

Human Rights Watch
Final Report and Renewal Proposal Submitted to TOBAM
Defending Human Rights in Ukraine

March 2017

I. INTRODUCTION

In the past year, TOBAM's generous support has enabled Human Rights Watch to conduct research and advocacy on a range of human rights abuses in Ukraine. From our new base in Kyiv, we monitored attacks on education, exposed infringements on freedom of expression and association, and advocated for access to rebel-held areas for humanitarian groups. We documented grave human rights violations by both sides of the conflict, including arbitrary detentions, torture, and degrading treatment. Our Ukraine work had impact. For example:

- Soon after we released a [report](#) on secret detention, torture, and disappearances on both sides of the conflict in eastern Ukraine, authorities released 13 detainees. By the end of 2016 **all 18 individuals whose cases we documented were freed**.
- We documented and widely publicized the [disappearance](#) of a Russian lesbian, gay, bisexual, and transgender (LGBT) activist and friend while in separatist-controlled territory of the Donetsk region. As a result, **they were released** two weeks later.
- After we met with Ukraine's State Border Guard Service (DPSU) and prior to the release of our [report](#) on dangers at crossing points between government-controlled areas and the separatist-held regions, the DPSU committed to better inform older people, people with disabilities, and other vulnerable people **about their right to use priority lines**.

None of these advances would have been possible without your support. We are pleased to share further details of our activities and successes in the past year and our plans for the years ahead. We are immensely grateful for your investments in our Ukraine work.

II. RECENT RESEARCH AND ADVOCACY IN UKRAINE

A. Conflict in Eastern Ukraine

The conflict in eastern Ukraine continues to significantly affect the lives of millions of people. According to the United Nations, approximately 1 million people are internally displaced in government-controlled areas and an additional 200,000 have gone back to nongovernment-controlled areas. Since the conflict began, close to 10,000 people have been killed and nearly 25,000 injured with the number of deaths continuing to rise.

To ensure detailed documentation of abuses by the warring parties, we conducted several research missions to both sides of the line of contact and published our findings in news releases and reports, which received broad media coverage. We extensively discussed our findings in meetings with policymakers and key actors, and at leading international fora.

Exposing Arbitrary Detentions, Enforced Disappearances, and Ill-treatment of Detainees
Since the start of the armed conflict in 2014, both the Ukrainian government and Russia-backed separatists have arbitrarily detained, disappeared, and abused civilians in their

custody. We published a wealth of materials on this issue but made it a greater research priority in 2016.

In July 2016, in partnership with Amnesty International, we released a [report](#) detailing how both sides to the conflict detained and forcibly disappeared civilians suspected of either supporting Russia-backed separatists or spying for the Ukrainian government. The report was well-covered by international outlets such as [The New York Times](#), [Kyiv Post](#), [The Moscow Times](#), [BBC](#), [Spiegel Online](#), [Die Welt](#), and [Deutsche Welle](#). To help promote the report and draw attention to the issue, we published three op-eds in [The Moscow Times](#), [Open Democracy](#), and in Russian on the [Echo of Moscow](#) website. We also published a [witness piece](#) about a man who was detained and tortured by both parties of the conflict.

We presented our research and findings in meetings with government officials in Kyiv, including the security services and the prosecutor's office, which pledged to investigate. We also met with the Kyiv-based diplomatic community—the Organization for Security and Cooperation in Europe (OSCE), UN, Council of Europe, and diplomats from key countries—to press the Ukrainian government to end these abuses. Shortly after we issued our findings, Ukrainian authorities released 13 detainees from an unlawful prison secretly maintained by Ukraine's Security Service (SBU) in Kharkiv, which we had featured prominently in our report and discussed at length during advocacy meetings. We also raised our concerns in advocacy meetings in European capitals and in Washington.

In August, we interviewed five of the 13 released individuals and found their accounts fully consistent with the testimonies of other individuals who had alleged prolonged secret detentions by Kharkiv's SBU. Based on this new information, we sent a [joint-letter](#) to Ukraine's chief military prosecutor calling for a prompt and effective investigation. By the end of December 2016, the Kharkiv SBU released the last five detainees and its secret prison ceased to operate.

