cases of sexual violence in the ORDLO areas, in particular in illegal detention facilities, and to prosecute the people responsible for committing or assisting in the commission of these crimes.
- To the Ministry of Social Policy in cooperation with the Ministry of Health, Ministry of Internal Affairs, Security Service of Ukraine and Ministry of Justice - to develop and submit to the Cabinet of Ministers a draft law on protection of the rights and freedoms of civilian prisoners and their family members.
- To the Ministry of Social Policy - to initiate research on conflict-related GBV to identify the consequences of GBV, including its impact at the level of domestic

violence and the prevalence of sexually transmitted diseases in the region; based on the research findings, to develop policies on the prevention of, and response to, GBV.

- To the Ministry of Social Policy in cooperation with the Ministry of Health - to develop instructions for collecting and assessing data for providers of social services for GBV survivors, with particular attention paid to confidentiality concerns and compiling statistics on GBV.
- To the Ministry of Social Policy and the Ministry of Health of Ukraine in cooperation with nongovernmental organizations working on combating GBV - to provide training for social workers, psychologists, lawyers, medical workers and representatives of nongovernmental organizations on assistance to GBV survivors, including the needs of people affected by the armed conflict in eastern Ukraine.
- To the Ministry of Social Policy - to ensure the establishment of a comprehensive state system of qualified assistance (medical, psychosocial, legal) and rehabilitation and social integration for survivors of sexual violence, including those who were subjected to violence in illegal detention facilities in temporarily occupied areas, as well as survivors of violence committed in government-controlled areas.
- To the Ministry of Social Policy in cooperation with organizations working on combating GBV in Ukraine and the Ministry of Education - to ensure the development of information materials on the availability of different forms of support adapted for children and adolescents (both female and male) who were subjected to, or are at risk of, GBV; to ensure dissemination of these information materials in educational establishments in the Donetsk and Luhansk regions.
- To the State Court Administration and the Information Court Systems State Enterprise - to ensure access to court decisions in cases of crimes against sexual freedom and inviolability in accordance with the scope prescribed by the Law of Ukraine on Access to Court Decisions.
- To the Ministry of Health - to ensure the development and implementation of mandatory correctional programmes for military personnel that include the specifics of war trauma and the risks of posttraumatic stress disorder.
- To the Ministry of Information Policy in cooperation with the Ministry of Social Policy and the Ministry of Internal Affairs - to develop and disseminate information and materials on sexual violence against boys and men, to develop specific rehabilitation programmes for boys and men.
- To the central executive authorities and local governance bodies - to engage nongovernmental organizations in providing services to survivors of violence and victims of the armed conflict under the conditions of social procurement.
- To the international organizations working on prevention and response to GBV - to direct their efforts towards building the institutional capacity of service providers in order to ensure the sustainability of services and programmes at the local and national levels.
- To the mass media - to ensure professional coverage of conflict-related GBV, inform the public about the mechanisms of response to violence and ensure an effective response to propaganda, especially in relation to sexual violence.
- To nongovernmental organizations - to increase cooperation with law enforcement authorities and the ICC, to provide information on identified cases and potential perpetrators.

# ANNEX

## ILLEGAL ARMED GROUPS SUSPECTED OF COMMITTING SEXUAL VIOLENCE

### VOSTOK BATTALION



Vostok Battalion [screen capture].  
Retrieved from <https://www.youtube.com/watch?v=9Yh0Qxwf2mc>

Number of personnel: approximately 3,500

Location: Donetsk

Membership: according to the media, former officials of local law enforcement bodies (Alfa, Berkut), volunteers from Russia (primarily the Caucasus)<sup>297</sup>

The Vostok Battalion was created on 6 May 2014. The unit took active part in establishing the DPR, taking over the National Guard bases in Donetsk and the Donetsk

<sup>297</sup> Rosbalt.ru. (2014, December 12). Osetinskie dobrovoltsy iz bataliona "Vostok" pokidajut Donbass [Ossetian volunteers from Vostok Battalion are leaving Donbas]. Retrieved from <http://www.rosbalt.ru/ukraina/2014/12/12/1348092.html>

regional state administration. The battalion also took part in battles for the villages of Karlivka and Panteleimonivka (subordinated to the Central Municipal District in Horlivka) in the Donetsk region, seized Yasynuvata in the Donetsk region<sup>298</sup> and took part in battles for the Savur-Mohyla strategic heights. The Vostok Battalion has repeatedly tried to take the Donetsk airport from the Ukrainian military.

