Office of the United Nations High Commissioner for Human Rights

Report on the human rights situation in Ukraine 16 February to 15 May 2015

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I. EXECUTIVE SUMMARY

1. This is the tenth report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) on the situation of human rights in Ukraine, based on the work of the United Nations Human Rights Monitoring Mission in Ukraine (HRMMU)[1]. It covers the period from 16 February to 15 May 2015.

2. The reporting period covers the time span that marked one year since the events which had dramatic impact on the human rights situation in Ukraine and which have triggered its subsequent deterioration: February 2014 events at Maidan; the so-called 'referendum' in the Autonomous Republic of Crimea of 16 March; the start of the Government's security operation in the eastern regions of Donetsk and Luhansk on 14 April to re-gain control of territory and buildings seized by the armed groups in March and April 2014, which was met with resistance and reportedly bolstered by the influx of foreign fighters and weapons from the Russian Federation; the violence on 2 May in Odesa; and the so-called 'referendums' on self-rule in Donetsk and Luhansk regions on 11 May, which contravened the Constitution of Ukraine and international norms and standards.[2]

3. For more than a year, the lack of protection and justice for victims and the impunity of perpetrators have prevailed in Ukraine. Accountability for gross human rights violations committed during the Maidan protests, in which at least 104 demonstrators and 13 law enforcement officers were killed, and in the 2 May violence in Odesa, when 48 persons died, is pending. No perpetrators have been brought to justice, and the investigation into these cases remains slow. Though the Office of the Prosecutor General claimed that it had identified all senior Government officials involved in decision making during Maidan events, no one is informed that they are a suspect in the case. Only seven people suspected of killing protestors on 18-20 February 2014 have been detained so far with two of them being tried. Investigations in Odesa by the Ministry of Internal Affairs and the Office of the Prosecutor General are widely believed to be unreliable, particularly because of the inability or unwillingness of law enforcement bodies to bring to justice those responsible for the violence. The prosecution of perpetrators is also reportedly hampered by the fact that some of them have fled Ukraine.

4. Collapse of law and order on the territories controlled by the self-proclaimed 'Donetsk people's republic'[3] and the self-proclaimed 'Luhansk people's republic'[4] continued to be aggravated by on-going armed hostilities between the Ukrainian armed forces and armed groups. The hostilities continue to be accompanied by violations of international humanitarian law and have had a devastating impact on the overall enjoyment of human rights by an estimated five million people living in the area. In places directly affected by the fighting, such as Debaltseve, Donetsk and Horlivka, people pleaded to the HRMMU: "*we just want peace"*.

5. The current ceasefire in eastern Ukraine is not fully respected. Agreed upon on 12 February 2015 as part of a Package of Measures for the Implementation of the Minsk Agreements with participation of representatives of the 'Donetsk people's republic' and the 'Luhansk people's republic', it entered into force on 15 February. The Package also foresees the withdrawal of heavy weaponry from the contact line; the establishment of a 50-140 km security zone; the withdrawal of illegal and foreign armed formations from the territory of

[1] The HRMMU was deployed on 14 March 2014 to monitor and report on the human rights situation throughout Ukraine and to propose recommendations to the Government and other actors to address emerging human rights issues. For more details, see paragraphs 7-8 of the report of the UN High Commissioner for Human Rights on the situation of human rights in Ukraine of 19 September 2014 (A/HRC/27/75).
[2] For more details on these events, see paragraphs 3-6 and 9-10 of the abovementioned report.
[3] Henceforth referred to as the 'Donetsk people's republic'.
[4] Henceforth referred to as the 'Luhansk people's republic'.

Ukraine; and an 'all for all' release of "hostages and unlawfully detained persons". On 17 February, by resolution 2202 (2015), the Security Council called on all parties to the conflict to fully implement the Package. On 17 March, the Parliament of Ukraine adopted a resolution approving the application to the Security Council and the Council of the European Union about deployment of the international peacekeeping and security operation in Ukraine.

6. In the days following the abovementioned agreement on a ceasefire, attacks by the armed groups against Ukrainian troops continued around the town of Debaltseve (Donetsk region) until 19 February causing new casualties among the remaining civilian population which had already spent several weeks in basements. Between 19 February and 10 April, the ceasefire was generally upheld, though isolated skirmishes and clashes were reported daily. While some areas in the conflict zone have remained calm, such as the city of Luhansk, others have become the scenes of escalating hostilities since 11 April[5]. The vicinity of Donetsk airport and the contested village of Shyrokyne (Donetsk region) remained the major flashpoints where heavy weapons were intensively used. Reports of sophisticated heavy weaponry and fighters being supplied from the Russian Federation persisted.

7. The overall decrease in indiscriminate shelling of populated areas after 15 February resulted in a decrease in civilian casualties. Casualties of Ukrainian armed forces and armed groups continued to grow. In total, since the beginning of the hostilities in mid-April 2014 until 15 May 2015, at least 6,362 people (including at least 625 women and girls) were documented as killed and 15,775 as wounded in the conflict area of eastern Ukraine[6]. Many people remain missing; bodies continue to be recovered.

8. Serious human rights abuses, intimidation and harassment of the local population perpetrated by the armed groups continued to be reported. The HRMMU received new allegations of killings, torture and ill-treatment, as well as cases of illegal deprivation of liberty, forced labour, looting, ransom demands and extortion of money on the territories controlled by the armed groups. Persecution and intimidation of people suspected of supporting the Ukrainian armed forces or being pro-Ukrainian remained widespread. At times, the armed groups did not permit the HRMMU to access areas where violations of human rights have reportedly been taking place, or it was not possible for security reasons.

9. The armed groups and the so-called 'governance structures' of the 'Donetsk people's republic' and 'Luhansk people's republic' are accountable for human rights abuses committed on territories under their control. Steps taken by the 'Donetsk people's republic' and 'Luhansk people's republic' to establish their own 'legislative' frameworks and systems of 'administration of justice' ('police', 'prosecutors' and 'courts') are contrary to the Constitution of Ukraine and international law, and jeopardize the Minsk Agreements.

10. Residents of the territories controlled by the armed groups continued to be increasingly isolated from the rest of Ukraine since the so-called 2 November 'elections' held by the 'Donetsk people's republic' and 'Luhansk people's republic' at variance with provisions of the Minsk Agreements and the Constitution of Ukraine due to the subsequent decisions of the Government of Ukraine to temporarily relocate all State institutions and organisations from these territories and to stop allocations and disbursements (including social payments) to the institutions and individuals located there[7]. On 17 April, the

[5] Such as Avdiivka, Dokuchaivsk, Donetsk, Horlivka, Hranitne, Krasnohorivka, Krymske, Luhanske, Olenivka, Opytne, Pisky, Popasna, Shchastia, Shyrokyne, Slovianoserbsk, Spartak, Stanychno Luhanske, Svitlodarsk, Vesele, Vodiane, Volnovakha, Yasynuvata and Zolote.

[6] This is a conservative estimate by the HRMMU and WHO, based on available official data. It is believed that casualties have been under reported and that the actual number is higher.

[7] For more details, see paragraph 12 of 8th HRMMU report.

Parliament of Ukraine recognized these territories as "temporarily occupied". The situation of the most vulnerable, particularly older persons, persons with disabilities, families with children and people in institutional care, remains dire with many of them having no source of income or being deprived of access to basic social services. In early April, reports emerged of some pensions and salaries being paid in Russian roubles by the 'Donetsk people's republic' and 'Luhansk people's republic'.

11. The permit system introduced through a Temporary Order on 21 January by the Security Service of Ukraine continued to significantly limit the freedom of movement across the contact line. It was even the case during the height of hostilities in February as many tried to leave the conflict zone. Those seeking to obtain permits face corrupt practices and delays of up to three months. International and national organizations have advocated for the revision of the permit system with no avail to date.

12. The safety and security of journalists remained precarious in the conflict zone with several of them killed during the reporting period. The armed groups continued to limit freedom of expression and impede the work of media professionals on the territories they control. The Government of Ukraine identified over 100 media outlets (including TV channels, information agencies, newspapers and Internet resources) from the Russian Federation that are not allowed anymore to attend press events of the state bodies until the end of the security operation.

13. The HRMMU is concerned that the efforts of the Government to safeguard territorial integrity of Ukraine and to restore law and order in the conflict zone continue to be accompanied by persistent allegations of arbitrary and secret detentions and enforced disappearances of people suspected of separatism or terrorism. The HRMMU continued to receive allegations of ill-treatment and torture of people detained by the Ukrainian armed forces and law enforcement agencies. It is also concerned that investigations into allegations of gross human rights violations by the Ukrainian military and law enforcement personnel have yet to be carried out.

14. More than 1.2 million people internally displaced since the beginning of the conflict suffer from impeded access to healthcare, housing and employment. The proliferation of arms, the lack of job opportunities, limited access to medical care and psycho-social services for demobilised soldiers and a deep anxiety that the ceasefire may not hold have a serious impact on the population and the prospects for reconciliation. Further deterioration of the overall economic and financial situation is affecting the whole population of Ukraine.

15. On 3 March, the President established a Constitutional Commission to elaborate amendments to the Constitution of Ukraine on the basis of broad public consultations. Three working groups started their work in April to outline proposals related to the functioning of the State and its institutions, decentralization, self-government, fundamental freedoms and human rights. On 26 April, amendments to the laws on the judiciary were adopted, *inter alia*, to strengthen the role of the Supreme Court as the guarantor of the unity of the jurisprudence.

16. On 15 May, the President of Ukraine signed a package of four laws which denounce Communist and Nazi regimes as "criminal under the law", ban propaganda in their favour and all public display of their symbols. They also require replacing communist-inspired names for cities, streets, squares and other places and providing for public recognition to all those who "fought for Ukrainian independence in the twentieth century". The HRMMU notes that there is a serious risk that some provisions of the package could limit the freedom of expression and deepen divisions in society.

17. Despite the many challenges that the Government of Ukraine faces, there has been some progress in reforms concerning business deregulation, state procurement, education and anti-corruption. On 18 March, a National Agency on the Prevention of Corruption was

created to conduct the mandatory e-declaration of incomes and expenditures of all public officials. On 16 April, the Director of the National Anti-Corruption Bureau, a body which will conduct investigation into crimes committed by high level public officials, including judges and prosecutors, was appointed by the President.

18. The situation in the Autonomous Republic of Crimea[8], the status of which is prescribed by General Assembly resolution 68/262, continued to be characterized by human rights violations committed by the *de facto* authorities applying the laws of the Russian Federation. The HRMMU was informed about the ill-treatment and torture of a detained former Maidan activist by or with the acquiescence of Crimean 'law enforcement'. Harassment and arrests of Crimean Tatars and other 'pro-unity' supporters continued. A 'court' ordered corrective labour for three Crimean activists after they unfurled a Ukrainian flag with the inscription "Crimea is Ukraine" during an authorized rally to commemorate the anniversary of the national poet Taras Shevchenko.

19. Control of the media in Crimea was tightened. At least seven media outlets using Crimean Tatar language, including a TV station and a newspaper, which are most popular among the Crimean Tatar community, were denied re-registration under the law of the Russian Federation and have ceased operating. Freedom of religion has been jeopardized by limitations resulting from re-registration requirements. Only 51 religious communities currently have a legal status under the law of the Russian Federation compared to over 1,400 under the law of Ukraine before the March 2014 'referendum'. The situation of some vulnerable groups, such as people with drug addiction, is dramatic. About 800 of them are currently without life-saving opioid-substitution therapy and up to 30 have died since March 2014. Treatment provided is inadequate as it involves simple detoxification and, occasionally, a follow-up rehabilitation.

II. RIGHTS TO LIFE, LIBERTY, SECURITY AND PHYSICAL INTEGRITY

A. Armed hostilities

20. The entry into force of a ceasefire as of 15 February 2015 which was part of the Package of Measures for the Implementation of Minsk Agreements of 12 February led to a considerable decrease in the intensity and geographic scope of hostilities in eastern Ukraine, except for the vicinity of the town of Debaltseve (Donetsk region), where several thousand Ukrainian armed forces remained under sustained attack by the armed groups. On 18 February, Ukrainian units were ordered to withdraw from the Debaltseve area. On 17 March, the Parliament of Ukraine adopted a resolution on the approval of an application to the United Nations Security Council and the Council of the European Union about deployment of the international peacekeeping and security operation to Ukraine.

21. Between 19 February and 10 April, the ceasefire was generally upheld, although isolated clashes were reported, mainly through the use of small arms, grenade launchers and mortars[9]. This was to a considerable extent due to the withdrawal of heavy weapons from the contact line, which the Government of Ukraine and the armed groups claimed to have completed by beginning of March, but which the OSCE Special Monitoring Mission (SMM)

[8] Henceforth referred to as Crimea.

[9] The locations where ceasefire violations were reported most frequently: Avdiivka, Dokuchaivsk, Donetsk, Horlivka, Hranitne, Krasnohorivka, Krymske, Luhanske, Olenivka, Opytne, Pisky, Popasna, Shchastia, Shyrokyne, Stanychno Luhanske, Slovianoserbsk, Spartak, Svitlodarsk, Vesele, Vodiane, Volnovakha, Yasynuvata, Zolote and the area of Donetsk airport.

was unable to fully verify due to the lack of access to certain locations. Reports of sophisticated heavy weaponry and fighters being supplied from the Russian Federation persisted.

22. Between 11 and 15 April, fighting considerably escalated in the vicinity of the Donetsk airport and near the contested village of Shyrokyne (Donetsk region), where the use of heavy weapons, including mortars, artillery and tanks, resumed. On 13 April alone, the Ukrainian armed forces reported six soldiers killed and 12 wounded, while the armed groups of 'Donetsk people's republic' and 'Luhansk people's republic' claimed four of their members killed and 17 wounded. Further escalation occurred from 3 to 8 May. On 3 May, two Ukrainian soldiers were reported killed and three wounded, while the armed groups claimed three of their members killed and six wounded.

