

**JUSTICE FOR PEACE
IN DONBAS**

*Coalition of Human Rights
Organizations*



**EASTERN-UKRAINIAN
CENTER FOR CIVIC INITIATIVES**

PLACES OF ILLEGAL DETENTION

**IN EASTERN UKRAINE DURING
THE MILITARY CONFLICT**

**HDIM
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AUTHORS

Volodymyr Shcherbachenko

Ganna Ianova

Olexandr Pavlichenko

"JUSTICE FOR PEACE IN DONBAS" COALITION

The Coalition was established in December 2014 and includes 17 NGOs, mainly from the Ukrainian regions of Donetsk and Luhansk.

The Coalition members are:

Alchevsk Human Rights Analytical Centre, Centre for Civil Liberties
/ Euromaidan SOS, Civic Organization "Kharkiv Human Rights Protection Group," Donbas SOS,
Donetsk "Memorial," Eastern-Ukrainian Centre for Civic Initiatives, Ecological and Cultural Centre
"Bakhmat," Human Rights Centre "Postup" / Vostok SOS, Luhansk Regional Human Rights Centre
"Alternative," Luhansk Rights Defence Group, Public Committee for Protection of Constitutional Rights
and Freedoms of Citizens, Public Movement "Ochyshchennya," Public Organization "Mirny bereg,"
"Social Action" Centre NGO, Starobilsk District Public Human Rights Women's Organization "Victoria,"
Starobilsk Public Organization

CONTEXT

The armed conflict in Eastern Ukraine led to numerous gross and systemic violations of human rights on the territory of the Donetsk and Luhansk regions, in particular the establishment of a network of illegal detention places by Ukrainian army and Russia-backed separatists.

International human rights law and international humanitarian law prohibit arbitrary detention.¹ Common Article 3 of the Geneva Conventions, applicable in both international and non-international armed conflicts, requires that persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed 'hors de combat' by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, whereas arbitrary deprivation of liberty is not compatible with this requirement.²

Even though the intensity of the fighting in Eastern Ukraine has decreased in 2015-2016 in comparison with the beginning of the conflict in 2014, arbitrary deprivation of liberty is still a common and widespread practice as of today.

According to paragraph 6 of the Package of Measures for the Implementation of the Minsk Agreements, release and exchange of all hostages and unlawfully detained persons, based on the principle "all for all" should be finished at the latest on the 5th day after the withdrawal of the heavy weapons. The text emphasizes the fact that people are detained unlawfully.

Unfortunately, as of today there is no legal basis for the exchange. It is carried out in a non-transparent way without defined rules and procedures, which leads to violations of the rights of those detained. People are held in captivity without a court decision and in places which are not equipped for these purposes. They do not have the possibility to appeal against the deprivation of liberty on the territory temporarily outside of Ukraine's control.

The Coalition "Justice for Peace in Donbas" has paid considerable attention to places of illegal detention in Donbas and published the report "Surviving hell: Testimonies of Victims on Places of Illegal Detention in Donbas" dedicated to this problem last year. Due to the fact that the problem remains relevant the Coalition continues monitoring and documenting its instances.

Furthermore, in March 2015 UN Human Rights Monitoring Mission for Ukraine stated that the break down in law and order in areas controlled by the armed groups accommodates persistent violations of the rights of civilians, including abductions, arbitrary detention, beatings and alleged torture .

In June 2016, the Office of the United Nations High Commissioner for Human Rights in its report asserted that „arbitrary deprivation of liberty has reached an unprecedented scale in the territories controlled by the armed groups, with a broad network of unrecognized detention facilities“.³

The recent report published in July 2016 by Amnesty International and Human Rights Watch investigated cases of arbitrary detention of civilians by Ukrainian forces, including volunteer battalions . Cases analyzed by these organizations indicate that the individuals were arbitrarily detained and later exchanged for persons held by separatists or released without trial.

Taking it into consideration, the goal of the study conducted by the Coalition was to document gross violations of human rights in relation to illegal detention in the zone of the anti-terrorist operation, in particular obtain maximum information about these places, their location, general characteristics, and categories of detainees for further investigations and prosecution by national as well as international authorities.

¹ Rule 99 of the ICRC's catalogue of rules of customary international humanitarian law: ICRC, Customary IHL, 'Rule 99. Deprivation of liberty'; Article 9(1) of the International Covenant on Civil and Political Rights; Article 5 of the European Convention on Human Rights.