In early 2017, we published new [research](#) highlighting the last unofficial releases of secret detainees by the Kharkiv SBU and several lasting cases of arbitrary incommunicado detention by Russia-backed separatists. We presented our [findings](#) at a Kyiv press conference and urged the Ukrainian government and Russia-backed separatists to end these detentions and ensure accountability. Immediately after, the International Committee of the Red Cross (ICRC) [announced](#) that it obtained access to a detention site under control of Russia-backed separatists, marking almost two years without access to detention sites.

While carrying out field research in the conflict zone in 2016, we also learned of dozens of disappearances in separatist- or government-controlled territory. We heard these cases first-hand from relatives who had approached de facto authorities in Donetsk about their missing relatives and were discouraged from pursuing additional information on their whereabouts. Meanwhile, the de facto Donetsk People's Republic (DNR) authorities did not make serious efforts to investigate these disappearances. Government authorities also fail to effectively investigate cases of missing persons. We highlighted the problem in an [op-ed](#), which reached broad audiences in Ukraine and internationally.

Defending Freedom of Movement in Eastern Ukraine

In the past months, we [documented](#) the dangers, unnecessary delays, and hardship that civilians regularly face at crossing points in eastern Ukraine. Through interviews with more than 80 civilians on both sides of the contact line, we documented how simple tasks such as commuting from work, obtaining pensions, visiting family members, and taking care of registrations are painful, complex, and risky undertakings, often taking a full day or longer just to cross from one side to another. We found that people trying to cross had experienced significant hardships due to insufficient numbers of crossing points and personnel operating them. People had to wait in freezing winter weather, rain, or summer heat, sometimes having to spend the night at a crossing point, where basic facilities such as toilets and tents are often lacking. We also documented that military personnel on both sides arbitrarily refuse to allow crossing, use rude and abusive language, and take bribes.

In our report and a reader-friendly [op-ed](#) we emphasize that abnormally long wait times and lack of basic infrastructure at the crossing points create dangerous situations for civilians, especially for older people and people with disabilities. We called on all parties to the conflict to uphold their obligations under international humanitarian law to take necessary measures to protect civilians. We specifically urged authorities to ensure that civilians are not exposed to undue hardship or unnecessary suffering.

Prior to the report release, we met with the DPSU, which welcomed our feedback and acknowledged some of our findings as shortcomings in their work. DPSU representatives committed to ensuring that older people, people with disabilities, and other vulnerable groups are well-informed about their right to use priority lines when crossing the contact line. After the report's publication, one of the officials thanked us for our work on this issue.

Promoting Access to Education

Since the release of our February 2016 report [“Studying Under Fire,”](#) we continued to advocate for safe access to education in eastern Ukraine by raising these concerns with Ukraine's government, Russia-backed separatists in eastern Ukraine, Russia's government, and key international actors. In a [letter](#) to Canadian Prime Minister Justin Trudeau prior to his visit to Ukraine, we flagged attacks on and military use of schools in the east. We also advocated with Ukrainian leadership to join the [Safe Schools Declaration](#), an inter-governmental political initiative that garners support for protecting students, teachers, schools, and universities from attack during times of armed conflict.

Documenting the Impact of the Conflict on the Rights of Older People

We also investigated the effect of the conflict on older people. In a Moscow Times [op-ed](#), we conveyed the challenges that older people in separatist-controlled areas face in accessing essential goods and conveniences in the war zone. Our interviews with local women in their seventies capture the uncertainty and the loss that those remaining behind in eastern Ukraine face. Due to shelling and fighting in the street, homes of many have been destroyed or damaged. The situation of older people further exacerbated since Russia-backed rebels banned all the key humanitarian organizations, apart from the ICRC. Over the past year, we urged de facto authorities in the self-proclaimed DNR and Luhansk People's Republic to allow humanitarian groups to work unhindered in the territories under their control.

Banning the Use of Landmines and Other Indiscriminate Weapons

Despite the 2015 ceasefire, we documented the use of banned landmines and booby-traps in Ukraine. Since the start of the conflict, hundreds of people, the majority of whom are civilians, have been killed or injured as a result of these landmines. Over the past year, we continued to monitor the situation and advocate for a ban on the use of landmines and other indiscriminate weapons. In a [letter](#) to Prime Minister Trudeau, we called upon him to press the Ukrainian government to ensure that its forces do not use antipersonnel landmines, to increase demining efforts, and to investigate the use of cluster munitions throughout the conflict and prevent their use in the future.