### THE GREAT DON ARMY COSSACK UNIT/THE GREAT DON ARMY COSSACK NATIONAL GUARD



Cossack National Guard.  
Retrieved from <http://казакнацгврд.рф/>

Number of personnel: approximately 2,000

Location: Luhansk region

<sup>298</sup> Brigada "Vostok" - ni shagu nazad! [Vostok Brigade - not a step back!]. Retrieved from <http://brigada-vostok.ru/index.php?page=o-nas>

Membership: unregistered Don Cossacks, citizens of the RF and Ukraine

In late April and early May 2014, Mykola Kozitsyn, a citizen of the RF and native of Toretska (Donetsk region), ataman of the Great Don Army, announced the establishment of the Cossack National Guard and urged all Cossacks to join and “stop the living and technical force of the enemy, liberation of the South-East of Ukraine from the occupiers”.<sup>299</sup>

Units of armed Don Cossacks started arriving in the Luhansk region. On 3 May 2014, they took over Antratsyt. In early June, they already had control over nine cities of regional subordination: Sievierodonetsk, Kadiivka (Stakhanov), Brianka, Alchevsk, Khrustalnyi (Krasnyi Luch), Antratsyt, Dovzhansk (Sverdlovsk) and Perevalsk.<sup>300</sup>

According to Anatolii Matios, the Chief Military Prosecutor of Ukraine, Kozitsyn organized armed attacks on volunteers, journalists, priests and other local civilians for the purpose of “seizing their property, illegal deprivation of liberty, detention in inhuman conditions, assault, humiliation, torture and other cruel treatment of prisoners, including pregnant women”.<sup>301</sup>

### **SMERSH LPR STATE SECURITY COMMITTEE (SMERSH LPR KGB)**

Number of personnel: approximately 40 (July 2014)

Location: Luhansk

Membership: local residents

On 19 June 2014, media reported that Valerii Bolotov, the leader of the LPR at the time, announced the establishment of the State Security Committee (KGB). Smersh is one KGB unit; its main purpose was to “fight spies and saboteurs in LPR territory”. Oleksii Pavlov (call sign “Leshyi”) and Ostap Chorny<sup>302</sup> coordinated its activities.

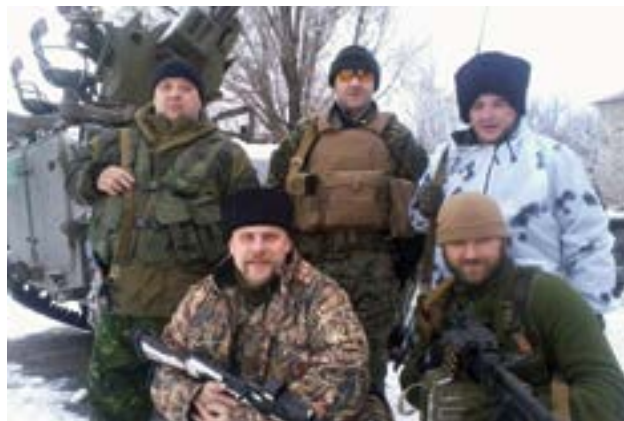
<sup>299</sup> Kozitsyn, N.(2014, April 9). Obrashchenie i prikaz atamana N.I. Kozitsyna [An address and order from ataman Kozitsyn]. Retrieved from <http://vvd2003.narod.ru/>

<sup>300</sup> Nbnews.com.ua. (2014, June 10). Independent News Bureau. Okolo 4 tys. “donskih kazakov” vziali pod kontrol devit gorodov Luganshchiny [Around 4,000 “Don Cossacks” gained control over nine cities in the Luhansk region]. Retrieved from <http://nbnews.com.ua/ru/news/123796/>