² ICRC, Rule 99. Deprivation of Liberty

³ Office of the United Nations High Commissioner for Human Rights, Report on the human rights situation in Ukraine 16 February to 15 May 2016, available at: www.ohchr.org/Documents/Countries/UA/Ukraine_14th_HRMMU_Report.pdf

MONITORING METHODOLOGY

Monitoring results presented in this report are a continuation of the study on places of illegal detention started by the Coalition in Spring 2015. The outcome of the previous study was the report "Surviving hell: Testimonies of Victims on Places of Illegal Detention in Donbas" based on the testimonies of 160 former detainees. It was presented at the HDIM 2015. Unfortunately, this problem is still of vital importance, hence the members of the Coalition continue collecting relevant data on this topic. The main methods of collecting data are semi-structured interviews with former detainees/prisoners of war as well as desk research.

The interviews were conducted during monitoring visits to places of detention on the liberated territories as well as by the monitors in other regions of Ukraine. As of August 2016 more than 246 interviews were conducted with people who were arbitrarily detained in Eastern Ukraine, among them 238 interviews with people who were illegally detained by separatists and 8 interviews with people apprehended by the Ukrainian army. Within these interviews, 167 interviews are with civilians and 79 interviews - with military.

This paper examines the situation with illegal detention facilities in Eastern Ukraine. In particular, it presents updated figures on the places of illegal detention identified during the monitoring and approximate data on the number of people held there during different periods of time from 2014 to February 2016.

Unlike the previous report "Surviving hell: Testimonies of Victims on Places of Illegal Detention in Donbas," this study provides information on places of captivity established by both sides of the conflict (the majority of which were established and controlled by pro-Russian separatists, Russian military personnel and mercenaries).

Updated information is based on the last year's results and new evidences collected by the members of the Coalition "Justice for Peace in Donbas" (in particular, Eastern-Ukrainian Centre for Civic Initiatives, Public Committee for Protection of Constitutional Rights and Freedoms of Citizens, Human Rights Centre "Postup" / Vostok SOS, Alchevsk Human Rights Analytical Centre), as well as its partners (NGOs "Moloda Prosvita" from Ivano-Frankivsk and Human Rights Group "Sich" from Dnipro).

This brief was prepared by the analysts from Eastern-Ukrainian Centre for Civic Initiatives in cooperation with experts from Civil Organization «Kharkiv Human Rights Protection Group» and Human Rights Centre "Postup" / Vostok SOS.

MONITORING RESULTS

As of August 2016, on the basis of 246 interviews conducted with those who were arbitrarily detained during 2014-2016, 146 places of detention (139 out of 146 places established by separatists) were identified by their address or detailed description provided by former detainees, in 40 cities or near these cities. Among them 79 detention places are in the Donetsk region, 62 - in the Luhansk region, 1 place in the Kharkiv region and 1 place in Dnipro.

As a result of monitoring, 23 localities were identified in the Donetsk region: Donetsk, Horlivka, Toretsk, Dokuchayevsk, Debaltseve, Druzhkivka, Kostiantynivka, Kramatorsk, Ilovaysk, Makiyivka, Slovyansk, Snizhne, Starobesheve, Torez, Khartsyzk, Shakhtarsk, Yasynuvata, Olenivka (Volnovakha district), Novokaterynivka village (Starobeshiv district), Kodema village (Bakhmut district), Zaitseve village (Bakhmut district), Chervonosilske village (Amvrosievsky district), Dzerkalne village (Amvrosievsky district), Debaltseve, Torez, Khartsyzsk, village of Kodema (Bakhmut district), village of Zaitseve (Bakhmut district), village of Chervonosilske (Amvrosievsky district) are new locations in comparison with the previous study made by the Coalition.⁴

In the Lugansk region 17 localities were identified, in particular Luhansk, Alchevsk, Antratsyt, Krasny Luch, Krasnodon, Lysychansk, Perevalsk, Pervomaisk, Rovenky, Sverdlovsk, Severodonetsk, Stakhanov, Mykhailivka

⁴ See. The Coalition "Justice for peace in Donbas", Monitoring report „Surviving hell: Testimonies of Victims on Places of Illegal Detention in Donbas”, Kyiv 2015, available at: <https://jfp.org.ua/rights/analytika/reports/coalition>

(Perevalsk district), Sentyanivka (Slovianoserbsk district), Verhnoshevyrivka village (Krasnodon district), Volnukhine village (Lutuginskiy district), Administratyvne village (Alchevsk). In comparison with the previous research,⁵ information was received about such new localities as: Pervomaisk, Verhnoshevyrivka village (Krasnodon district), Volnukhine village (Lutugino district), Administratyvne village (Alchevsk), Polovinkine village (Starobilsk district), Privillya, Lysychansk.