23. On 25 March, the Head of the Security Service of Ukraine (SBU) said that members of armed formations "which do not want to join the Armed Forces, Ministry of Internal Affairs, National Guard or SBU shall forfeit arms and choose another mode of operation – to leave the security operation zone and, moreover, not create or participate in any illegal military or paramilitary formations". On 30 March, the 'heads' of the 'Donetsk people's republic' and 'Luhansk people's republic' issued 'decrees', which obliged all persons not belonging to 'official' military or law enforcement units to forfeit all their weaponry by 4 April, announcing that those who would not comply would be considered as "members of illegal gangs", "forcefully disarmed" and "brought to criminal responsibility".

24. In other areas of Ukraine, security continued to be challenged by explosions. On 22 February, an explosive device killed three people and wounded 15 in the city Kharkiv during a rally. The SBU reported the arrest of possible perpetrators. On the night of 12 March, an explosion near the office of the political party *Samopomich* occurred in Odesa. No casualties were reported. The Ministry of Internal Affairs qualified both incidents as terrorist acts. On 30 and 31 March, two explosions occurred at railway stations near the city of Kharkiv (with no casualties), bringing the total number of such incidents in the region to more than 45 since July 2014.

B. Casualties

25. Since the beginning of the hostilities in mid-April 2014 until 15 May 2015, at least 6,362 people (including at least 625 women and girls) were documented as killed and at least 15,775 as wounded in the conflict area of eastern Ukraine[10].

26. Even with the decrease in hostilities, civilians continued to be killed and wounded. On 22 February, an artillery shell killed three civilians in the Government-controlled town of Avdiivka (Donetsk region). On 4 March, a woman was killed when her apartment was hit by a shell during a mortar attack on Avdiivka. During the night from 28 to 29 April, a man was reported killed and a woman wounded by shelling of the city of Horlivka controlled by the armed groups (Donetsk region). On 22 February, three civil volunteers were reportedly killed by a mine blast on the route between the town of Debaltseve controlled by the armed groups (Donetsk region) and the Government-controlled town of Artemivsk (Donetsk region). On 29 April, a civilian was wounded after stepping on a booby trap near the Government-controlled village of Zolote (Luhansk region). On 31 March, the Ministry of Health stated that "starting from March 2014, at least 109 children were heavily wounded and 42 killed as a result of

[10] As in previous reports, these are conservative estimates by the HRMMU and the World Health Organization based on the available official data. The number includes casualties among the Ukrainian armed forces as reported by the Ukrainian authorities; casualties reported by civil medical establishments of the Donetsk and Luhansk regions (civilians and some members of the armed groups, without distinguishing among them), and the 298 casualties from flight MH-17. The actual number of fatalities is probably higher.

tripping landmines and explosive objects, which remained from the armed hostilities in Donetsk and Luhansk regions" (referring to Government-controlled territories[11]).

27. On 8 May, President Poroshenko stated that 1,675 Ukrainian soldiers had been killed since the beginning of the conflict; meanwhile according to *Knyga Pamyati* (Book of Memory), a civil initiative, which cooperates with the Ministry of Defence, 1,926 soldiers had been killed prior to 12 February 2015. As of 18 April, 222 unidentified bodies (presumed to be mainly those of soldiers) were reported to be held in morgues of Dnipropetrovsk region. Also, 170 bodies of Ukrainian soldiers had been buried, of which only 47 were identified.

28. Recovery of the bodies of those killed (both military and civilian) continued on the conflict-affected territories. Between January and March 2015, the NGO *Soyuz 'Narodnaya Pamiat'* (People's Memory Union) reported recovering 340 bodies, mainly of Ukrainian soldiers, from the conflict area. By 7 May, the total number of bodies recovered by the Union since 5 September 2014 had reached 560, mainly from those areas of the Donetsk region, which are controlled by the armed groups. The search for bodies in former areas of hostilities in the Luhansk region, which are currently under the control of the 'Luhansk people's republic', is still pending.

Missing persons

29. The absence of a unified database of missing persons in the east of Ukraine since mid-April 2014 makes it difficult to estimate their number. By 10 May, the open database of the Ministry of Internal Affairs contained the names of 1,331 people (1,218 men and 113 women) who went missing on the "territory of the anti-terrorist operation"[12]. On 6 May, the representative of Ukraine in the Trilateral Contact Group stated that 1,460 people were considered to be missing. As of 8 May, the database of the NGO *Mirnyi Bereg* included data on 378 missing Ukrainian soldiers and 216 missing civilians. The HRMMU notes that Governmental bodies do not effectively coordinate their activities related to the search of missing persons, both among themselves and with various civil initiatives.

C. Alleged summary, extrajudicial or arbitrary executions

By the armed groups

30. During the reporting period, the HRMMU became aware of new allegations of summary executions of people in the captivity of the armed groups. Some of these allegations have been supported by testimonies of witnesses and by forensic examinations and photographic materials.

31. The HRMMU interviewed a number of witnesses and relatives in the case of Ukrainian soldier Ihor Branovytskyi, who was allegedly summarily executed on 21 January while in captivity of the armed groups of the 'Donetsk people's republic'. According to them, when the Ukrainian military retreated from the Donetsk airport, a group of 12 soldiers, including Mr. Branovytskyi, was captured by the armed groups of the 'Donetsk people's republic'. En route to the former SBU premises in Donetsk, members of the armed groups took the captives to the former military base currently used by the so-called 'Sparta battalion'. They were reportedly beaten and subjected to interrogation under torture and ill-treatment. All captives were allegedly lined up along a wall and beaten one after the other for a few hours by some 20 people with metal pipes, wooden batons and butts of rifles. Perpetrators were reportedly looking for a machine gunner and when Mr. Branovytskyi said that he was the one they were looking for, he was separated from the other captives, beaten with a blunt

[11] There is no available numbers of civilians killed or wounded by mines and unexploded ordnance on the territories controlled by the armed groups.

[12] Whereabouts of some of these people have been already established, but their names have not been removed from the list.

hard object and sustained shot wounds with a traumatic gun, according to a forensic examination received by the HRMMU[13]. After Mr. Branovytskyi collapsed and fainted, the commander of 'Sparta battalion'[14] reportedly refused to call an ambulance and fired two shots in the head of the victim. In addition to physical torture and ill-treatment, the other captives were also subjected to mock executions with members of the 'Sparta battalion' firing shots above their heads.

32. On 8 May, the HRMMU interviewed a Ukrainian soldier, who was released by the armed groups of 'Donetsk people's republic' the previous day. He was one from the group of seven captured soldiers, two of whom were wounded. Five of them, including the interlocutor, were kept in one dug-out shelter, while one wounded soldier was in the other dug-out shelter and the other wounded – in a trench. The interlocutor heard a number of shots fired by the members of the armed groups. When passing by those places, he saw these two soldiers lying on the ground showing no sign of life. The remaining soldiers were forced into a hole, which was allegedly a shell crater, where they remained for some time, until members of the so-called 'international Piatnashki battalion' took one of them out. The interlocutor heard a shot accompanied with scream and a second shot shortly thereafter. When four captives were leaving the hole, the interlocutor saw the soldier lying on the ground with blood on his back. The HRMMU is examining this case.

33. In February and March, nine Ukrainian soldiers captured by the armed groups in the village of Krasnyi Partyzan (Donetsk region) on 22 January were released. Some of them confirmed earlier allegations of the summary execution of four of their fellow soldiers[15]. In April, the HRMMU was provided with photographs of a Ukrainian soldier whose body was delivered to Dnipropetrovsk morgue on either 20 or 21 February. The body had visible signs of torture and execution (two bullet marks on the face shot from a very close range and a cut throat). The HRMMU is examining these cases.

By the Government forces

34. In April, the HRMMU received information about bodies of two members of the armed groups exhumed in autumn 2014 near the former checkpoint of Ukrainian armed forces (on the territory then controlled by the armed groups) with their hands tied behind their back and gunshots to the heads. Another case confidentially reported to the HRMMU was that of a member of the armed groups who was beaten to death while detained at a Ukrainian army checkpoint in autumn 2014. The HRMMU works to verify these allegations.

D. Illegal and arbitrary detention, and torture and ill-treatment

By the armed groups

35. Estimates of the number of people held by armed groups vary continuously, notably due to the evolving pattern of continued abductions and releases. People held by armed groups are mostly Ukrainian soldiers, civilians suspected of 'espionage' or 'pro-unity' sympathies, civilians suspected of criminal activities[16] and members of the armed groups

[13] According to the forensic examination, he had multiple bone fractures and bruises all over his body.

[14] Arsenii Pavlov (call sign Motorola).

[15] As previously reported by the HRMMU (paragraph 3 of the 9th report), on 24 January 2015, the armed groups claimed control over the settlement of Krasnyi Partyzan (30 km north of Donetsk). The video footage made by the armed groups soon after the fight for the settlement was disseminated through social media and gave grounds to allege the execution of several Ukrainian soldiers taken captive in the village.

[16] According to the 'head of investigation department of the ministry of internal affairs' of the 'Luhansk people's republic' (interviewed by the HRMMU on 1 May), in February and March, 325 people were "arrested" in the city of Luhansk on criminal charges: 249 were reportedly sanctioned by a 'prosecutor' to be placed in 'custody', and 64 were placed under 'house arrest'.

themselves (for various disciplinary and criminal misdeeds). On 8 May, the Ukrainian representative on humanitarian issues in the Trilateral Contact Group claimed that 399 people (both civilian and military) were in captivity of the armed groups and in the Russian Federation. As of 8 May, database of the NGO *Mirnyi Bereg* contained data on 260 soldiers and 71 civilians allegedly in captivity of the armed groups. All figures mentioned above concern people whose identity the Government of Ukraine and/or civil initiatives have managed to determine. On 5 May, a Ukrainian civil volunteer, who is engaged in the process, estimated the total number of people held by the armed groups at up to 1,000.

36. On 23 April, the HRMMU interviewed a Ukrainian soldier who was taken captive near the contested town of Vuhlehirsk (Donetsk region) and held by the armed groups from 29 January until 6 April. On 30 January, he was reportedly transferred to the city of Horlivka and placed in the basement of the so-called 'ministry of state security' of the 'Donetsk people's republic', in a cell two by three metres, together with three other Ukrainian soldiers. While being there, the man had a bandage on his eyes because of burns. He heard a detainee being taken out of the cell where he was, and brought back approximately two hours later that evening. He could hear him breathing heavily, and the next morning he was reportedly dead. He claims he was heavily beaten, including with rifle butts. Within two weeks, he was transferred to Donetsk to the former premises of SBU regional department, where he was hospitalized and reportedly "treated properly".

37. On 5 May, the HRMMU interviewed a woman, who had been abducted on 22 May 2014 and illegally deprived of liberty for five days by the 'traffic police' and members of the armed groups of 'Donetsk people's republic' for assisting the Ukrainian armed forces. She reported having been blindfolded and beaten every two hours on the head and the legs, including with a blunt object which she could not identify. During her interrogation, she was reportedly tied to a chair, with her arms twisted behind the back of the chair. She claims that her captors beat another detainee to death in her presence. They also reportedly subjected her to a mock execution twice: once she was shot with a blank cartridge; another time, shots were fired above her head while she stood against a wall; and she was forced to play 'Russian roulette'. She also reported an attempted rape by a group of men.

38. On 6 May, the HRMMU interviewed a man who had been illegally deprived of liberty in a "base" of a "Cossack" armed group in Donetsk from 1 to 28 February. He reportedly witnessed other captives being beaten, including with rifle butts. His cellmate told him he had been tortured with electric current and had his ears cut. Some captives reportedly told him that another detainee (with whom he shared the cell) was taken for interrogation and was probably tortured to death. The victim also spent 10 days in an isolated cell with a temperature of approximately 5 C°. The HRMMU is examining the case.

39. On 8 May, the 'head' of the 'Donetsk people's republic' stated that 200 "looters, rapists and kidnappers" had been "arrested" through a massive "law enforcement campaign against crime and corruption", which reportedly resulted in "finding 13 civilian hostages and eight Ukrainian servicemen". The HRMMU was informed that up to 300 people may have been captured. There are allegations that these people have been subjected to torture and ill-treatment.

By the Ukrainian law enforcement agencies

40. Between 17 February and 18 April, the number of people under SBU whose arrest was sanctioned by courts since the beginning of the conflict increased from 720 to 753, and the number of people officially in SBU custody rose from 118 to 134.

41. On 14 March, the SBU Head reported that during the whole conflict, the Government had released 1,553 "detained traitors, spies and subversives" so as to secure the release of people held by the armed groups. As a court decision is required by law to detain a person

beyond 72 hours, and since the Office of the Prosecutor General claims that the so-called 'preventive detention' of 30 days without a court order (introduced in August 2014) has never been applied, these figures suggest that a considerable number of people apprehended by SBU have been kept in arbitrary (and often secret, as former detainees testify) detention prior to being released in the context of 'simultaneous release' arrangements with the armed groups.

42. In March 2015, a resident of the Government-controlled town of Sloviansk (Donetsk region) approached the Ombudsperson's Office in relation to the abduction of her husband on 28 February by a group of unidentified people. On the same day, she filed a complaint with the police. A criminal investigation was opened under Article 146 (illegal confinement or abduction of a person) of the Criminal Code of Ukraine. On 26 March, she received a response from the SBU, saying that her husband was detained by Dnipropetrovsk Regional Department of the SBU. The detainee informed the Ombudsperson's Office that after abduction, he was taken to a bomb shelter in Sloviansk, and kept in a room of approximately 1.2x1.5 metres for 26 days. During this period he was held incommunicado and systematically tortured to confess to illegal activities in support of the 'Donetsk people's republic'. This case reflects a continued pattern of cases of enforced disappearance. The man remains in pre-trial detention.

43. On 10 March, the 'Donetsk people's republic' reportedly transmitted three lists of "prisoners of war" to the Ukrainian authorities of people they believe are held by the Ukrainian law enforcement bodies. The lists include 220 members of the armed groups, 800 "political prisoners" and 900 "civilians". On 6 April, the 'Donetsk people's republic' claimed that 1,378 of its 'supporters' remained in detention under the Government of Ukraine.

44. During the reporting period, the HRMMU continued to receive allegations concerning violations of the rights of people in custody or detention of the Government of Ukraine. The HRMMU is verifying them.