<sup>301</sup> Censor.net.ua. (2016, December 29). Voennaja prokuratura uvedomila o podozrenii glavaria bandformirovaniya “Vsevelikogo voiska Donskogo” Kozitsyna, - Matios [Matios, “The Military Prosecutor’s Office served a notice of suspicion to Kozitsyn, the head of the bandit group the “Great Don Army”]. Retrieved from [http://censor.net.ua/news/421568/voennaya\\_prokuratura\\_vedomila\\_o\\_podozrenii\\_glavyarya\\_bandformirovaniya\\_vsevelikogo\\_voyska\\_donskogo](http://censor.net.ua/news/421568/voennaya_prokuratura_vedomila_o_podozrenii_glavyarya_bandformirovaniya_vsevelikogo_voyska_donskogo)

<sup>302</sup> Depo.Luhansk. (2015, August 25). Khto takyi komandyr “Leshyi”, yakyi voiuie za “Novorosiiu bez oliharkhiv” (DOSIE) [Who is commander “Leshyi” fighting for “Novorosii without oligarchs” (DOSSIER)]. Retrieved from <https://dn.depo.ua/ukr/lugansk/istoriya-polevogo-komandira-leshego-i-ego-bandformirovaniya-14082015100000>

### **BATMAN RAPID RESPONSE UNIT**



Batman Rapid Response Unit.  
Retrieved from [http://cripo.com.ua/?sect\\_id=6&aid=21902](http://cripo.com.ua/?sect_id=6&aid=21902)

Number of personnel: approximately 200

Location: Luhansk, several buildings of the Volodymyr Dal Eastern-Ukrainian National University

Membership: local residents, Russian nationalists (Rusych SRG)

In the summer of 2014, the Batman RRU, led by Oleksii Mozhovyi, was involved in patrolling Luhansk and performing the policing functions as part of the People’s Militia of the Luhansk Region. The group was led by Oleksandr Biednov, call sign “Batman” (killed on 1 January 2015). The LPR administration accused Biednov of illegal detention and torture of civilians.<sup>303</sup> The Batman RRU took part in battles in the Luhansk region (villages of Metalist and Smile, Slovianoserbsk district). In September 2014, they ambushed fighters from the Aidar Volunteer Battalion near Vesela hora (Slovianoserbsk district), and 40 people died as a result.

### **M.I. PLATOV FIRST SEPARATE COSSACK PLATOON**



M.I. Platov First Separate Cossack Platoon.  
Retrieved from <https://ce48.livejournal.com/3541.html>

Number of personnel: approximately 1,500<sup>304</sup>

<sup>303</sup> Lenta.ru. (2015, January 2). V LNR soobshchili o pytkah opolchentsami mirnyh zhitel'ev [LPR reports about militiamen torturing civilians]. Retrieved from <https://lenta.ru/news/2015/01/02/lugansk/>

<sup>304</sup> Stopterror.in.ua. (2015, December 9). 6 okremyiy kozachiy polk “imeni otamana Matvija Platova” [“Ataman Matvii Platov” 6th Separate Cossack Platoon]. Retrieved from <https://stopterror.in.ua/info/2015/12/6-otdelnyj-kazachij-polki-imeni-atamana-matveya-platova>

Location: Luhansk region

Membership: local residents, citizens of the Russian Federation

Created in April-May 2014 with unregistered Don Cossacks by the Great Don Army International Union of Citizen Associations. Members of the IAG took part in battles for Lysychansk, Sievierodonetsk, Rubizhne, Pervomaisk, Debaltseve and Lutuhyne. According to the media, by early June, they held control over nine cities in the Luhansk region: Sievierodonetsk, Lysychansk, Kadiivka (Stakhanov), Brianka, Alchevsk, Khrustalniy (Krasnyi Luch), Anratsyt, Dovzhansk (Sverdlovsk) and Perevalsk.<sup>305</sup> The IAG is part of the LPR People's Militia.

## OPLOTT BATTALION



Oplot Battalion.  
Retrieved from [http://cripo.com.ua/print.php?sect\\_id=8&aid=184977](http://cripo.com.ua/print.php?sect_id=8&aid=184977)

Number of personnel: 4,300<sup>306</sup>

Location: Donetsk, Donetsk region

Membership: members of the Oplot martial arts club

The battalion was created in June 2014 in Donetsk. There is information that Oleksandr Zakharchenko, the head of the DPR, created the Donetsk branch of the Oplot public organization in December 2013, shortly before the armed conflict.