One place of illegal detention was identified in the field camp in the Dovhenke village (Iziumskyi district, Kharkiv region) and another in the city of Dnipro at the premises of hospitals. Both places were functioning in 2014.

■ PLACES OF ILLEGAL DETENTION ON THE TERRITORY TEMPORARILY OUTSIDE OF UKRAINE'S CONTROL

As a result of the monitoring, different types of illegal detention facilities with different number of detained persons were identified. Among the places with the largest number of illegally detained persons during 2014-2016 in the Luhansk and Donetsk regions, there are:

- Directorate of the State Security Service of Ukraine (SSU) in the Donetsk region (Donetsk, 62 Shchorsa str.). According to the testimonies, the largest number of people who were held there at the same time is 202 persons. However, given that there are different premises in the building of the SSU (archives, basements, shelter), the total number of people can be higher. According to the testimonies, the largest number of people was detained there from August 2014 to May 2015.

"We follow every order, as we were controlled on a constant basis, and some of the separatists were always with us. When you did not follow the order, you were mistreated and beaten." (Case C-123)

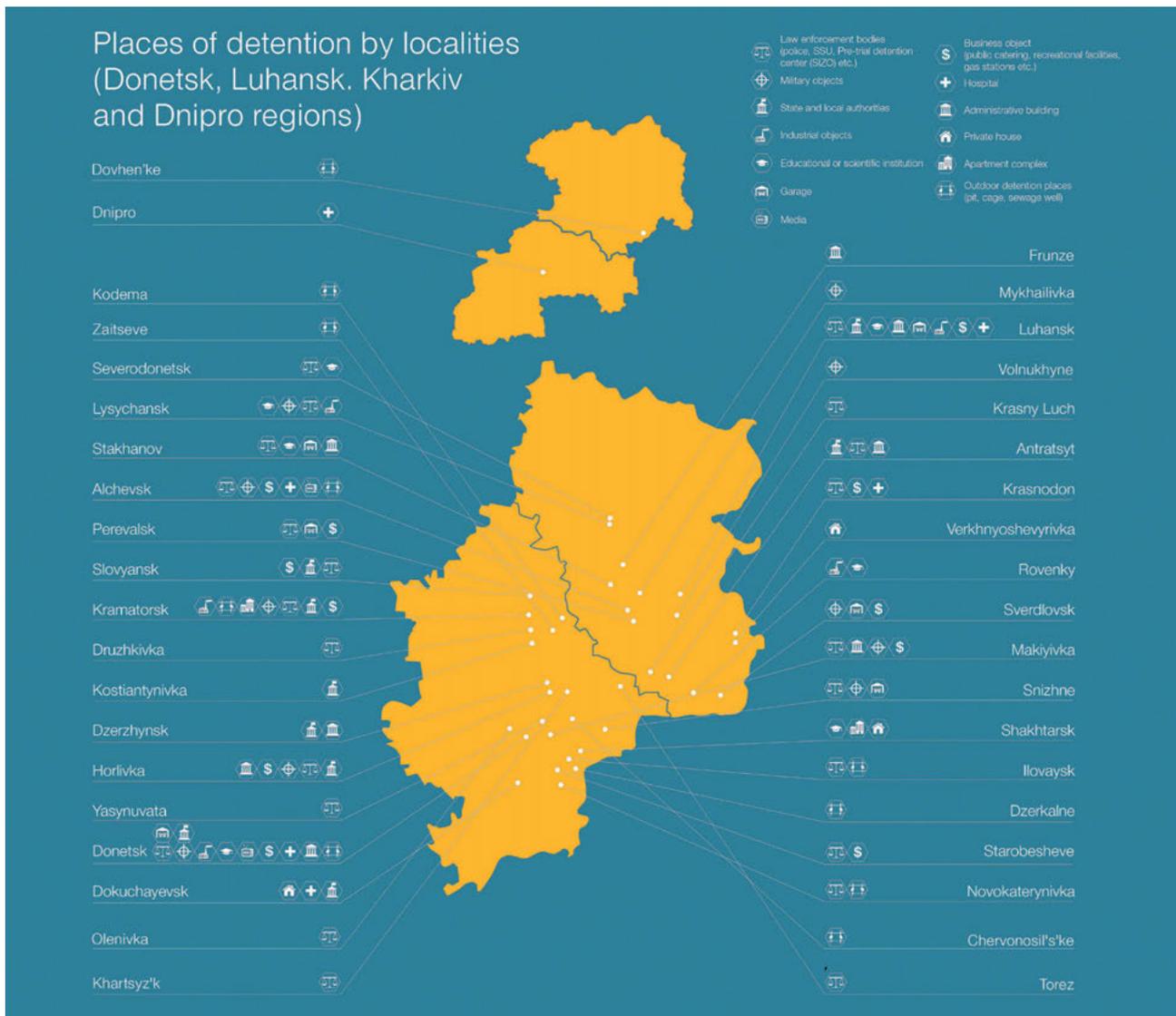
"[...] a cell was in the basement of the house. It was the former SSU [the State Security Service of Ukraine] archive with approximately 30 detained prisoners - soldiers and civilians [...] The cell was about 4 by 8 meters in size. It has three windows, lighting, fluorescent light, the fridge, the kettle and ventilation. Drinking water we were taking from the toilet by plastic bottles." (Case C-238)