45. From 10 to 16 April, the HRMMU interviewed lawyers and relatives of 'pro-federalism' activists detained by SBU in Odesa in April. In April and May, the HRMMU visited the Odesa pre-trial detention centre (SIZO) and privately interviewed detainees arrested on suspicion of terrorism. They informed the HRMMU that searches of their homes were carried out without warrants and with excessive use of force; they were not informed of their rights and access to legal aid was provided with delays of up to 70 hours; SBU was bringing their own witnesses and did not record all seized belongings. They were officially notified about their detention only the next day after the apprehension or even later with no possibility to inform relatives and without access to legal aid. In addition, the HRMMU received allegations that during interrogation, some detainees were subjected to ill-treatment and torture (beatings, suffocation with bag on the head, electric shocks and deprivation of sleep, food and water for more than 24 hours). The people arrested were not provided with a defense lawyer and were mocked at when requesting one. The Government of Ukraine claimed that all allegations of torture and ill-treatment would be duly investigated.

46. On 9 April, the HRMMU interviewed a resident of a Government-controlled town in Donetsk region who claimed to have been kidnapped in October 2014 by a man in civilian clothes who put a bag over his head, handcuffed him and placed him in a vehicle. Then he was held in detention in a basement. For three days, he was reportedly beaten and electrocuted by masked assailants. He was forced under torture to sign a confession stating he had been "transferring intelligence information" to the 'Donetsk people's republic'. Then the man was taken to another basement, which he later discovered as located in Poltava. There, an SBU investigator, in the presence of witnesses, compiled a protocol about his detention "as a person who was caught while committing the crime". Two days after, a Poltava court

decided to place him under house arrest. In February, the investigator tried to force him to enter a plea bargain, which he refused to do. In the beginning of April, while meeting with the investigator, he was given a mobile phone and recognized the voice of one of the individuals who had tortured him in October. The man said that if he would not sign a plea bargain, they would meet again. Later, the interlocutor informed the HRMMU that he had signed the plea agreement.

47. On 10 April, the HRMMU was informed by the Kharkiv Military Prosecutor that it had investigated allegations on the existence of a secret detention facility in the premises of Kharkiv SBU Department. The Prosecutor, having visited the premises in March, announced he had found the cells empty. As reported earlier, the HRMMU interviewed a number of people who claim to have been kept in this facility, and who described how, prior to the visit of the Military Prosecutor, they had been removed by SBU officers from their cells and placed in the basement or other places within the building.

48. On 24 March, the HRMMU interviewed a 'pro-unity' activist from Donetsk region who referred to human rights violations committed by elements of the Ukrainian armed forces (especially former volunteer battalions, such as Dnipro-1) on the Government-controlled territories, such as abductions for ransom and arbitrary detentions, particularly in the towns of Krasnyi Liman and Selidove (both in Donetsk region). On 24 March, the Head of Luhansk Regional State Administration accused soldiers of Aidar battalion of abducting and torturing the deputy head of Novoaidar district state administration. He was reportedly abducted on 25 November 2014, held in captivity (together with some other people) for five days. He was threatened and accused of separatism, and then delivered to the district hospital, where his numerous injuries, including a firearm wound, were documented.

49. In mid-March, the NGOs Foundation for the Study of Democracy, the Russian Public Council for International Cooperation and Public Diplomacy and the Russian Peace Foundation issued a report entitled "*War Crimes of the Armed Forces and Security Forces of Ukraine: Torture and Inhumane Treatment: Second Report".* The report is claimed to be based on "interviews with over 200 prisoners released by the Ukrainian side", reportedly conducted between 25 August 2014 and 20 January 2015. In April, Chief Military Prosecutor of Ukraine initiated eight criminal proceedings to investigate allegations contained in the report. The HRMMU is also verifying the allegations contained in this report.

Releases of detainees and captives

50. During the reporting period, a piecemeal approach in the release of "hostages and unlawfully detained persons" was continued under the auspices of the implementation of the 'all for all' scheme foreseen in the Minsk Agreements.

51. On 21 February, the armed groups released 139 Ukrainian soldiers while the Government of Ukraine released 52 people. On 24 February, four Ukrainian soldiers were released. On 28 February, the Ministry of Defence of Ukraine announced the release of two Ukrainian soldiers and eight civilian volunteers. On 7 March, five Ukrainian soldiers were reportedly released from the captivity of the armed groups.

52. On 14 March, the SBU Head reported that since mid-April 2014, the release of 2,483 people from the captivity of the armed groups had been secured. By 23 April, the SBU was reporting that 2,586 people had been released. On 5 May, the Head of the United Centre for the Release of Captives at the Ministry of Defence of Ukraine reported the total of 2,667 people being released. The claim of an additional 184 people being released between 14 March and 5 May does not correspond to the public announcements during the same timeframe on releases of detainees and captives. This suggests either discrepancies in the official data, or the non-transparent character of 'simultaneous releases' in which many actors are involved.

53. On 26 March, the HRMMU met with the 'deputy head' of the 'commission on prisoner's exchange' and with the 'ombudsperson' of the 'Donetsk people's republic'. According to them, people released by the Government of Ukraine were often in poor health and bearing signs of ill-treatment. Approximately 70 per cent of all people proposed by the Government of Ukraine for 'simultaneous releases' were "civilians", while only 30 per cent are "military" or "political activists". Interlocutors claimed that the Government of Ukraine continues to detain and then release random civilians to inflate the number of releases. A person from the Government-controlled town of Sloviansk (Donetsk region) was reported to have been 'exchanged' three times. According to interlocutors, many people released by the Government had not been given back their passports, and the criminal cases against them reportedly have not been closed or have been re-opened. A group of at least 22 individuals released by the Government in January 2015 continued to be trapped in the city of Donetsk during the reporting period, with their passports reportedly held by the SBU. The HRMMU interviewed several of them.

54. The Ukrainian pilot, Nadiia Savchenko, member of the Parliament of Ukraine (since November 2014) and Ukrainian delegate to the Parliamentary Assembly of the Council of Europe (since December 2014) has remained in detention in the Russian Federation since July 2014 after being captured by armed groups in June. She is awaiting trial on charges of involvement in the deaths of two Russian journalists killed during the conflict in eastern Ukraine. On 24 April, Ms. Savchenko was additionally charged with the illegal crossing of the border. Having been on hunger strike (with a few suspensions) since 13 December 2014, she was transferred from the Moscow pre-trial detention facility to a civilian hospital on 28 April. On 6 May, Basmannyi court of Moscow extended her pre-trial detention until 30 June.

55. On 2 May, the Head of the United Centre for the Release of Captives at the Ministry of Defence of Ukraine stated that "several dozens" of Ukrainian soldiers continued to be kept in captivity on the territory of the Russian Federation since August 2014.

E. Trafficking in persons

56. In the difficult economic conditions there is an increased risk of trafficking in persons. In 2015, the hotline of NGO *La Strada* registered an increased number of calls related to trafficking. Compared to 2014, more people, predominantly women, sought consultation regarding employment, studies, and going abroad to marry. An Odesa-based women's NGO informed the HRMMU that it had documented nearly 60 cases of trafficking in 2014. Meanwhile in 2015, the International Organisation for Migration (IOM) has already identified 230 victims of trafficking.

57. The main destinations are the Russian Federation and Poland. Victims are most often from rural areas and low income groups, either young women crimped for sexual exploitation or older persons, mostly women, forced to become street beggars. In some IDP collective centres and in settlements in the conflict affected areas, recruiters have been known to offer to adult men and women services for asylum claims and 'employment' abroad, predominantly in the Russian Federation, without any guarantees, which may lead to labour exploitation. Cases are poorly investigated as victims rarely report for various reasons, including lack of legal knowledge, stigma and fear, perpetuated by harmful gender stereotypes. In 2015, 75 have been registered by the police.

III. FUNDAMENTAL FREEDOMS

A. Freedom of movement

58. Although criticized by international and national organizations, the system of permits, introduced on 21 January 2015 by the Temporary Order[17], remained operational and continued to limit the freedom of movement of civilians across the contact line, isolate residents of the areas controlled by the armed groups, generate corruption and impede humanitarian aid. On 6 April, the Kyiv Circuit Administrative Court rejected a lawsuit that was brought by two individuals from Luhansk region, ruling that the Temporary Order was adopted legally. According to the ICCPR and the Constitution of Ukraine, however, freedom of movement may be limited only by law.

59. According to the SBU, from 21 January to 6 May, 349,496 people applied for permits and 274,755 received them. Despite the fact that the President and the Ombudsperson of Ukraine[18] declared the need to simplify the procedure for civilians to obtain permits, the process remained arduous and inconsistent. On 20 March, the SBU allowed the electronic submission of documents to apply for permits and receive them electronically. The majority of people, however, continued to apply in person, due to lack of information on the electronic system (especially in the areas controlled by the armed groups), low computer literacy, interrupted Internet access, and a distrust towards online applications. Also, the coordination centres issuing permits have been overwhelmed with applications due to limited capacity: lack of computer equipment, problems with connectivity, and of trained staff. Some applicants reportedly had to stay in the street near to a coordination centre for up to four days before being able to submit their documents. During this time some people approached them with offers to issue a permit faster for a price varying from UAH 600 to 1,500 (US$ 29 to 71).

60. The HRMMU interviewed people, mostly older persons, who had applied for permits at the end of January and still had not received them by mid-May. Prisoners in penitentiary institutions in the cities of Horlivka and Yenakieve controlled by the armed groups and older persons from two geriatric facilities in Luhansk (visited by the HRMMU in March and April) reported that their relatives could not visit them any longer as they could not obtain permits.

61. Irregular application of rules at check-points has caused confusion and frustration among residents. To cross the contact line, vehicles and passenger buses have, at times, to spend up to 11 hours at check points, without access to water and sanitation facilities. Reports suggest that exceptions are made more often for women with children than for a man. On 25 April, the HRMMU learned from a bus driver who regularly drives across the contact line that at some Ukrainian checkpoints people with Donetsk license plates were not allowed to pass although they had permits. Consequently, people often circumvent the checkpoints, which may be dangerous, as shown in the case of a bus travelling from the Government-controlled town of Artemivsk to the city of Horlivka controlled by the armed groups, which hit a land mine, resulting in the death of three passengers. On 28 April, the head of the Luhansk Regional Military-Civil Administration stated that since 1 May, only passenger vehicles and pedestrians were allowed to pass through the check point in Luhansk region.

[17] The Order was developed and approved by the joint entity 'the Operational Headquarters of Management of the Anti-Terrorist Operation' composed of various structures, including the SBU, Ministry of Defence, Ministry of Internal Affairs, the National Guard, Migration, Emergency and Fiscal Services of Ukraine. For more information, please see previous HRMMU report on the human rights situation in Ukraine covering the period from 1 December 2014 to 15 February 2015, paragraphs 42-43.

[18] On 4 March, during the meeting of the National Security and Defence Council, the President of Ukraine stressed the need to simplify the procedure of obtaining passes for civilians. On 3 April, the Ombudsperson of Ukraine stated that the current system of special passes "inhumane", and urged the SBU to simplify the system.

The movement of buses and cargo was stopped until the Government of Ukraine fully regulates the permit system. The exceptions were made for humanitarian aid and specialised transport, including medical and that of companies restoring infrastructure and utilities (gas, water, electricity).

62. On 12 May, the head of the Luhansk Regional Military-Civil Administration, issued an order further limiting the movement of civilians from the territories controlled by armed groups. It instructed that only people holding a Ukrainian passport would be allowed to pass across the contact line; no provisions were made for people who have lost their documents.

63. On 5 May, the SBU established a working group that included NGOs to improve the permit system and prevent human rights violations.

64. The HRMMU is concerned that no arrangements have been made so far to allow civilians to flee the conflict area in accordance with international law. Those seeking safety and security must be allowed to do so without having to apply for a permit in advance, and without going through pre-designated check-points, which exposes them to risks and arbitrary decisions. The permit system severely limits civilians' access to safe areas and life-saving assistance.

B. Freedom of expression

Safety of journalists

65. Safety of media professionals remains a serious issue in the conflict area due to fighting. On 28 February, a photographer of the Ukrainian newspaper *Segodnia* (Today) was killed during the mortar shelling attack by armed groups near the village of Pisky (Donetsk region). He was the eighth journalist killed in the east of Ukraine since the beginning of the conflict. On 12 April, two local media professionals were wounded near Donetsk airport when their car was hit by a shell. On 14 April, a local Donetsk journalist working for the Russian TV channel *Zvezda* was seriously wounded when he tripped a mine trap in the contested village of Shyrokyne (Donetsk region).

66. The HRMMU continued to receive reports of media professionals held by armed groups. On 11 March, a journalist from the city of Makiivka (Donetsk region), controlled by the armed groups, was reportedly abducted by armed groups. After his 80-year-old mother filed a complaint to 'local police', the armed groups conducted a search of her house and intimidated her. The journalist was released on 10 May.

67. On 16 April, Oles Buzyna, a Ukrainian journalist, writer and former editor of the newspaper *Segodnia*, was killed close to his home in Kyiv by two unknown masked men. He was known for his criticism of the Government, in particular in relation to the Maidan events and the conflict in the east. The President of Ukraine called the murder of Mr. Buzyna "a provocation", aimed at destabilization of the situation in Ukraine. He also called for prompt investigation into two killings and regular reporting on its progress. The police initiated investigation into the incident under Article 115 (intentional homicide) of the Criminal Code of Ukraine.

68. On 14 May, the Parliament passed a law[19] amending the Criminal Code of Ukraine, strengthening accountability for the threats to or violence against journalists. In addition to existing provision of Article 171 (preclusion of legal professional activities of journalists), which was rarely applied in practice, due to its ambiguity, four additional articles were added. They envisage criminal liability for threats and infliction of injuries to journalists or their

[19] The Law On Amending Some Legislative Acts of Ukraine to Increase Guarantees of Legal Professional Activity of Journalists.

families, intentional damage of property of a journalist, trespass against life and hostage taking of a journalist. The HRMMU notes that the law may positively contribute to the protection of media workers and promote freedom of expression in Ukraine.

Access to information / media regulation

69. The armed groups continued to limit freedom of expression and impede the work of media professionals on the territories they control. On 10 March, the so-called 'council of ministers' of the 'Luhansk people's republic' issued an order demanding telecommunications operators to remove 23 Ukrainian TV channels and the Russian TV channel *Dozhd* from the broadcasting network on the grounds that they "pose threat to 'state' security". The 'ministry of infrastructure, transport and communication' was assigned to control the implementation of the decision.