The battalion took part in battles in Snizhne, Yasynuvata, Olenivka in the Volnovakha district, as well as in Ilovaik and the Donetsk airport battle.

<sup>305</sup> Stopterror.in.ua. (2015, December 9). *okremiy kozachiy polk "imeni otamana Matvija Platova"* ["Ataman Matvii Platov" 6th Separate Cossack Platoon]. Retrieved from <https://stopterror.in.ua/info/2015/12/6-otdelnyj-kazachij-polk-imeni-atamana-matveya-platova/>

<sup>306</sup> Hrypun, V. (2014, October 22). *Vyacheslav Khripun. Kto s kem vojuet na Donbasse v oktjabre* [Who is fighting whom in Donbas in October]. Retrieved from <http://www.theinsider.ua/politics/544551695677e/>

## LESHYI SPECIALIZED BATTALION



Leshyi Specialized Battalion [screen capture].  
Retrieved from <https://www.youtube.com/watch?v=r7FPu9NKQCU>

Number of personnel: approximately 500-600

Location: Luhansk

Membership: Don Cossacks, residents of the Luhansk region

The armed group was created in early April 2014 in Luhansk. On 6 April 2014, the militants took over the territory and building of the SSU Directorate in the Luhansk region (Luhansk, 79 Radianska Street), where they stayed until November 2014. Later, they relocated to the building of the Luhansk MIA institute. The battalion was led by Oleksii Anatoliiovych Pavlov (call sign "Leshyi"). The main goal of the unit was to defend the seized city of Luhansk.

The unit took part in military action in the Luhansk region: Bakhmutka, direction of Debaltseve and Donetsk, Frunze, 31st roadblock, Staryi Aidar, Shchastia, Tarasovka, Metalist, Oleksandrivsk. Starting from events in April, the unit detained and tortured pro-Ukrainian activists<sup>307</sup> and later military prisoners. According to victims and witnesses, the militants from the battalion were particularly cruel and used torture during interrogations for no particular reason. In late November 2014, the Leshyi Battalion joined the Fourth Separate Infantry Brigade of the LPR People's Militia.<sup>308</sup>

## RUSSIAN ORTHODOX ARMY OF THE DPR

Number of personnel: unknown (according to Russian journalists, approximately 4,000; according to witnesses, up to 500)

Location: in June 2014, the militants were located at the seized SSU building in the Donetsk region (Donetsk, 62 Shchorsa Street), in July 2014, -in the 3023 military unit (Donetsk, Sofiiska Street)

<sup>307</sup> Stopterror.in.ua. (2015, December 7). *Batalion "Leshyi" tak zvanoi LNR* ["Leshyi" Battalion of the so-called LPR]. Retrieved from <https://stopterror.in.ua/info/2015/12/batalon-leshij/>

<sup>308</sup> Stopterror.in.ua. (2016, December 26). *4 Otdelnaja motostrelkovaya brigada narodnoj militsii LNR* [4th Separate Motorized Infantry Unit of the LPR People's Militia]. Retrieved from <https://stopterror.in.ua/info/2015/12/4-otdelnaya-motostrelkovaya-brigada-narodnoj-militsii-lnr/>

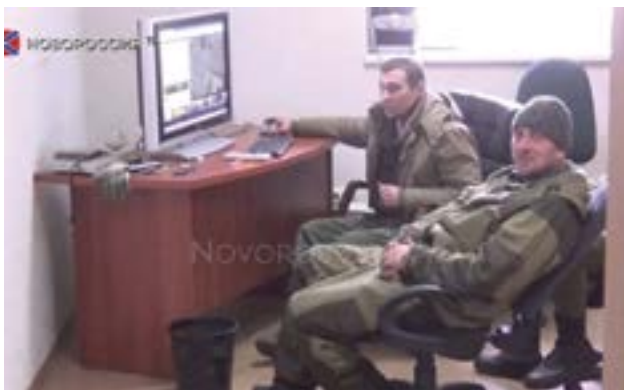


Russian Orthodox Army of the DPR [screen capture]. Retrieved from <https://www.youtube.com/watch?v=yazzQ0Fqo9I>