In November 2016, we presented a [statement](#) at the annual Mine Ban Treaty meeting in Chile expressing deep concern about Ukraine being in “double violation” of the Mine Ban Treaty by missing both its stockpile destruction deadline and its mine clearance deadline. We [called](#) on Ukraine to immediately submit a mine clearance extension request.

In a Moscow Times [op-ed](#) we describe the shelling and shooting on the outskirts of Donetsk as well as government-controlled towns in eastern Ukraine. In February 2017, we received reports of Grad rockets being fired from both sides for the first time in over a year. These weapons cannot be targeted with sufficient precision to differentiate military targets from civilians and civilian structures. We [urged](#) all parties to the conflict to stop using these indiscriminate weapons, which can cause death and great harm to civilians.

B. Monitoring Crimea

Since Russia’s occupation of Crimea, Russian authorities have taken extensive strides to stifle all criticism of Russia’s actions there, particularly by Crimean Tatars. In the past year, we have closely monitored the shrinking space for this Muslim ethnic minority’s freedoms of expression and assembly.

In August 2016, a Crimean Tatar activist was charged with criminal separatism and involuntarily confined in a psychiatric hospital. Ilmi Umerov had peacefully criticized Russia’s occupation of Crimea since the beginning of the Russian administration’s persecution of Crimean Tatars. Initially, Umerov was denied access to his lawyer and his transfer to the psychiatric facility before the appeal was heard violated legal procedure. We [documented](#) the case and called for the false charges against him to be dropped. Three weeks later Umerov was released from the hospital.

In September, Russia’s Supreme Court confirmed to declare Mejlis, a Crimean Tatar elected representative body, an extremist organization and ban its activities in Russia and Russia-occupied Crimea. The Mejlis’ 33 members have been targets for threats, attacks, and home searches, and some have even received criminal charges. We [urged](#) the Russian authorities to immediately cease the persecution of Crimean Tartars.

C. Infringements on Fundamental Freedoms

Promoting Lesbian, Gay, Bisexual, and Transgender Rights

For years, Human Rights Watch has closely monitored the situation for LGBT people in Ukraine. In January, we [applauded](#) the Ukrainian government’s revisions of unnecessary

procedures to allow for legal gender recognition for transgender people. This is a small yet positive step towards recognition of transgender rights and protection from workplace discrimination against LGBT people in Ukraine.

In February, Russian LGBT activist Grey Violet and friend Victoria disappeared in separatist-controlled territory of the Donetsk region. While traveling to Donetsk to show solidarity with the LGBT community, both were detained by security services, interrogated, and beaten. Two weeks after we [advocated](#) for a prompt and effective investigation into their sudden disappearance, they were [released](#).

In another positive [development](#), the Ukrainian health ministry proposed a new official medical form that allows Ukrainians to choose whether to indicate their gender identity. This is an important step in ensuring respect for gender identity in Ukraine.

Defending Freedom of Expression and Association

Ukrainian authorities continue to curb freedom of speech and association. Over the past year, we monitored and exposed these violations. In a [letter](#), we urged Prime Minister Trudeau in his meeting with Ukrainian President Petro Poroshenko to raise the issue of repealing Ukraine's 2015 "anti-communist" legislation, which bans and criminalizes "propaganda" surrounding communist symbols and the communist party in Ukraine. This law has very negative implications for freedom of expression and association in Ukraine.

When internationally renowned Ukrainian journalist Pavel Sheremet was killed in a car explosion in Kyiv in July 2016 we published an urgent [news release](#) to journalists worldwide detailing Pavel's commitment to human rights and his public criticism of authorities. We also called on the Ukrainian authorities to carry out an investigation surrounding his tragic death.