70. Residents in the territories controlled by the armed groups often reported to the HRMMU that available media outlets presented only biased information. As many people did not have access to the Internet for technical reasons, access to any alternative sources of information was difficult. Journalists informed the HRMMU that during interviews with the so-called local 'authorities' only pre-cleared questions are allowed. Reportedly, journalists are sometimes demanded not to include parts of the interviews in their reports. On 1 May, two journalists from the Russian Federation were reportedly abducted by the armed groups in Donetsk and forced to delete some photos from a public rally. They were then released.

71. The Government of Ukraine also attempted to impose restrictions on some media outlets. Following the resolution by the Parliament, adopted on 19 February[20], the SBU identified over 100 media outlets (including TV channels, information agencies, newspapers and Internet resources) from the Russian Federation that are not allowed anymore to attend press events of the State bodies until the end of the security operation. The resolution instructed the State bodies to implement the decision by 21 February. While no suspension has reportedly occurred, a number of reporters from the Russian Federation have not been allowed to enter Ukraine and banned from entry for the next five years[21]. Also, the resolution ordered the Government to develop the procedure of accreditation of all foreign media professionals in Ukraine; however as of 15 May this has not yet been done.

Criminal proceedings against journalists

72. The HRMMU continued to follow the case of the journalist, Ruslan Kotsaba[22] charged with high treason for publishing an anti-mobilisation video on 17 January. On 6 April, the Ivano-Frankivsk city court extended his detention for another 60 days (until 6 June). Hearings on the merits started on 16 April. During the last hearing on 29 April, seven

[20] Parliamentary Resolution No. 1853 of 12 February 2015 ordered the temporary suspension of the accreditation of journalists and representatives of some media outlets of the Russian Federation until the end of the security operation.

[21] For example, on 25 February, the SBU confirmed that three Russian media professionals (a journalist from the NTV Channel and a journalist and a cameraperson from the *Lifenews* Channel) have not been allowed to enter the territory of Ukraine and banned from entry for the next five years, On 3 May, a journalist of the Russian media agency RBC was taken off the train Moscow-Odesa by the State Border Service of Ukraine and sent back to the Russian Federation.

[22] On 29 January, the Chief Military Prosecutor's Office announced the opening of criminal investigations into obstruction of the lawful activity of the Armed Forces of Ukraine and other military formations. The investigations are based on the results of media monitoring and identification of public appeals to avoid mobilisation. On 5 February, Ivano-Frankivsk SBU Regional Department arrested Mr. Kotsaba for charges under Article 111-1 (high treason) and 114-1 (preclusion of lawful activity of the Armed Forces of Ukraine) of the Criminal Code of Ukraine for his public statements against mobilisation. The Ombudsperson of Ukraine expressed her concerns regarding the case of Mr. Kotsaba.

of the 30 witnesses in the case were questioned, but none could provide specific facts to support the prosecution. The court hearing was also attended by the members of some of the Ukrainian battalions, which may have created pressure on judges.

73. On 14 May, the SBU Department of Odesa region conducted searches in apartments of six journalists of the website *Timer*, known for its 'pro-federalism' views, and ceased several of their computers and documents[23]. The journalists were then taken to the SBU, questioned there and released in the evening. The Timer website faced connection problems on 1–3 May and on 8–10 May, and since 14 May has stopped functioning.

Incitement to hatred and violence

74. The HRMMU is concerned about the recurring increase of hate speech and incitement to violence on social media and the Internet. On 6 March, supporters of armed groups in the city of Horlivka controlled by the armed groups announced on their social networks the "beginning of cleansing of 'ukrops' [an offensive word used for Ukrainians]", including those who allegedly acted as artillery fire spotters during hostilities. The call, initially published by the social media group with 88,000 subscribers, was widely disseminated, calling supporters to make lists of all those sympathetic to Ukraine and Ukrainians, and asking residents "to report on their neighbours, friends, and strangers". A website *Tribunal* lists over 1,300 individuals – allegedly Ukrainian soldiers, police staff and civilian volunteers – who are labelled as "punishers" and "accomplices".

75. Similarly, the HRMMU is concerned about the activities of the website *Myrotvorets* (Peacemaker), on which various contributors created a list of people (with their personal data) who are allegedly related to the armed groups and labelled as "terrorists". Such a list violates the presumption of innocence, right to privacy and personal data protection.

C. Freedom of peaceful assembly

76. During the reporting period, in the 'Donetsk people's republic' and 'Luhansk people's republic', an atmosphere of intimidation imposed by the armed groups continued to prevent people from demonstrating publicly. On 6 April, the rally of miners of the Kirov mine in the city of Makiivka controlled by the armed groups (Donetsk region), who protested against the increase of the working hours from six to eight, was reportedly dispersed.

77. On the territory controlled by the Government, freedom of peaceful assembly was generally respected although the authorities imposed some restrictions in some instances, invoking security concerns. In some cases, law enforcement officials did not prevent 'pro-unity' supporters from disturbing gatherings of people supporting other political views, and in a few instances, police even took part in such disruptions.

78. On 16 April, the NGO *Police of Odesa*, which officially notified the authorities of a rally in advance, was prevented by the police and 'pro-unity' supporters from gathering in front of the Odesa City Council to protest against the increase in utility payments. The HRMMU observed the detention of 50 protestors, including 17 minors; some were handed to the police by 'pro-unity' activists. Adult activists (all male)[24], minors and their parents[25] were later charged for administrative offences.

[23] On 3 January, the SBU initiated criminal investigation under Article 110 (trespass against territorial integrity and inviolability of Ukraine) of the Criminal Code of Ukraine. A court decision on the search stated that the media outlet has had "negative informational influence… In particular, in 2014, the media outlet has posted informational materials, which substantiated the historical roots of the term 'Novorossia', its right to existence and the historic need to implement the 'Russian World' project".

[24] Under Article 185-1 (breach of order on the organization and conduct of assembly, meetings, street campaigns and demonstrations) of the Code of Administrative Offences of Ukraine

79. On 16 April, a group of approximately 20 people who identified themselves as activists of *Narodna Rada Besarabii* (National Council of Bessarabia) rallied in Odesa. Soon after the beginning of the rally, police appeared at the scene and arrested about 20 activists. According to the police, the activists had not notified the authorities in advance about the rally, and they stopped the event. These twenty people were charged under Article 185-1 (breach of the order of the organization and conduct of assembly, meetings, street campaigns and demonstrations) of the Code of Administrative Offences of Ukraine. The procedure of notification concerning upcoming rallies foresees the submission of an application prior to a rally but their prohibition can only be declared by a court. Yet the police had not presented the activists with a court decision when stopping the rally.

80. On 6 May, Kharkiv Administrative Court decided to ban a traditional procession in Kharkiv, which was scheduled to be held on 9 May by the NGO *Soyuz Sovetskikh Ofitserov* (Union of Soviet Officers). A lawsuit was filed by the Kharkiv City Council because of the "security situation and terrorist threats".

IV. ECONOMIC AND SOCIAL RIGHTS

81. The impact of the conflict on the enjoyment of economic and social rights continued to be devastating for about five million people living in the conflict-affected area and for more than 1.2 million internally displaced persons (IDPs). Older persons, persons with disabilities, families with children and people in institutional care have faced particular difficulties. Discrimination against IDPs, especially Roma, has often impeded their access to healthcare, housing and employment. More than 25,000 demobilised soldiers experience difficulties in accessing medical care and psycho-social services.

82. The overall deterioration in the economic situation affects a large proportion of the population of Ukraine. Compared to December 2014, the real income of the population has dropped by 8.4 per cent, prices have grown by 20.3 per cent, wage arrears have increased by 2.7 per cent, and the unemployment rate reached 9.7 per cent[26].

A. Right to an adequate standard of living

83. Heavy, indiscriminate shelling of populated areas in January and February led to significant destructions in the affected localities. In some towns, like Debaltseve and Vuhlehirsk (Donetsk region) controlled by the armed groups, visited by the HRMMU on 20 March, up to 80 per cent of residential buildings and public facilities were destroyed. A compensation mechanism for civilians whose property has been destroyed has yet to be developed.

84. Despite the ceasefire, the humanitarian situation remains grim. Lack of food, clean water, hygiene items, and children's clothes is reported in most settlements controlled by armed groups. Residents remaining in towns and villages divided by the contact line (such as Dzerzhynsk, Mykolaivka, Novohnativka, Pisky and Shyrokyne) are in the most precarious position, as they are rarely reached by humanitarian actors due to the security situation.

85. On the territories controlled by the armed groups, the so-called 'authorities' and many national humanitarian NGOs distribute aid based on 'social cards'[27] for people below 18 and

[25] Under Article 184 (for default by parents or persons who substitute them, of duties regarding child guidance) of the Code of Administrative Offences

[26] According to the information of the Statistical Service of Ukraine released on 30 April.

[27] The 'Luhansk people's republic' and 'Donetsk people's republic' began to issue so-called 'social cards' in November 2014, which reportedly entitle people to humanitarian aid, social benefits and access to free medical care.

over 60 years, and for those who do not receive salaries, but work voluntarily. Adults who have lost their jobs and have grown-up children, are not entitled to aid, and are becoming increasingly vulnerable. The conflict has had a detrimental impact on isolated bed-ridden older persons in small towns and villages; with the collapse of social services, many have not been identified and thus have not or may not have had access to any kind of assistance for long periods. For instance, in mid-March, the HRMMU was informed of at least 30 older persons found dead in their homes a month after the ceasefire in Debaltseve, Donetsk city, Krasnyi Luch, Luhansk and some other populated areas.

86. The situation of approximately 10,000 people in institutional care facilities remains of concern. On 29 and 30 April, the HRMMU visited two geriatric facilities in Luhansk: one with 242 residents and the second with 174 (in both there were more women than men). The management of the institutions stated that the Government of Ukraine had not facilitated the evacuation of the centres during the shelling, although it was requested. The staff also reported an increasing death rate attributed to stress and malnutrition.

87. Civilians continued to suffer from the lawlessness and impunity of the armed groups. For example, on 18 and 26 March, the HRMMU interviewed residents of Kuibyshevskyi district of Donetsk city, who reported that an armed group (allegedly part of the so-called 'Vostok battalion') occupied a local kindergarten and a chemical factory on 17 January. On 18 March, members of this armed group prevented the HRMMU from visiting this part of the district. They also reportedly prevented people from returning to their own homes even to take their own belongings. A local resident reported that on 22 March, a couple went to the home of their 82-year-old grandmother to collect some belongings. Although they had all documents proving their ownership of the property, they were detained by members of the armed group for looting and taken to the basement of the seized chemical factory, where they were kept for several hours. Afterwards, they visited the building and found that most of the apartments were looted.

88. Reportedly, the armed groups, regularly detained civilians, particularly young men and women spotted with alcohol. Allegations of sexual violence, which were also reported to the HRMMU, have to be verified.

89. Reports of looting of abandoned property are commonplace in many other towns located in the conflict area, both those controlled by the armed groups and by the Ukrainian armed forces (such as Azov regiment). As of 1 May, the HRMMU learned that the so-called 'ministry of internal affairs' of the 'Luhansk people's republic' has been investigating 700 cases of looting on the territory it controls.

90. The HRMMU also received reports[28] of armed groups seizing property of religious communities. On 3 March, in the town of Yenakieve controlled by the armed groups (Donetsk region), three armed men ordered the community of Jehovah's Witnesses to hand over the keys to the Kingdom Hall (place of worship) so that they could use them as barracks. On 26 March, armed men broke in to the Kingdom Hall in the town of Brianka controlled by the armed groups (Luhansk region) and took away all the furniture from the building. They reportedly removed the sign 'Kingdom Hall of Jehovah's Witnesses' and put up a new one – "The All-Great Don Army".

B. Right to social protection

91. Following the so-called 'elections' held on 2 November 2014 in the areas controlled by armed groups, which violated the Minsk Agreements and the Constitution of Ukraine, the

[28] For more cases, please see paragraph 66 in the OHCHR report on the human rights situation in Ukraine covering the period from 1 December 2014 to 15 February 2015.

Government of Ukraine adopted two resolutions[29] suspending allocations and disbursements from the State budget (including social payments) to the territories controlled by armed groups[30]. This has seriously affected at least 400,000 pensioners (predominantly women), depriving them of vital resources – sometimes the only financial means of existence.

92. On 2 April, the Kyiv Administrative Court of Appeal upheld the decision[31] of the first instance court, which acknowledged that resolution No. 595 of the Cabinet of Ministers (which stopped payment of pensions) was illegal and had thus to be cancelled. It also obliged the Cabinet to resume the payments. Nevertheless, the court decision has not been implemented yet[32]. Many pensioners, while continuing to live in the territories controlled by the armed groups, travelled to the Government-controlled areas to collect their pensions, but this has been made difficult due to the system of permits. On 24 April, the HRMMU interviewed an employee of a 'pension fund' of the 'Donetsk people's republic' who alleged an increase in mortality rates among pensioners (due to shelling, stress and malnutrition).

93. Since early April, the 'Donetsk people's republic' and 'Luhansk people's republic' started paying pensions from unknown resources. In April, 200,000 people living in the areas controlled by armed groups reportedly received some pensions in Russian roubles. Reportedly, postal workers delivered payments home for pensioners over 70 years old; all others could collect their pensions at 'local banks' and 'postal service departments'. Many local residents indicated having to queue for seven days and not managing to receive their pensions, because of a lack of cash. Reportedly, on 16 April in the town of Stakhanov, pensioners started protesting near the post office, demanding the so-called 'authorities' pay their pensions. The demonstration was dispersed by the so-called 'people's police'. On 30 April, the HRMMU learned that older persons in the institutional care facility of Luhansk had received only 25 per cent of their pensions. Earlier, there were also reports that the armed groups had paid salaries on an irregular basis to medical staff, teachers, employees of social care institutions and penitentiary services. None had received salaries from the Government of Ukraine since July 2014.