**Membership:** citizens of the Russian Federation, local residents

The Russian Orthodox Army was created in May 2014 on the basis of the Shchyt, Pravoslavnyi Donbas (Orthodox Donbas), Ruska dobrovolcha armii (Russian Volunteer Army) and Sarmat paramilitary groups.<sup>309</sup> The head of the unit, Vierin Mykhailo Andriiovych (call sign “Piatyi”) is Russian. Participation in hostilities (summer 2014): in the area near Amvrosiivka, Mariupol, Karlivka. Starting from spring 2014, militants from the Russian Orthodox Army started kidnapping people and detaining individuals with pro-Ukrainian views. Victims were subjected to torture, mock executions, humiliation, threats and forced labour. In September 2014, the Russian Orthodox Army changed its format and joined the new Oplot Fifth Separate Infantry Brigade.

## MYKOLAIVSKY SPECIAL BATTALION



Mykolaivsky Special Battalion. Retrieved from <https://stopterror.in.ua/info/2015/11/russkaya-pravoslavnyarmiyatak-nazyvaemoj-donetskoj-narodnoj-respubliki/>

**Number of personnel:** unknown

**Location:** Donetsk, Donetsk region

**Membership:** residents of Mykolaiv and the Mykolaiv region, Odesa, Kherson

<sup>309</sup> Stopterror.in.ua. (2015, November 15). Russkaia Pravoslavnaia Armiiia tak nazyvaemoj Donetskoj Narodnoj Respubliki [The Russian Orthodox Army of the so-called Donetsk People’s Republic]. Retrieved from <https://stopterror.in.ua/info/2015/11/russkaya-pravoslavnyarmiyatak-nazyvaemoj-donetskoj-narodnoj-respubliki/>

The battalion<sup>310</sup> was created in February 2015 as the Vympel Specialized Battalion, which was a part of the Russian Orthodox Army. The battalion is led by Oleksandr Mykolaivskyi, nicknamed “Nik”. In July 2015, the unit joined the so-called Ministry of Defence of the DPR and changed its name to the Mykolaivsky Special Battalion.

According to information published on 19 February 2016, all members of the battalion were arrested by the “special operations centres of the DPR State Security Ministry”, including the commander, Oleksandr Mykolaivskyi.<sup>311</sup> Since then, there has been no new information online about the battalion’s activities; social media pages were deleted or have no new content.

## PIATNASHKA INTERNATIONAL BRIGADE



Piatnashka International Brigade. Retrieved from <https://www.yaplakal.com/forum2/topic1136513.html>

**Number of personnel:** unknown

**Location:** Donetsk, Donetsk region

**Membership:** Abkhazian, Dagestani, Ossetian, local residents, French, Slovak<sup>312</sup>

<sup>310</sup> Stopterror.in.ua. (2015, October 23). Batalion Specialnogo Naznachenija “Nikolaevskogo” [“Mykolaivsky” Special Battalion]. Retrieved from <https://stopterror.in.ua/info/2015/10/batalon-spetsialnogo-naznacheniya-nikolaevskogo-vympel/>; Stopterror.in.ua. (2015, November 21). Svodnyi spisok nezakannyh vooruzhennyh formirovani na okkupirovannoi territorii Donetskoj oblasti [Consolidated list of illegal armed groups in the occupied areas of the Donetsk region]. Retrieved from <https://stopterror.in.ua/info/2015/11/svodnyj-spisok-nezakannyh-vooruzhennyh-formirovanij-na-okkupirovannoj-territorii-donetskoj-oblasti/>

<sup>311</sup> Nikonorov, O. (2016, February 21). Oleksandr Nikonorov. Itogi nedeli v “DNR”: “nevjezdnoj” Grem Fillips i obkolotye “cherburashki” [The week in “DPR”: Graham Phillips banned from entry, doped up “cheburashkas”]. Retrieved from <https://dn.depo.ua/rus/donetsk/pidsumki-tizhnyia-v-dnr-nev-yizniy-grem-fillips-i-obkoloti-21022016200000>.