In August 2016, we received news from threatened reporters who were targeted after correspondence from a DNR official's email account was leaked. These emails contained scans of identification documents, now available to the public, leaving journalists documenting conflict-related abuses vulnerable to harassment. We immediately [called](#) the Ukrainian authorities out on abandoning journalists' safety under the guise of this repeated invocation of treason when involvement with the self-proclaimed Donetsk and Luhansk People's Republics is in question.

We also continued to document the limitations both the [DNR security officials](#) and the [Ukrainian authorities](#) placed on the Russian independent television channel TV Rain, an outlet that has criticized the DNR leadership's policies. In November, DNR security officials detained two TV Rain journalists. In January, Ukrainian authorities banned TV Rain from broadcasting on Ukrainian cable networks, which violates freedom of expression.

D. Kyiv Office

Following a lengthy registration process, we officially opened our Kyiv office in January 2017. Based in the office are our Ukraine researcher and an operations assistant.

The opening of our Kyiv office has boosted our local presence and created new opportunities for research and advocacy. Human Rights Watch deployed staff on research

missions throughout Ukraine and conducted advocacy meetings with government officials in the capital. We met and partnered with local activists and nongovernmental organizations and reached out to national and international media through press conferences and the launch of Human Rights Watch's [World Report 2017](#).

III. STRATEGIC WORKPLAN FOR 2017-2019

Over the coming three years, we will draw on our extensive experience in the region and conduct research and advocacy throughout Ukraine. We plan to compile our findings and recommendations in reports, news releases, letters, videos, and photo essays. From our Kyiv office, we will disseminate these materials widely through the media and on social media, and advocate with the Ukrainian government and authorities, EU member states, UN agencies, and others to make changes in policy and practice that lead to rights-respecting change. We have outlined our key priorities for 2017-2019 below.

Documenting Abuses Against Civilians in the Conflict in Eastern Ukraine

Tens of thousands of people suffer abuses related to the armed conflict in the east between Ukrainian forces and Russia-backed separatists. Both sides subject civilians to torture, degrading treatment, and secret detention on suspicion of being collaborators. Rebel authorities are closing off nongovernment-held areas almost entirely from scrutiny and from foreign humanitarian organizations. Farmlands and gardens have become contaminated by landmines. Civilians also face restrictions when they need to cross the line of contact. They often wait in line for days in the cold or extreme heat. Some have even died while waiting. As the conflict in the east continues, we will monitor and research abuses on both sides of the line of contact, call out violations of international humanitarian law in the armed conflict, and bring pressure on the warring parties to minimize civilian harm.

Exposing Arbitrary Detentions, Enforced Disappearances, and Ill-treatment of Detainees

We will continue to urge de facto authorities in self-proclaimed Donetsk People's Republic and Luhansk People's Republic and their Russian backers to put an end to arbitrary incommunicado detentions and ill-treatment of detainees. We will continue to draw attention to these abuses and press Ukraine's government to meet its international human rights obligations, ensure accountability over the use of secret detention by the security services, and promote justice for the victims.

Monitoring Crimea

Over the coming three years we will continue to shine a spotlight on the pervasive climate of fear and repression in Crimea and to closely monitor the human rights situation of the Crimean Tatar minority. We are planning a mission to Crimea in April 2017 to focus on, among other aspects, abuses against local residents who refuse to take Russian citizenship. We will document and expose the violations in news releases and a report and will urge key international actors to keep Crimea's drastically deteriorating human rights situation high on their agendas.

Protecting Freedom of Expression and Media

Ukraine has seen some positive developments for freedom of expression and media in the past year, including an open data law passed in April that encourages government agencies to open their records and regularly share information with the public. Yet, the government

continues to take controversial steps restricting media freedom, justifying them mostly by the need to counter Russia's anti-Ukraine propaganda. Over the coming three years, we plan to conduct substantial research on media restrictions in Ukraine and harassment of journalists. We will step up local and international advocacy, especially with EU member states, while still engaging with the United States where possible.

Promoting Lesbian, Gay, Bisexual, and Transgender Rights

Over the past year, Ukraine has taken several positive steps toward the protection and inclusion of the country's LGBT community. We will continue to monitor the situation for LGBT people closely and will flag our concerns in advocacy meetings with Ukrainian officials. We will also continue to closely monitor the legal gender recognition policy revision process and respond to incidents as they arise.