94. As of 13 May, the Ministry of Social Policy of Ukraine registered 1,283,735 internally displaced persons (IDPs) from the conflict-affected areas of Donetsk and Luhansk regions and from Crimea. Out of 361,895 IDP families who applied for financial assistance to cover accommodation and utilities, 302, 581 families have already started receiving it. The precondition for obtaining financial assistance is registration with the Ministry; available reports suggest that some IDPs still face problems with obtaining registration. In particular, this relates to people moving within the Government-controlled areas of Donetsk and Luhansk regions to safer location away from the contact line. In such cases, the Ministry applies the geographical criteria to accept or deny IDP registration based on Government Resolution No. 1085 of 7 November 2014, which contains a list of settlements that are fully or partially not controlled by the Government. Therefore, IDPs fleeing settlements not included in the list have faced problems with obtaining registration.

95. Another category of IDPs deprived of access to social security is unaccompanied or separated children, who travel to the territory controlled by the Government. According to

[29] Presidential Decree No. 875 and Resolution No. 595 of the Cabinet of Ministers.

[30] The Government reports of allocating 100 percent of pensions to the residents living in the territories controlled by armed groups, with should be paid after the Government regains control over these territories.

[31] On 9 February, the Kyiv Circuit Administrative Court found in favour of a lawsuit of 16 pensioners from the city of Donetsk against the Cabinet of Ministers of Ukraine, who had demanded the cancellation of governmental resolution No. 595 of 7 November 2014.

[32] According to the Government the decision of the court may not be implemented due to the security situation in the areas controlled by armed groups.

Government Resolution No. 509 on registration of IDPs, children can only be registered with a legal guardian or a parent. Legal guardianship can only be established with a special document certified by a notary. This is nearly impossible to obtain on behalf of a child travelling from the territories controlled by the armed groups, as notaries on these territories have been suspended by the Government.

96. On 18 February, the Parliamentary Committee for Human Rights, National Minorities and Interethnic Relations registered a draft law[33] amending the current legislation on IDPs. The draft broadens the list of authorities responsible for registration of IDPs and simplifies the procedure. Particularly, it allows using other documents, including employment record book, educational or medical certificates, to prove that an IDP resided in conflict area, in case a passport is unavailable or does not have registration stamp. It also obliges the state to create conditions for voluntary integration into host communities as well as voluntary return. The HRMMU notes that the draft law would positively contribute to the protection of IDPs.

C. Right to the highest attainable standard of physical and mental health

97. As reported by local health and penitentiary institutions, humanitarian actors and local residents, the lack of medication remained the major constraint to healthcare in the areas controlled by armed groups. Medication for patients with diabetes, cancer, genetic diseases, and those in need of haemodialysis, were purchased by the Ministry of Health of Ukraine on 24 November 2014. However, as of 15 May, it was still stocked in the Government-controlled town of Sieverodonetsk (Luhansk region) and not transported to the areas controlled by armed groups. To date, there are no systematic and sustainable mechanisms to deliver psychotropic drugs for psychiatric institutions, as well as to guarantee consistent treatment of HIV/AIDS and tuberculosis in the areas controlled by armed groups.

98. Lack of vaccines continued to be a major problem, leading to the risk of an outbreak of measles, diphtheria or polio. Given the low quality of water there is a constant danger of outbreak of infectious diseases, including hepatitis A and rabies due to the high number of stray animals. Luhansk, which even before the conflict had been one of the regions with the highest spread of tuberculosis, lacks BCG vaccine for children. It has also been impossible to diagnose tuberculosis in penitentiary institutions for more than six months.

99. As of 15 May, there were more than 25,000 demobilised Ukrainian soldiers. They return traumatized, display signs of depression, anxiety and post-traumatic stress disorder, resorting to alcohol, drug abuse and the use of violence as coping mechanism. In interviews with the HRMMU, many of them reported experiencing difficulties in obtaining an official status as a 'participant of security operation' and thus accessing psycho-social assistance, medical and rehabilitation services free of charge.

100. The rehabilitation of former soldiers is important, including for the prevention of domestic violence. The NGO *La Strada* notes that as demobilisation is ongoing, cases of domestic violence have been increasingly reported. More instances of physical and sexual domestic violence have been reported compared to 2014, including from the territories controlled by the armed groups.

V. ACCOUNTABILITY AND ADMINISTRATION OF JUSTICE

101. The reporting period covers the anniversaries of three events which most negatively impacted the human rights situation in Ukraine: Maidan killings of 18–20 February 2014, the

[33] The draft law No. 2166 On Amending Certain Laws of Ukraine in Relation to Strengthening Guarantee of Compliance with the Rights and Freedoms of the Internally Displaced Persons of 18 February 2015.

beginning of the security operation in the east on 14 April 2014 and the violence in Odesa on 2 May 2014. Although some results in the investigations into Maidan events and the 2 May violence have been reported by the law enforcement agencies of Ukraine, only a few of the alleged perpetrators have been brought to account[34]. Also, investigations into human rights violations committed in the conflict zone have also not produced tangible results.

A. Accountability for human rights violations committed in the east

102. The Ministry of Internal Affairs of Ukraine has opened a number of criminal proceedings into the killings of servicemen of Ukrainian armed forces and civilians in the security operation area under Article 115 (intentional homicide) of the Criminal Code of Ukraine. Investigations into deaths that were caused by the hostilities are hampered by the difficulty to identify perpetrators and weapons. The Ministry also explains the lack of progress in these investigations by the lack of access to the crime scenes and to victims. The HRMMU believes that releases of members of the armed groups of the 'Donetsk people's republic' and 'Luhansk people's republic' (within implementation of Minsk Agreements) by the Ukrainian Government have complicated the investigations further. So far, the HRMMU is unaware of any investigations that have been completed.

103. The SBU is carrying out investigations into the alleged extrajudicial killing of a Ukrainian soldier, Ihor Branovytskyi, on 21 January, and into other alleged aggravated human rights violations by the members of the armed groups.

104. On 30 April, following the adoption of the resolution of the Parliament on admission of jurisdiction of the International Criminal Court[35], the Office of the Prosecutor General of Ukraine reported that the analytical summary of the crimes which fall under Articles 7 and 8 of the Rome Statute has been completed and sent to the Cabinet of Ministers of Ukraine for review and deciding of whether it should be submitted to the ICC.

Investigations into human rights violations allegedly committed by Ukrainian armed forces and law enforcement personnel

105. On 17 April, the Chief Military Prosecutor of Ukraine, who is responsible for investigating crimes committed by the Ukrainian armed forces, has reported opening 7,560 criminal investigations into crimes committed by the Ukrainian soldiers since the beginning of the year. These include 1,964 criminal proceedings under Article 407 (absence without leave from a military unit or place of service), 948 – under Article 408 (desertion), 107 – under Article 409 (evasion from military service) of the Criminal Code of Ukraine. However, the HRMMU is unaware of any criminal investigations conducted by the Office of the Military Prosecutor into human rights violations against civilians and violations of international humanitarian law in the east.

[34] These include five police officers who were found guilty in ill-treatment of Maidan protestor Mykhailo Havryliuk on 22 January 2014 in Kyiv, and a number people found guilty by the courts under Articles 110 (trespass against territorial integrity and inviolability of Ukraine), 258-3 (creation of a terrorist group or terrorist organization), 260 (creation of unlawful paramilitary or armed formations) and 263 (unlawful handling of weapons, ammunition or explosives) of the Criminal Code of Ukraine for membership in the armed groups of 'Donetsk people's republic' and 'Luhansk people's republic'. The HRMMU is unaware of the exact number of convictions under the above charges to date.

[35] Resolution of the Parliament No. 145-VIII of 4 February 2015, on the admission of the jurisdiction of the International Criminal Court over crimes against humanity and military crimes committed by senior officials of the Russian Federation and heads of 'Donetsk people's republic' and 'Luhansk people's republic', which resulted in grave consequences and mass killing of Ukrainian citizens.

106. An illustrative case of impunity of perpetrators is the death of Oleksandr Agafonov on 14 November[36]. On 10 April, the Kharkiv Regional Military Prosecutor informed the HRMMU that there had been suspects in the case, but that no one has been prosecuted yet. The only person whose identity was established (an SBU officer) is not a suspect in the allegations of torture of Mr. Agafonov.

107. The 'Donetsk people's republic' and 'Luhansk people's republic' have claimed that their members and people suspected of being affiliated with them have been subjected to torture and ill-treatment by the Ukrainian armed forces and law enforcement agencies (especially SBU) while in custody (some of these cases have been described in the report mentioned in paragraph 50 above). The HRMMU is verifying these allegations. As of 15 May, the HRMMU is unaware of investigations into such allegations by the Ukrainian authorities. Alleged victims are unlikely to seek justice under the Ukrainian legal framework[37] for fear of possible detention[38] or reprisals and lack of trust in it.

B. Accountability for human rights violations committed during the Maidan protests

108. Over a year after Maidan protests, during which at least 117 people died and more than 2,295[39] were wounded, no significant progress has been achieved to bring perpetrators to account.

Lack of progress in investigation

109. On 1 April, the Prosecutor General of Ukraine stated that all senior Government officials involved in decision making during the Maidan events had been identified. However, the HRMMU is concerned about the lack of cooperation between the SBU, Ministry of Internal Affairs and the Office of the Prosecutor General, which are involved in the investigation, as well as about loss of evidence and the impossibility to locate some of the suspects who have fled Ukraine.

110. On 29 April, the Prosecutor General of Ukraine reported the initiation of criminal proceeding under Article 365 (abuse of powers or official misconduct) of the Criminal Code of Ukraine in relation to interference of the law enforcement agencies into investigation of crimes committed against Maidan protestors. According to the Prosecutor General, certain

[36] In the morning of 14 November, Oleksandr Agafonov was stopped at the Izium check-point in Kharkiv region while going by car with his wife and an infant to Donetsk. They were asked to go to the police station for an interview. Mr Agafonov was not formally detained, but from that time was under control of the police. At 5 pm, a so-called 'filtering group' composed of two uniformed masked men and an SBU officer entered the police station and took Mr. Agafonov away. At 9 pm masked people and the SBU officer brought him back. Mr. Agafonov was still alive, even able to sit on a bench, but complained about feeling bad. An hour later the ambulance called by the policemen declared his death of shock and a closed blunt injury of the chest. On 2 December, the Kharkiv Military Prosecutor confirmed to the HRMMU that the identity of the SBU agent had been determined, but that it was established that he had not taken part in torture. The other suspects in the investigation were not yet identified "because the men who committed the crime wore masks". As not a suspect, the SBU officer was not suspended.

[37] According to Ukrainian legislation and internal regulations of the law enforcement agencies, formal complaints can only be filed: (i) personally; (ii) through a trustee empowered with a power of attorney certified by the notary; and (iii) via postal mail. Residents of the territories controlled by the armed groups cannot resort to the latter two means as notaries' powers as well postal communications have been suspended by the Government.

[38] Prior to 'simultaneous releases' the law enforcement agencies change a measure of restraint for the suspects, but do not terminate cases and keep them on wanted lists, so that they will be detained should they come to the territory controlled by the Government. ID documents of the released remain with the investigation as the cases are not closed.

[39] According to the Office of the Prosecutor General, 185 protestors sustained gunshot wounds and more than 1,000 had other types of injuries, 210 policemen and servicemen of internal troops sustained gunshot wounds, and more than 900 suffered other types of injuries.

officials of the Office of the Prosecutor General, Ministry of Internal Affairs and the SBU had intentionally interfered with the investigations and destroyed evidence.

111. On 31 March, the International Advisory Panel on Ukraine, constituted by the Secretary General of the Council of Europe, issued the report on its review of the Maidan investigations. The Panel stated that no substantial progress had been made and described the same impediments barring the investigation, in violation of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the case-law of the European Court of Human Rights. The Panel also found that information delivered by the authorities to the public on the investigations was insufficient, as were the steps taken to involve victims and next-of-kin in criminal investigations. In February 2015, a coalition of civic organisations and initiatives published a report entitled *Price of Freedom* 'on crimes against humanity' committed during Maidan protests based on materials the coalition submitted for examination to the Office of the Prosecutor of the International Criminal Court.

112. Similarly, no progress in the investigation into the killing of 13 police officers and servicemen of internal troops during the Maidan protests has been reported.

On-going trial of two Berkut servicemen

113. On 24 February, the Kyiv City Court of Appeals issued a ruling to refer the case of two Berkut servicemen charged with the killing 39 protestors at Instytutska Street on 20 February 2014 for trial to the Sviatoshynskyi District Court of Kyiv. The accused have been in custody since 5 April 2014 and will remain there until 26 June. The next court hearing has only been scheduled for 3 June due to the inability to form the panel with two people's assessors[40] as requested by the accused. Media reporting on the case has not been always compliant with the presumption of innocence, and the HRMMU is concerned that it may impact on the objectivity and impartiality of the people's assessors participating in the trial.

114. The HRMMU obtained a copy of the indictment in the case of one of the accused. According to the document, the pre-trial investigation established that both of the accused were firing shots towards the crowd of protestors going up Instytutska Street, as a result of which 39 protestors were killed. The HRMMU is concerned that the prosecution has not yet established individual responsibility and is leaning towards an approach that would aim at establishing collective responsibility. The HRMMU will continue monitoring the trial and report on this issue.

115. The whereabouts of the third suspect, a Berkut commander, who was detained on 5 April 2014 and escaped from house arrest on 3 October 2014, has not yet been established. The Office of the Prosecutor General claimed on 29 April that it had enough evidence that he had fled to the Russian Federation, but his extradition cannot be invoked as he is not on an international wanted list[41].

Detention and charges to five Berkut officers and servicemen

116. As the Maidan investigations are on-going during the reporting period, the Office of the Prosecutor General reported the detention of five Berkut servicemen under the charges of killing and injuring of protestors in February 2014. On 23 February, the Office of the

[40] Form of participation of society in the administration of justice inherited by some countries of the former USSR in a limited number of cases, including criminal cases where accused may face lifetime sentence. The panel consists of three judges and two people's assessors.

[41] On 29 April, the Head of the Special Investigation Department with the Office of the Prosecutor General Serhii Horbatiuk reported that Interpol had refused to put the suspect on a wanted list, although there was enough evidence that he fled Ukraine.