<sup>312</sup> ixteac7. (2016, January 18). Zapiski numizmata. OPG “Piatnashka”. Abkhazskie naemniki [Notes of a coin collector. OPG “Piatnashka”. Abkhazian mercenaries]. Message posted to <http://ixteac7.livejournal.com/447009.html>; Informnapalm.org. (2016, October 2). Maski “russkogo mira” vo Frantsii [The masks of the “Russian world” in France]. Retrieved from <https://informnapalm.org/19686-maski-russkogo-mira-vo-frantsii/>; Dsnews.ua. (2015, June 8). V “DNR” POIAVILOS CHESHKO-SLOVATSKOE PODRAZDELENIE “PIATNASHKA” - SMI [A CZECH-SLOVAK UNIT “PIATNASHKA” IN “DPR” - MEDIA]. Retrieved from <http://www.dsnews.ua/society/v-dnr-poyavilos-cheshsko-slovatskoe-podrazdelenie-pyatnashka-08062015113900>



The brigade was created by 15 volunteers from Russia in late June 2014, hence the name.

Piatnashka took part in seizing Shakhtarsk, Ilovaisk and Vuhlehirsk and in the attack on Donetsk airport.

In 2015, the unit joined the DPR Republican Guard subordinated to the DPR Ministry of Defence.

On 30 September 2016, the Equal Opportunities inter-fraction association in the Verkhovna Rada of Ukraine issued a statement accusing Piatnashka of sexual violence against children, “The fact that Serge Munier, a French citizen, and Irakli Adleiba, an RF citizen, took part in the business of sexual exploitation of minors in the occupied areas shows the real reason for the participation of foreign citizens in the armed aggression against Ukraine”.<sup>313</sup>

### PEOPLE’S MILITIA OF DONBAS, IHOR BEZLER’S GROUP



People’s Militia of Donbas [screen capture]. Retrieved from <https://www.youtube.com/watch?v=baMOOTn5oYo>

Number of personnel: up to 700

Location: Horlivka and Donetsk, Donetsk region

Membership: local residents, miners

Until 2002, Ihor Bezler worked in the Main Intelligence Directorate of the Russian Federation. Later, he moved to Ukraine. According to the SSU, in February 2014, officials from the Main Intelligence Directorate of the RF Armed Forces Headquarters resumed communication with Bezler. Pursuant to their orders, Bezler went to the Crimean AR, where he took part in violent actions, including seizures of military units and state authorities, which led to the illegal annexation of Ukrainian territory.

<sup>313</sup> UNIAN.(2016, September 30). V Rade obratilis k OON i Evrosoiuzu otnositelno faktov seksualnogo nasillia na Donbasse [Members of Rada addressed the UN and the EU concerning sexual violence in Donbas]. Retrieved from <http://www.unian.net/politics/1548556-v-rade-obratilis-k-oon-i-evrosoyuzu-otnositelno-faktov-seksualnogo-nasiliya-na-donbasse.html>

At first, Bezler’s group was based in Horlivka (Donetsk region). They later moved to Donetsk, taking over the SSU premises.

In February 2017, the OHCHR published a report on conflict-related sexual violence in Ukraine, which includes information that Bezler’s unit took part in kidnappings, torture and the rape of women.<sup>314</sup>

### THIRD SEPARATE MOTORIZED INFANTRY BRIGADE OF THE DPR BERKUT, KORSА REACTIVE INFANTRY DIVISION



Third Separate Motorized Infantry Brigade of the DPR Berkut. Retrieved from <https://mrDOS622.livejournal.com/1515482.html>

Number of personnel: 150

Location: Horlivka and Donetsk, Donetsk region

Membership: local residents

Olha Kachura (call sign “Korsa”), a former MIA official dismissed in 2011, was in charge of the unit. Korsa led activities in Slovyansk and later in Druzhkivka. The garrison in Druzhkivka joined the Horlivka garrison as the Druzhkivka Company. Later, the Horlivka Reactive Division was created. It took part in seizing Horlivka and in attacks on Debaltsevo and Zorianivka. Korsa also took part in battles in Mykolaivka and Kramatorsk.<sup>315</sup>

In November 2014, the division joined the Third Separate Motorized Infantry Brigade of the DPR.