Banning the Use of Landmines and Other Indiscriminate Weapons

We will continue to raise our concerns about the use of landmines and other indiscriminate weapons in Ukraine that amount to violations of the laws of war. We are planning new research in Ukraine in May 2017 and hope to release a report of our findings later in the year. We will reach out to the Ukrainian Ministry of Foreign Affairs and other significant actors to discuss our findings and recommendations.

Pressing for Accountability for Past Abuses

The government has brought to trial some proto-fascist Ukrainian armed battalions accused of serious crimes in the armed conflict and hardline Ukrainian nationalists accused of political violence. Yet, during the trials ultra-nationalists disrupted proceedings and intimidated judges and defendants. Unless the government takes robust measures to protect judges and defenders, ultra-nationalists will become further emboldened to severely undermine justice. Through various advocacy meetings and materials, in the coming years, we will continue to press for accountability for past abuses.

International Advocacy

From our offices in Brussels, New York, Geneva, and elsewhere, we will hold advocacy meetings with Ukraine's allies to leverage their influence with the Ukrainian government on a range of issues, especially to ease conditions for civilians at border crossings; to ensure freedom of expression in the country; and to ensure accountability for abuse in detention. We will urge the EU and other international partners that have provided millions of euros to support Ukraine's anti-corruption reforms to persuade the government to revise new anti-corruption legislation adopted at the end of March 2017 that in fact targets NGOs.

Kyiv Office

Through our base in Kyiv, we will continue to strengthen our presence in Ukraine. We will increase our media outreach and respond to advocacy opportunities with the government and local authorities. We will continue to work closely together with local civil society activists, political actors, humanitarian groups, and human rights organizations, all of whom very much welcome our presence there. We will amplify their voices and work together to push for rights-respecting change in Ukraine.

IV. WHY HUMAN RIGHTS WATCH'S PRESENCE IN UKRAINE IS VITAL

- **Our work is needed:** Speaking out about human rights issues, such as accountability for the most horrific abuses by ultra-nationalist battalions in Ukraine, can be too sensitive and dangerous for local groups alone to pursue. Yet, an international group like Human Rights Watch is well positioned to do so, as it would be more difficult for authorities to suppress a large international organization.
- **We have leverage:** We work very well with Ukrainian human rights groups and have a unique advantage in the reach of our international advocacy. We can take our research to Ukraine's strongest allies to push for change. Ukraine's political leadership knows the value of the massive political, financial, and military support it receives from the US and the EU and that it needs this support to strengthen its position vis-a-vis Russia. This makes it possible to have inroads for change.
- **We achieve impact:** Through our July [report](#) on secret detention we have shown that we can have impact in Ukraine. In response to our findings, the authorities released 13 people. Yet, more needs to be done to address the problem of secret detention and other human rights violations in Ukraine.
- **We urge the upholding of rights:** The success of Ukraine as a country with an accountable government is vital for its political future. If it does not uphold rights, it could face another Maidan-style revolt. With an office on the ground, and through our documentation, we have an important role to play in pressing Ukraine to protect rights.
- **We combat propaganda effectively:** Ukraine remains a target of the propaganda war in Russia. We have a credible and authoritative voice in Ukraine and our facts and brand of reporting are crucial to dispel propagated myths. We also have a strong record of fighting propaganda by addressing shortcomings, rather than denying the facts.
- **We support local civil society:** With an office in Kyiv, we have significantly strengthened our partnerships with Ukraine's human rights community. Our local presence creates many new opportunities to make a difference, for instance, by coordinated efforts and a more targeted advocacy approach to push the government for change.

V. CONCLUSION

Human Rights Watch is deeply grateful for TOBAM's generous support, which has enabled us to hold the Ukrainian government and de facto authorities in eastern Ukraine accountable for their abuses and further expand our work in the region.

With our new presence on the ground we are committed to defending human rights and promoting justice in Ukraine for the long term. Our ability to carry out this work results directly from investments by our close community of supporters, including TOBAM. To better plan and prioritize our work in Ukraine over the coming years, we need dedicated multi-year funding and we hope to count on your continued partnership in the years ahead. Thank you for being a strong partner in defending human rights in Ukraine.