Prosecutor General reported that all 23 Berkut servicemen (including those mentioned in paragraphs 110-112 above), involved in killing of 39 protestors at Instytutska Street on 20 February 2014, have been identified. The same day two former Berkut servicemen were detained, and following a ruling of Pecherskyi District Court of Kyiv of 24 February, they were placed in custodial detention, where they currently remain. The other 19 servicemen were put on a wanted list as they have been hiding from justice.

117. On 23 April, Pecherskyi District Court of Kyiv detained three other former Berkut servicemen on charges under Articles 365 (abuse of powers) and 115 (intentional homicide) of the Criminal Code of Ukraine. As it was alleged by the pre-trial investigation, the detained servicemen were involved in the killing of five protestors, the infliction of gunshot wounds to 62 protestors as well as other types of injuries to more than 400 people on 18 February 2014 at Hrushevskoho Street in Kyiv.

C. Accountability for the 2 May violence in Odesa

118. Two official investigations have been initiated to look into the 2 May violence in Odesa, when 48 persons died (six killed in the city centre and 42 – from the effects of the fire at the Trade Union Building), one by the Ministry of Internal Affairs and the other by the Office of the Prosecutor General. However, these investigations are widely believed to be unreliable, particularly because of the inability or unwillingness of law enforcement bodies to bring to justice those responsible for the violence. The HRMMU believes that with no obstacles in the investigation of the 2 May violence, the prosecution of perpetrators is only hampered by the fact that some suspects have reportedly fled Ukraine, including the former Deputy Head of Odesa Regional Department of the Ministry of Internal Affairs[42].

Investigation led by Prosecutor General Office on police and fire brigade negligence

119. On 30 April 2015, the Office of the Prosecutor General notified the former Head of the Odesa Regional Department of the Ministry of Internal Affairs about suspicions of official negligence, by failing to ensure public security which resulted in clashes between 'pro-federalism' and 'pro-unity' supporters during the march '*For United Ukraine*'. On 13 May, the Pecherskyi District Court of Kyiv placed the former Head of the Odesa Regional Department of the Ministry of Internal Affairs under house arrest.

120. No progress has been achieved in a criminal investigation into the negligence of the fire department, which having received numerous phone calls about the fire, took 40 minutes to arrive at the scene – the Trade Unions Building, where 42 people died of suffocation, burns and as a result of jumping out of the windows – despite being located in its immediate vicinity.

Investigation led by the Ministry of Internal Affairs

121. The investigation headed by the Investigation Unit of the Ministry of Internal Affairs on mass disorder in the city centre and at the Trade Union Building continues to raise grave concerns. In September 2014, the investigation was split into several criminal proceedings, including three major ones: on the mass disorder at the Trade Union Building (Kulykove Pole Square), on mass disorder in the city centre and against a 'pro-unity' activist charged with murder.

Investigation regarding the mass disorder at the Trade Union building

122. The investigation led by the Ministry of Internal Affairs into mass disorder at the Trade Union Building is still on-going. By 15 May, no substantive progress has been observed in the investigation into the death of 42 people, and no suspect had been identified.

[42] He is charged under Articles 365 (excess of authority or official powers) and 367 (neglect of official duty) of the Criminal Code of Ukraine for unlawful release of 63 perpetrators on 4 May detained the day before.

At the same time, on 9 February, the Office of the Prosecutor General closed the criminal investigation for lack of evidence against a 'pro-unity' activist, accused of beating 'pro-federalism' supporters, jumping out of the burning Trade Union Building. On 19 August, he was arrested and transferred to the SIZO in Kherson. On 26 August, the District Court of Kherson ruled on placing him in custodial detention. However, on 30 August, due to the pressure from 'pro-unity' activists, the Court of Appeal of Kherson Region changed the measure of restraint to an obligation not to leave Odesa without the investigator's permission. On 17 February, victims appealed this decision as being groundless and politically motivated with no result to date as the trial on the matter is on-going.

Investigation into mass disorder in the city centre

123. On 25 March, the Office of the Prosecutor General submitted a revised indictment against 20 'pro-federalism' supporters charged under Article 294 (mass disorder) of the Criminal Code of Ukraine (one of whom had reportedly fled to Crimea) to the Malynovskyi District Court of Odesa. The defence lawyers maintain that in addition to previously mentioned numerous omissions, including violation of the principle of fair trial, the revised indictment contained new procedural mistakes and referred rather to the political views of the accused, than to evidence of their participation in the mass disorder. The court ruled to return the indictment to the Office of the Prosecutor General for the second time.

124. Consideration of the motion of the 'pro-federalism' suspects regarding the returned indictment was carried out in the absence of some of defence lawyers (due to failure of the court to properly notify the parties of the hearing in advance). The Court of Appeals of Odesa region also disregarded a request from defendants for legal aid which was hampered by the absence of their lawyers. On 26 March, a judge of the Malynovskyi District Court of Odesa extended the detention of 10 'pro-federalism' detainees without a full panel of judges as prescribed by law when considering grave crimes. Furthermore, the court session was not public and transparent since none of the defenders and their lawyers were notified of the court date and, they were thus unable to participate.

125. On 27 April, the Malynovskyi District Court of Odesa ruled once again to return the indictment to the Office of the Prosecutor General due to numerous omissions and procedural mistakes. On 15 May, the Court of Appeals of Odesa Region considered the appeal of the prosecution against the decision of the Malynovskyi District Court. The HRMMU observed numerous procedural violations during the hearing which was held in the absence of several defence lawyers. Appeals for legal aid of the defendants, including minor, were ignored by the court. The panel of judges seemed prejudiced against the defence and decided to submit the indictment to the Malynovskyi District Court of Odesa for a new consideration.

Investigation regarding the 'pro-unity' activist charged with murder

126. On 22 April, almost one year after the opening of the criminal investigation, the indictment against the single 'pro-unity' activist, charged with participation in mass disorder, murder and injuring a law enforcement officer in the city centre, was submitted to the Prymorskyi District Court of Odesa.

D. Investigation into the Rymarska case

127. The investigation into the shooting at Rymarska street in Kharkiv on 14 March 2014 due to a conflict between activists of the 'pro-federalism' group *Oplot* and activists of the 'pro-unity' group *Patriots of Ukraine* which resulted in two people killed and several wounded including a police officer, has shown little progress. More than a year after the event, no perpetrators have been identified.

128. In 2014, the SBU informed the HRMMU that there would be no indictments in the case, as according to the pre-trial investigation, the shooting was a case of self-defence. At

the same time, the HRMMU is not aware that the case has been officially closed. Information from the SBU, Ministry of Internal Affairs, and Kharkiv Regional Prosecutor's Office suggests that the majority of the members of the Patriots of Ukraine, allegedly involved in shooting, are now serving with the Azov Regiment in the conflict zone, and therefore cannot be reached.

E. Administration of justice

Parallel 'administration of justice' systems on the territories controlled by the armed groups

129. The armed groups and the so-called 'governance structures' of the 'Donetsk people's republic' and 'Luhansk people's republic' are accountable for human rights violations committed on territories under their control. Steps taken by the 'Donetsk people's republic' and 'Luhansk people's republic' to establish their own 'legislative' frameworks[43] and systems of 'administration of justice' ('police', 'prosecutors'[44] and 'courts'[45]) are contrary to the Constitution of Ukraine and international law, and jeopardize the Minsk Agreements.

130. Although there is no legal framework for the activity of 'lawyers' in the 'Donetsk people's republic', on 19 March, the 'supreme court' and the 'prosecutor general' issued a joint instruction to ensure the right to a public defender in criminal 'proceedings' initiated since December 2014. Meanwhile, the Law On Advocacy of Ukraine is still in force in the 'Luhansk people's republic', but is still not applied due to lack of established 'judiciary'.

131. A 'court system' started functioning in the 'Donetsk people's republic' as of 9 January with the appointment of 42 'judges', including 12 assigned to the 'supreme court' and its 'head', and two 'arbitrators'. Majority of cases are those which remained pending from Ukrainian courts[46] and cases filed by the 'penitentiary service' for revision of the term of detention of those remaining there since 2005. The 'supreme court' has already made 'decisions' in 20 'criminal cases'. 'Courts of general jurisdiction' are 'hearing' 61 civil cases; and issued 'decisions' in eight cases.

132. The 'court system' of the 'Luhansk people's republic' has not started functioning yet[47]. There have been, however, 'cases' awaiting 'trial'. They include the 'case' of Maria Varfolomieieva who was captured in January for allegedly taking pictures of the buildings that were allegedly subsequently shelled, accused of 'espionage' and is expected to be 'tried' in a 'court' as soon as the 'court system' starts functioning. The HRMMU is concerned that a 'trial' over Ms. Varfolomieieva would 'legitimize' her unlawful deprivation of liberty and urged the 'Luhansk people's republic' to release her – as well as other captives.

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[43] 'Donetsk people's republic' and 'Luhansk people's republic' apply a Criminal Procedural Code of the Ukrainian Soviet Socialist Republic of 1960.

[44] 'Prosecutor's offices' in the 'Donetsk people's republic' have been vested with broad powers, including the right to decide on a measure of restraint (including 'detention' of up to two months which can be extended to 20 months).

[45] While the 'court system' has not yet started functioning in the 'Luhansk people's republic', the same has been introduced in the 'Donetsk people's republic' based on the Soviet Union model. The 'supreme court' started functioning on 23 September 2014 with the primary aim of development of a 'legislation framework' for 'administration of justice'. 'Courts of first instance' started working on 9 January, with the appointment of 42 'judges' based on the interview; this includes 12 'judges' of the 'supreme court' and its 'head', 2 'arbitrators'.

[46] Currently the archive of 'supreme court' (previously Court of Appeal of Donetsk region) has 498 unconsidered criminal 'cases' and 1,837 civil 'cases'. 'Courts of the first instance' have 1,602 unconsidered criminal 'cases' and more than 1,000 civil 'cases'. Some of the 'cases' have already been heard.

[47] Member of 'people's council' of the 'Luhansk people's republic' informed the HRMMU that on 30 April, several 'laws' on the 'judiciary' had been 'adopted' in the 'second reading'. These included 'laws' 'on the court system', 'on the creation of courts', which set up 'courts' at the 'republican' level: 'supreme court', 'court of appeals', 'martial court', four 'district courts' in Luhansk, eight 'city courts', two 'city/county courts', and three 'district (county) courts'.

Law enforcement tolerating illegal action by 'pro-unity' supporters

133. The HRMMU is concerned that illegal activities of 'pro-unity' activists have been tolerated by Ukrainian law enforcement agencies. On 26 March, the HRMMU witnessed the abduction by 'pro-unity' activists of two lawyers representing 'pro-federalism' activists. This occurred during a protest organised by the lawyers as they attempted to enter the Odesa SIZO, where their clients were held[48]. The police at the scene made no attempt to intervene. Moreover, as observed by the HRMMU, while the perpetrators were clearly identified on the spot, no investigation was open. The abduction appeared to have been stopped due to the intervention of the HRMMU which immediately reported on the incident to a police officer prompting him to eventually take action.

134. Several 'rubbish container lustration' incidents took place during the reporting period. On 11 April, members of the Right Sector, Self-Defence and other local civil activists who claim poor implementation of the Lustration Law forcefully put the head of Ivano-Frankivsk Regional Department of Justice into a rubbish container. The police initiated criminal investigation under Article 296 (hooliganism) of the Criminal Code of Ukraine. On 24 April, Right Sector activists took the deputy of the city council of Dniprodzerzhynsk from his office and pushed him in a rubbish container. He was also hit, including with a five litre bottle filled with water.

Alleged intimidation of judges

135. The HRMMU is highly concerned about the lack of independence of the judiciary. Due to direct intimidation and threats against judges, the judiciary fails to ensure impartial and fair trial. On 27 February, the Odesa Court of Appeal held a general meeting with all judges of Odesa region to discuss the increased pressure on the judiciary system by 'pro-unity' activists. The pressure reportedly includes death threats, physical attacks and forcefully putting judges into trash containers. In addition to the pressure from 'pro-unity' activists, the judges referred to pressure from the SBU to take 'right' decisions during hearings involving 'pro-federalism' activists suspected of terrorism and committing crimes against national security.

High profile cases

136. The HRMMU continued to follow up on the prosecutions of former senior and Government officials, with no progress to date. These include the cases of Yurii Borisov, Nelia Shtepa and Oleksandr Yefremov. On 3 March, the Chervonozavodskyi Court of Kharkiv started hearings on the case of Ms. Shtepa and has since held several sessions where witnesses were questioned. While Ms. Shtepa insisted that many possible defence witnesses refused to testify after the abduction and killing of her deputy in January 2015, the prosecutor's witnesses stated that she was not abducted and forcefully detained by the armed groups as she had claimed, but that she collaborated with them. The HRMMU reiterates the necessity to ensure impartiality and objectivity of the process against current and former officials.

137. The HRMMU is concerned with the deaths over the reporting period of several politicians at various levels connected to the previous regime. These include the former Mayor of Melitopol Serhii Valter, who committed suicide on 25 February, former deputies of the Parliament Mykhailo Chechetov[49] and Stanislav Melnyk, who committed suicide on 28

[48] On 26 March, Malynovskyi District Court of Odesa extended detention for 10 'pro-federalism' detainees, accused in the mass disorder on 2 May 2014 in the city centre whose term of detention expired at 5 am that day. A single judge instead of a panel of three judges considered the issue on detention without holding a court hearing and without notifying the defence team.

[49] On 20 February, the Office of the Prosecutor General notified Mykhailo Chechetov of suspicion in committing a crime under Article 364 (abuse of power) of the Criminal Code of Ukraine during voting for the laws aimed at limitation of civil rights and freedoms on 16 January 2014. On 21 February, Pecherskyi District

February and 9 March respectively, the former Head of Zaporizhzhia Regional State Administration Oleksandr Peklushenko, who committed suicide on 12 March, and the killing of former deputy of the Parliament Oleh Kalashnikov on 15 April.

VI. LEGISLATIVE DEVELOPMENTS AND INSTITUTIONAL REFORMS

Constitutional reform

138. On 3 March, the President of Ukraine established a Constitutional Commission to prepare a draft law on constitutional reform that would result from wide public consultations. The Commission is chaired by the Chairperson of the Parliament and made up of 73 members, both women and men, including the Minister of Justice, former presidents of Ukraine, parliamentarians, academics, judges and other members of the legal profession, representatives of the civil society, and 13 foreign legal experts and representatives of international organizations, including the Council of Europe, European Union, OSCE and the HRMMU representing the United Nations.