<sup>314</sup> Fakty. (2017, February 19). OON opublikovala dopovid pro seksualne nasylstvo pid chas viiny v Ukraini [UN published a report on sexual violence during the war in Ukraine]. Retrieved from <http://fakty.ictv.ua/ua/ukraine/20170219-oon-opublikovala-dopovid-pro-seksualne-nasylstvo-pid-chas-vijny-v-ukrayini/>

<sup>315</sup> Novorossia-tv.ru (2015, March 8). Chelovecheskie istorii - Korsa [People’s stories - Korsa]. Retrieved from <http://novorossia-tv.ru/news/nrus/chelovecheskie-istorii-reaktivnaya-korsa/>



## **EASTERN-UKRAINIAN CENTRE FOR CIVIC INITIATIVES (EUCCI)**

**<http://totalaction.org.ua/>**

**Mission:** to develop and maintain the ability of Ukrainian society to face current challenges based on the principles of democracy and the rule of law through education, advocacy and research.

**Values:** The EUCCI's work is based on the following organizational values: respect for human dignity, belief in the right of everyone to implement change, coherence and consistency of activities with the organization's values and with integrity, transparency and accountability, aspirations for change, a results-oriented approach, mutual support, cooperation, innovative approaches, expertise and quality.

### **Main activities of the organization:**

- Documentation of gross human rights violations that occurred during the conflict in Donbas;
- Facilitation of the restoration of peace in eastern Ukraine.

**Target audience:** victims of gross human rights violations that occurred during the conflict in eastern Ukraine; community leaders and representatives of civil society organizations, local governance bodies, state authorities and the media.

### **Our services:**

- Documentation of gross human rights violations that occurred during the conflict in Donbas.
- Free legal assistance, including representation in court, for victims of the armed conflict in eastern Ukraine.
- Awareness-raising and educational programmes to restore peace and promote a culture of remembrance.
- Training programmes and study seminars on the following issues: documentation of human rights violations, representation and protection of interests, community participation in decision-making, fundraising, development of local communities and areas etc.
- Development and publication of awareness-raising, educational and methodological materials on the areas of organization's work.
- Information support, consultation and library services for representatives of the target audience.

### **Contact information:**

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## JUSTICE FOR PEACE IN DONBAS COALITION OF HUMAN RIGHTS ORGANIZATIONS AND INITIATIVES

<https://jfp.org.ua/>

The Justice for Peace in Donbas Coalition of Human Rights Organizations and Initiatives was created in December 2014. It is a voluntary informal union of 17 public organizations in Ukraine, primarily from the Donetsk and Luhansk regions.

### **Mission**

The Coalition works to build a sustainable and just peace in Donbas by consolidating the efforts of civil society institutions to ensure respect for human rights and freedoms, in particular for victims of the conflict, in Ukraine.

### **Activities:**

- Documentation of human rights violations in eastern Ukraine;
- Legal and other forms of assistance for victims of gross human rights violations in eastern Ukraine;
- Advocacy in Ukraine and abroad for restoring human rights violated in the armed conflict;
- Ending impunity and restoring justice through cooperation with domestic and international institutions;
- Information and awareness-raising activities for the general population on human rights violations in eastern Ukraine;
- Facilitating sustainable dialogue and peacebuilding in eastern Ukraine.

### **Principles:**

- **Voluntary participation.** Participation in the Coalition is voluntary. However, when organizations leave the Coalition, they must fulfil any obligations that they undertook while members, particular regarding the treatment of information.
- **Equality.** Coalition members are equal in their rights and duties.
- When documenting facts, members of the Coalition must adhere to the principles **of impartiality and accuracy** in collecting and publishing information.
- **Legality.** When cooperating to document human rights violations, Coalition members must comply with Ukrainian laws.
- **Free-of-charge support.** The work of Coalition members is not funded by the victims of human rights violations. Coalition members provide free legal aid and other assistance to victims of the armed conflict.

**WAR WITHOUT RULES:  
GENDER-BASED VIOLENCE IN THE CONTEXT OF THE ARMED  
CONFLICT IN EASTERN UKRAINE**

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