139. The first meeting of the Commission was held on 6 April and several meetings were held in May. Three working groups have been set up to review issues related to: human rights and freedoms; the judiciary, legal institutions and law enforcement; and constitutional principles of state governance, local self-government, administrative and territorial organization and decentralization.

140. While no deadline for the work of the Commission is mentioned in the decree establishing it, this process would need to be completed before the country-wide local elections of October 2015 as amendments regarding decentralization and local self-governance bodies would be required. In addition, the Package of Measures for the Implementation of the Minsk Agreements of 12 February 2015 states that a new constitution must enter into force "by the end of 2015" and that it should provide for "decentralization as a key element".

Reform of the judiciary

141. On 26 February, the Law on Ensuring the Right to a Fair Trial, which amends the laws on the Judicial System and the Status of Judges, on the High Council of Justice, the Code on Administrative Offences and different procedure codes, entered into force.

142. The HRMMU considers that this law brings some positive elements. In particular, it strengthens the role of the Supreme Court as the guarantor of the unity of the jurisprudence. At the same time, the HRMMU notes that the legislator was limited in the nature and scope of amendments it could introduce due to constitutional provisions preventing fundamental changes in the judicial system. Therefore, as highlighted by the Venice Commission[50], the HRMMU recommends that the Constitution of Ukraine should be amended to achieve effective judicial reform. The HRMMU is of the view that amendments should eliminate or at least limit the influence of non-judiciary institutions on judicial matters. This applies to the powers of the Parliament to appoint judges to permanent posts, dismiss them and lift their immunities. It also includes the exclusive power of the President to establish and liquidate courts. Furthermore, the composition of the High Council of Justice should be modified to ensure that a substantial part or a majority of its members are judges elected by their peers, which is currently not the case.

Court of Kyiv ruled on a measure of restraint in the form of custodial detention with a right to bail. On 23 February, upon settling the bail, he was released.

[50] See Opinion No 801/2015 of 23 March 2015.

Reform of the law enforcement

143. On 13 May, the Government submitted to the Parliament a draft Law On the National Police after the deputies had withdrawn an earlier draft prepared with the civil society. The HRMMU notes that the new text has not been discussed and that it contains some questionable provisions presented as measures of a preventive character. In particular, it gives wide discretion to the police to enter private premises without a court decision. This can be done "in urgent cases" to track suspects, neutralize a threat to the life of occupants and verify the presence of a person under home arrest. Another provision would authorize the police in the area of the security operation to shoot at a person without a warning. The HRMMU also recalls that the UN Basic Principles on the use of force and firearms by law enforcement officials stipulate that intentional use of firearms may only be made when strictly unavoidable in order to protect life and that in such cases, officials shall identify themselves as such and give a clear warning of their intent to use firearms.

International human rights commitments

144. On 30 April, the Parliament of Ukraine registered a draft resolution[51] requesting the Ministry of Foreign Affairs and the Ministry of Justice to notify the Secretary-General of the United Nations and the Secretary-General of the Council of Europe about the derogation by Ukraine from certain obligations enshrined in the International Covenant on Civil and Political Rights (ICCPR) and the Convention for the Protection of Human Rights and Fundamental Freedoms. The derogation is proposed in response to the "military aggression of the Russian Federation" and will be in place until the "complete termination" of the "aggression". The proposed derogation from State obligations is envisaged in relation to the right to liberty and security, fair trial, effective remedy, respect for private and family life and freedom of movement, including the right to choose one's residence. It is proposed to be applied to certain districts of the Donetsk and Luhansk regions determined by the Anti-Terrorist Centre of the Security Service of Ukraine. In accordance with Article 4 of the ICCPR, a State may take measures to derogate from their obligations under the Covenant in time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed. The State then shall notify the UN Secretary-General. The HRMMU is concerned that such a derogation could further complicate the protection of human rights for those living in the conflict area.

Package of Measures for the Implementation of the Minsk Agreements of 12 February

145. On 17 March, the Parliament adopted amendments to the Law On the Temporary Procedure of Local Self-Government in Certain Parts of the Donetsk and Lugansk Regions, which was passed on 16 September 2014 pursuant to the Minsk Protocol of 5 September 2014. The March amendments provide that temporary self-rule provisions under the September law would be enacted only after local elections are held in certain parts of the Donetsk and Luhansk regions in accordance with the Ukrainian Constitution and legislation. The amendments also mention the need for free, fair and internationally supervised elections meeting OSCE standards; enabling IDPs to vote; equal access to the media, including a resumption of the work of the Ukrainian media; and withdrawal of foreign weapons, military and mercenaries from the territory of Ukraine. The representatives of the self-proclaimed 'Donetsk people's republic' and 'Luhansk people's republic' condemned the amendments, insisting that self-rule provisions should be implemented without pre-conditions.

[51] The Resolution On the Approval of the Notification of Ukraine about the Derogation from Certain Obligations Determined by the Convention for the Protection of Human Rights and Fundamental Freedoms and the International Covenant on Civil and Political Rights was adopted by the Parliament on 21 May.

146. On 17 March, the Parliament adopted two resolutions. One resolution (No. 252) identifies the area of the Donetsk and Luhansk regions to be provided with temporary special status. The other resolution (No. 254) recognizes that the districts, cities, settlements and villages located inside the area enjoying temporary special status are considered to be "temporarily occupied"[52].

147. It should be noted that, during the reporting period, no significant progress has been made in implementing the provisions of the Package directly affecting human rights. They include: releasing all "hostages and unlawfully detained persons", based on the 'all for all' principle; ensuring pardon and amnesty by enacting the law prohibiting the prosecution and punishment of persons in connections with the events that took place in the east; ensuring safe access, delivery, storage and distribution of humanitarian assistance to those in need; and defining modalities for a full resumption of socio-economic ties, including banking services, payment of pensions and various social allocations.

Humanitarian aid

148. As of 15 May, the working group of a parliamentary Committee on Issues of Veterans, Participants of Combat Operations, Participants of the Anti-Terrorist Operation and Persons with Disabilities was finalising a concept the for a law on humanitarian aid. The concept proceeds from the recognition that the existing legal framework is inadequate and needs to be brought in compliance with international standards. The concept envisages delivery of and access to humanitarian supplies to all civilians affected by conflict, including but not limited to IDPs, no matter where they are geographically. The concept also stipulates the creation of an inter-ministerial Agency for the Coordination of Humanitarian Aid and measures to facilitate the provision of humanitarian aid, notably through tax exemptions and simplification of administrative procedures.

Martial law

149. On 12 May, the Parliament adopted amendments to the Law On the Legal Regime of Martial Law articulating in greater detail the legal mechanisms to introduce and cancel martial law and the organs in charge of enacting it. They also increase the number of restrictive measures that may be taken under martial law. One new measure includes "interning (forcibly expelling) nationals of a foreign state which threatens to attack or carries out aggression against Ukraine". In light of the resolution of the Parliament of 27 January 2015 recognizing the Russian Federation as an "aggressor state", the HRMMU is of view that this provision could apply in particular to nationals of the Russian Federation in Ukraine. It also appears to provide a legal basis to detain and expel foreign citizens legally staying in Ukraine who have not committed any crime.

Law on Civil-Military Administrations

150. One regional and five local military-civil administrations have been established in the Donetsk region and one regional and seven local ones in the region of Luhansk during the reporting period. These administrations are temporary State bodies functioning within the Anti-Terrorist Centre of the SBU. They can be established in localities where self-government bodies are unable or fail to carry out their functions pursuant to the Law On Civil-Military Administrations, which entered into force on 28 February.

151. Civil-military administrations cumulate the executive and legislative powers of local self-government organs. They are vested with powers to limit freedom of movement; prohibit

[52] According to the document, the qualification will remain valid "until the withdrawal of all illegal armed formations, military hardware, militants and mercenaries from the territory of Ukraine and the restoration of full control over the state border of Ukraine".

the activities of political parties and public organizations; control the work of enterprises and media outlets; terminate the functions of local bodies and cancel their decisions.

152. The HRMMU notes that some safeguards have been introduced to counter-balance these wide powers and the risks of abuse they carry. The decisions of civil-military administrations must be published and can be appealed in court. In addition, communal property cannot be disposed of (privatized), which implies that property transactions frequently giving rise to corruption schemes at the local level are prohibited. On the other hand, the establishment of such administrations is left at the discretion of the President and does not seem to result from a clear set of criteria. Furthermore, the head of a military-civil administration in a locality is appointed and dismissed by a central body, the National Security and Defence Council of Ukraine. This means that in addition to being unelected, this official is not accountable to the local community where her or his functions are exercised.

De-communization laws

153. On 15 May, the President of Ukraine signed a package of four laws[53] relating to Ukraine's history. They denounce the Communist and Nazi regimes as "criminal under the law", ban propaganda in their favour and all public display of their symbols. They also require replacing communist-inspired names for cities, streets, squares and other places. The package of laws include provisions for opening all archives of Soviet-era security organs and provides public recognition to all those who fought for Ukrainian independence. Thus, in addition to Soviet war veterans, the State and local governments are to provide social benefits to members of very diverse groups enumerated in the law, ranging from human rights activists to members of ultra-nationalist movements which committed mass atrocities during World War II, such as the Organization of Ukrainian Nationalists (OUN) and the Ukrainian Insurgent Army (UPA).

154. The HRMMU notes that there is serious risk that some legal provisions could discourage debate about Ukraine's past and limit the freedom of expression in a way that could deepen divisions. For example, the Law On the Legal Status and Honouring of Fighters for Ukraine's Independence in the Twentieth Century' states that "publicly expressing disrespect" for any mentioned group that fought for Ukraine's independence and the legitimacy of this struggle is "illegal" and will result in "liability" under Ukrainian legislation. The Law On Condemning Communist and National Socialist (Nazi) Totalitarian Regimes in Ukraine and Prohibiting Propaganda of their Symbols is even more explicit in imposing sentences in the form of restriction of liberty or imprisonment for up to five years for the preparation, circulation and public use of Communist or Nazi symbols. It should be noted that similar provisions adopted in other countries were found by the European Court of Human Rights[54] to violate the right to freedom of expression. According to Article 20 of the ICCPR, States parties are only required to prohibit by law "propaganda for war" and "advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence".

Anti-corruption

155. On 18 March, the Cabinet of Ministers created a National Agency on Prevention of Corruption, as foreseen under the legal anti-corruption package adopted in October 2014. The Agency is to conduct mandatory e-declaration of incomes and expenditures of all public

[53] See the laws On Condemning Communist and National Socialist (Nazi) Totalitarian Regimes in Ukraine and Prohibiting Propaganda of their Symbols; On the Legal Status and Honouring of Fighters for Ukraine's Independence in the Twentieth Century; On Perpetuating the Victory over Nazism in World War II 1939 – 1945; On Access to the Archives of the Repressive Bodies of the Totalitarian Communist Regime 1917-1991.

[54] See, for example, Vajnai v. Hungary (2008), where the Court found that fining a demonstrator for wearing a red star was in breach of his right to freedom of expression.

officials. A public council was created within the agency to monitor its work. On 16 April, President Poroshenko appointed Artem Sytnyk, a former prosecutor, as Director of the National Anti-Corruption Bureau (NACB), a body which will conduct investigation into crimes committed by high level public officials, including judges and prosecutors. The Bureau will be able to file cases in court through specially trained prosecutors to be appointed by the Office of the Prosecutor General and responsible to the Bureau Director.

VII. HUMAN RIGHTS IN THE AUTONOMOUS REPUBLIC OF CRIMEA

156. The situation in the Autonomous Republic of Crimea continued to be characterized by human rights violations targeting mostly those who opposed the unlawful 'referendum' in March 2014 and the arrival of 'authorities' applying the laws of the Russian Federation.

157. During the reporting period, the HRMMU was informed about ill-treatment and torture perpetrated by or with the acquiescence of the Crimean 'law enforcement'. Harassment and arrests of Mejlis members or supporters and civic activists continued. Control of the media was tightened after a number of media outlets, particular Crimean Tatar ones, were forced to cease operating. The freedom to practice's one's religion has been jeopardized by limitations resulting from re-registration requirements.

Torture and ill-treatment

158. During the reporting period, the HRMMU obtained new information, including medical and court records, concerning the case of Oleksandr Kostenko. As previously reported[55], Mr. Kostenko was arrested by the 'police' on 8 February 2015 on suspicion of wounding a Berkut police officer on 18 February 2014 during the Maidan protests in Kyiv. New information suggests that on 5 February 2015 he was abducted by two men, possibly affiliated to the Federal Security Service (FSB) of the Russian Federation, blindfolded, hit and tortured, including through electric shocks, to extort a confession of guilt he made after being delivered to the 'police' on 8 February. The HRMMU has a copy of Mr Kostenko's medical examination revealing multiple fractures, a dislocated shoulder and a broken elbow.

159. On 9 February 2015, Mr. Kostenko was provided with a lawyer and placed by a 'court' in pre-trial detention[56] for two months. This term has later been prolonged until 3 June. According to his lawyer, he was beaten up by other detainees. His lawyer requested the 'court' to exempt from the case file all the evidence obtained under duress. On 3 April, the 'court' rejected the request as unfounded, stating that the evidence obtained and the allegations made, including torture claims, should be examined together in future court proceedings, in order not to compromise the establishment of facts and responsibility. On 15 May, Mr. Kostenko was found guilty of inflicting deliberate injury and possession of firearms by a 'court' in Simferopol and sentenced to four years and two months of imprisonment. His lawyer said he would appeal the decision. The HRMMU considers that in addition to evidence of confessions obtained under torture, the case points to an absence of conditions for a fair trial and legal safeguards for the accused.

[55] See paragraph 95 of the 9th HRMMU report on the human rights situation in Ukraine.

[56] He is charged under Article 115 (deliberate infliction of mild damage to health for motives of political, ideological, racial, ethnic or religious hatred or enmity, or hatred or enmity in relation to a social group) of the Criminal Code of the Russian Federation.

160. On 20 April, FSB officers detained Emir-Usein Kuku, a member of the 'human rights contact group'[57], and informed him that he was suspected under Article 282 (incitement of hatred or enmity) of the Criminal Code of the Russian Federation. He claims that he was repeatedly hit while being convoyed to the FSB department in Yalta. His house was also searched. On 21 April, a medical examination found that Mr. Kuku suffered injuries to the head and one kidney.

Persecution of Crimean Tatars and 'pro-Ukraine' supporters

161. Pressure and intimidation against all those who oppose the *de facto* authorities or officially sanctioned views about events in Crimea continued. They usually take the form of arbitrary arrests, house searches, abusive questioning as suspects or witnesses, the imposition of fines and job dismissals. They also frequently involve the vague and unsubstantiated accusation of promoting extremism and intolerance.

162. During the reporting period, another four Crimean Tatars[58] were arrested and placed in pre-trial detention in connection with the events of 26 February 2014[59]. All four Crimean Tatars were charged with participation in mass riots and risk prison terms of three to eight years. On 23 March, several other Crimean Tatars, including two senior Mejlis officials[60] and a businessperson were also summoned for questioning as witnesses in relation to the February 2014 events, and the 'police' searched their houses. These actions followed the arrest of the deputy head of the Mejlis, Ahtem Chiygoz, on 29 January 2015, who was placed in detention until 19 May on suspicion of organising mass riots, a charge which carries a prison sentence of four to 10 years.

163. On 11 March, a 'court' in Simferopol ordered 40 hours of corrective labour for three Crimean activists and 20 hours for another one after they unfurled a Ukrainian flag with the inscription "Crimea is Ukraine" during a rally, which had been authorized by the Simferopol 'city administration', to commemorate the 201st anniversary of the national poet of Ukraine Taras Shevchenko on 9 March. The 'court' found that, by failing to mention the use of Ukrainian symbols in the request form for the event, the activists had violated "legal provisions regulating the conduct of mass events". On 11 March, the organizer of the event, Leonid Kuzmin, was dismissed from his job as teacher of history for behaviour "inconsistent with his position". On 17 April, he was attacked by a group of young men, including one of his former students, who allegedly accused him of being a *Right Sector* member and hit him with a bottle. Mr. Kuzmin reported the case to the Crimean 'police'.

164. On 21 April, Oleksii Chornyi, one of four Ukrainian citizens arrested in Crimea and transferred to the Russian Federation in May 2014, was found guilty of planning terrorist acts and smuggling weapons by a Russian court and sentenced to seven years imprisonment Mr. Chornyi, who risked up to 12 years of imprisonment, entered a plea agreement. In December 2014, another co-accused, Hennadii Afanasiev, did the same and received an identical prison sentence. The two other people arrested include a 'pro-Ukrainian' activist, Oleksandr Kolchenko and film-maker Oleh Sentsov, who are currently awaiting trials on charges under Article 222-3 (unlawfully obtaining, selling, possessing weapons, explosive substances and devices) of the Criminal Code of the Russian Federation.

[57] The group is a coordination body established in October 2014 by *de facto* authorities of Crimea to contribute to the search for several Crimean Tatars who went missing in 2014. It is composed of 'police officers', officials of the Investigative Committee of the Russian Federation and relatives of those who went missing.

[58] Eskender Emirgaliyev was arrested on 18 February, Talyat Yunusov on 11 March, Ali Asanov on 15 April and Eskender Nebiev on 22 April.

[59] For more details see paragraph 93 of the HRMMU report of 1 December 2014 -15 February 2015**.**

[60] Nariman Dzhelal and Ilmy Umerov.

Freedom of expression

165. On 1 April, the deadline for re-registration of all Crimean media outlets under the law of the Russian Federation expired. *Roskomnadzor*, the Russian Federation media registration agency, registered 232 media. The HRMMU has analysed the situation of the Crimean Tatar media and identified at least seven media outlets which were denied registration. They include the television channels *ATR* and *Lale*, radio stations *Meydan* and *Lider*, news agency *QHA*, the newspaper *Avdet* and the Internet site *15minut*. Roskomnadzor cited procedural violations as the main reasons for rejection. Some media were unsuccessful despite submitting several requests. On 30 and 31 March, dozens of people gathered outside the ATR studio and several were briefly detained for trying to make a video clip in support of the channel. A Simferopol 'court' imposed a fine on one of the protesters for "infringing the rules for holding mass protests" and "resisting arrest". On 14 May, Roskomnadzor published a list of 30 media outlets using Crimean Tatar language, which were registered. They include nine newspapers, eight journals, five TV and eight radio stations where Crimean Tatar is used as the sole language or one of the languages of communication.

166. The HRMMU notes that although some media outlets arguably continue operating in Crimean Tatar language, the TV channel mostly watched by the Crimean Tatar community (ATR) and the mostly read newspaper (Avdet) were denied licenses to continue their work. The HRMMU recalls that undue restrictions on the right to seek, receive and impart information and ideas of all kinds gravely undermine media pluralism and violate freedom of expression, which is protected under Article 19 of the Universal Declaration of Human Rights and Article 19 of the ICCPR.

167. The Crimean 'law enforcement' also acted to discourage critical reporting on Crimea from media that left the peninsula for mainland Ukraine. On 2 April, the HRMMU interviewed Anna Andrievska, a journalist from the Crimean Centre for Investigative Journalism who now lives in Kyiv. She informed that on 13 March, the Crimean 'police' opened a criminal case against her for an article she wrote in December 2014 on a Crimea volunteer battalion of the Ukrainian armed forces. They also searched the house of her parents in Crimea, seized some personal notes and questioned former colleagues of hers. Ms. Andrievska is accused under Article 280-1 (public calls for the infringement of the territorial integrity of the Russian Federation) of the Criminal Code of the Russian Federation, which carries a prison sentence of up to five years.

Freedom of religion

168. Public organizations, including religious communities also had to re-register under Russian Federation law to obtain legal status. The deadline for re-registration was extended twice[61] and is now 1 January 2016. Religious communities requesting re-registration need to submit the statutes of the organization, two records of community meetings, a list of all the community members, and information on the "basis of the religious belief".

169. Almost 200 religious communities applied for re-registration so far and many requests are still being processed. As of 8 May, 51 communities have been re-registered, including two with the largest number of Christian Orthodox and Muslim believers on the peninsula, the Russian Orthodox Diocese for Simferopol and Crimea and the Spiritual Administration of Muslims of the Republic of Crimea and the City of Sevastopol (i.e. the Mufiyat). Other registered organizations include Protestant and Jewish communities. The Ukrainian Orthodox Church of the Kyiv Patriarchate did not lodge an application for registration, while the

[61] The first deadline was 1 January 2015 and the second one – 1 March 2015.

Roman Catholic Church had to re-submit applications after the initial ones were rejected due to some documents being in Ukrainian.

170. The HRMMU notes with concern that the obligation of religious communities to re-register under Russian Federation law, the strict requirements of the procedure, and the lengthy verifications it entails, have adversely affected the right to freedom of thought, conscience and religion of hundreds of thousands of Crimean residents. Without registration, religious communities can congregate but cannot enter into contracts to rent state owned property, employ people or invite foreigners[62].

Vulnerable groups

171. The situation of some vulnerable groups, such as people with drug addiction, is dramatic. About 800 of them are currently without life-saving opioid-substitution therapy in Crimea. Under Ukrainian legislation, Crimean doctors provide intravenous drug users with methadone, an opioid substitute, and buprenorphine, a drug used to ease dependence. According to Russian legislation substitution therapy is not a legal option for treatment of drug dependence and needle-exchange programs are not supported. The HRMMU has information that patients who have stayed in Crimea have been offered treatment in Russian hospitals, but that usually includes simple detoxification and, occasionally, a follow-up rehabilitation. By May 2015, up to 30 people have died in Crimea due to complications related to drug overdose or chronic illness since March 2014. Dozens have fled to mainland Ukraine mostly with the help of the International HIV/AIDS Alliance, an NGO network.

VIII. CONCLUSIONS AND RECOMMENDATIONS

172. All measures need to be taken to end the fighting and violence in the eastern regions of Ukraine to save lives and to prevent further hardship for those people living in the conflict affected area. With the tenuous respect for the 15 February ceasefire, people continue to be killed, and violations of international human rights law and international humanitarian law persist. The situation in the conflict-affected areas is becoming increasingly entrenched, with the local population more and more isolated, without any rule of law, meaningful protection for dissenting views or access by vulnerable groups to effective remedies. OHCHR believes that the full implementation of the Package of Measures for the Implementation of the Minsk Agreements of 12 February is the only viable strategy for achieving a peaceful solution in Donbas, which would pave the way for fuller respect of the rights of people both in the conflict area and elsewhere in Ukraine. As noted in previous reports, the control of the borders between Ukraine and the Russian Federation, the withdrawal of foreign fighters and the cessation of the flow of weapons from the Russian Federation would have a significant impact on law and order and the implementation of other provisions of the Minsk Agreements.

173. The impact of the conflict on the economic and social rights of civilians continues to be dramatic. Guarantees of economic and social rights have progressively weakened, especially on the territories controlled by the armed groups. The interruption of access to

[62] See the thematic report of the Independent Expert on minority issues, Rita Izsák, concerning the protection and promotion of the rights of religious minorities (A/68/268, paragraph 61: "It is essential to ensure that all procedures for registration are accessible, inclusive, non-discriminatory and not unduly burdensome. Registration procedures designed to limit beneficiaries due to political or social intolerance run afoul of human rights standards"). See also the thematic report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt (A/HRC/22/51, paragraph 42: "failure to register, or re-register periodically, could lead to legal vulnerability that also exposes the religious minorities to political, economic and social insecurity").

basic services is life-threatening and can have a life-long impact on a large portion of the population, hindering the post-conflict recovery of the society.

174. The situation of human rights in the Autonomous Republic of Crimea remains very concerning. Arrests, ill-treatment, torture and intimidation continue being perpetrated against political opponents, primarily in the Crimean Tatar community, with the knowledge or participation of the 'law enforcement' or affiliated groups. Legal safeguards for detained persons are all but inexistent. The exercise of the rights to freedom of expression, assembly and religion is mostly limited to groups or individuals being loyal to the *de facto* authorities. Administrative measures, including registration requirements, are used as control mechanisms and tools to prevent the spread of dissenting views.

175. Accountability and an end to impunity are at the core of ensuring peace, reconciliation and long term recovery in Ukraine. Violations of human rights must be investigated and, where there is evidence of crimes, the perpetrators brought to justice.

176. OHCHR appreciates the good cooperation extended by the Government of Ukraine to the HRMMU. The HRMMU will continue to monitor and report on the evolving situation, with a view to contributing to an unbiased and accurate assessment of the human rights situation and a stronger and effective national human rights protection system.

177. OHCHR notes the progress made by the Government of Ukraine in the implementation of some recommendations contained in previous HRMMU reports, in particular, the adoption of the legislation on Judiciary and the Office of the Prosecutor General, some progress on the law-enforcement reform, anti-corruption and development of the National Human Rights Strategy. OHCHR also welcomes the development, under the leadership of the Ministry of Social Policy, of the National Action Plan on implementation of the UN Security Council Resolution 1325, which promotes role of women in conflict resolution and peace-building.

178. Recommendations made in the HRMMU reports published since April 2014, that have not yet been acted upon or implemented, remain valid and are reiterated. In addition, OHCHR calls upon all parties to implement the following recommendations:

To all parties involved in the hostilities in the eastern regions of Donetsk and Luhansk

a) Seek common ground, through a sustained dialogue, in order to fully implement the Package of Measures for the Implementation of Minsk Agreements of 12 February. In particular, work in good faith towards the implementation of the provisions of the Package directly affecting human rights.

b) Prioritise demining activities, in particular, in places of expected returns of IDPs and conduct mine risk awareness outreach to children and communities.

c) Allow full and unhindered access, delivery, storage and distribution of humanitarian agencies in the conflict area.

d) Provide additional security guarantees for humanitarians accessing settlements divided by the contact line.

To the Government of Ukraine

e) Investigate all violations of human rights and international humanitarian law committed in the east, including by the Government forces.

f) Guarantee independence and impartiality of judges within their mandate, especially with regard to Maidan events and the 2 May violence in Odesa.

g) Conduct impartial and objective investigations into the recent killings of the former members of parliament and a journalist and regularly report on its progress.

h) Revoke the Temporary Order of 21 January. Limitations on freedom of movement must be based on clear legal grounds and meet the tests of necessity and proportionality.

Those seeking safety and security must be allowed to do so without having to apply for a permit in advance or go through only pre-designated check-points.

i) Develop mechanisms to ensure that people on the territories controlled by armed groups have access to justice.

j) Develop compensation mechanisms for people whose property has been damaged in the conflict.

k) Take measures for securing assemblies rather than prohibiting them; facilitating assemblies, including spontaneous assemblies, as long as these are peaceful in nature.

l) Ensure that the process of development of a new constitution of Ukraine is transparent, open and inclusive, with the full participation of the civil society including women, minorities and indigenous peoples.

m) Speed up the process of the adoption of the National Human Rights Strategy and start the development of the National Human Rights Action Plan.

n) Re-engage in a dialogue with the civil society in order to ensure wide grass-root support for the reform of the law enforcement.

o) Amend the provisions of the de-communization laws so that they fully comply with international standards related to freedom of expression.

p) Develop special procedures for early identification, registration and documentation of unaccompanied or separated internally displaced children and ensure their access to assistance and services.

q) Develop state programme to support social adaptation of IDPs and envisage durable solutions for them, as prescribed by the paragraph 3 of Article 10 of the law on IDPs.

To the *de facto* authorities of Crimea and to the Russian Federation

r) Put an end to arbitrary arrests and detentions of political opponents in Crimea and investigate all claims of human rights violations by the 'law enforcement', particularly ill-treatment and torture.

s) Cancel, in particular, the decision to deny licenses to Crimean Tatars media outlets, which disproportionately affects this community and may additionally amount to discrimination on the basis of ethnicity.

t) End the practice of imposing cumbersome re-registration requirements in Crimea, which have been applied mainly to the media and religious organizations and limited the exercise of the right to freedom of expression, thought, conscience and religion.