⁵ Ibid

- Former military base of the internal armed forces № 3037 (Donetsk, Kuprina str. 1). According to the testimonies, the largest number of people who were held there at the same time is 190 persons. However, given that there are different premises in the building (basements, armory), the total number of people can be much higher. According to the testimonies, the largest number of people was detained there during September-October 2014.
- “Isolyatsiya” factory (Donetsk, 3 Svitloho Shlyakhu str.). According to the testimonies, the largest number of people who were held there at the same time is 190 persons. However, given that there are different premises in the building (basement, washhouse, warehouse, shelter), the total number of people held there can be higher. According to the testimonies, the largest number of people was held there during August-September 2014.
- Reward prison near Southern Bus Station (Donetsk). According to the testimonies, the largest number of people who were held there at the same time between April and May 2014 was 400 persons.
- Ilovaysk police station (Donetsk region, Ilovaysk). According to the testimonies, the largest number of people who were held there at the same time is 83 persons. However, given that there are different premises in the building (former shooting gallery, cells of temporary holding facilities), the total number of people held there at the same time can be higher. According to the testimonies, the largest number of people was detained there between September 2014 and January 2015.
- Different locations near Ilovaysk and Starobesheve during the battle of Ilovaisk when soldiers of the Armed Forces and volunteer battalions were detained before the exchange or transfer to the SSU Directorate in Donetsk. According to the testimonies, the largest number of people who were held in this area at the same time is 400 persons. All testimonies concern August 2014. People were held afield, in the cavities or pits. Approximately the same detention conditions were in Dzerkalne (80 persons in August 2014), Chervonosilke (110 persons in August 2014), Novokaterynivka (168 persons in August 2014).
- Snizhne city department of the Main Directorate of the Ministry of Internal Affairs of Ukraine (MIA) in Donetsk region (Donetsk region, Snizhne, 2 Militseyska str). According to the testimonies, the largest number of people who were held there at the same time is 220 persons. People were held in the cells of temporary holding facilities, garages during September 2014 - January 2015.
- Directorate of the State Security Service of Ukraine (SSU) in the Luhansk region (Luhansk, 79 Radyanska str). According to the testimonies, the largest number of people who were held there at the same time is 200 persons. People were detained in basements, archives, office rooms, shooting gallery and cells, predominantly between June 2014 and February 2015.
- Vehicle sheds near the former “Kokhana” shop (Luhansk, 10A Heroyiv Velykoyi Vitchyznyanoyi Viyny square.) According to the testimonies, the largest number of people who were held there at the same time is 52 persons. People were detained in basements and in garages, predominantly during the period between June and August 2014.
- Luhansk regional state administration (Luhansk, 3 Heroyiv Velykoyi Vitchyznyanoyi Viyny square). According to the testimonies, the largest number of people who were held there at the same time is 70 persons. People were detained in the basement. The received testimonies concern the period between July and September 2014.
- Zhovtneve district council of Luhansk (Luhansk, 14a 31st quarter). According to the testimonies, the largest number of people who were held there at the same time is 39 persons. People were detained in the basement and in office rooms. The received testimonies concern the period between September and October 2014.

“The light was always on. They gave food once a day at 16:30. [...] We were allowed to do to the toilet in the morning and in the evening. If you want to go [to the toilet at night] - there were bottles [...]”. (Case C-172)



- Boarding school № 1 (Stakhanov, either Matrosov str. or Palamarchuk str). According to the testimonies, the largest number of people who were held there at the same time is 120. People were held in the basement and cells. Testimonies are mainly about the period between July and August 2014. In October, the number of detainees decreased to 25 persons.
- Alchevsk joint military enrolment office (Luhansk region, Alchevsk, 35 Horkoho str). According to the testimonies, the largest number of people who were held there at the same time is 50 people. Testimonies are mainly about the period between July and September 2014. People were held in the basement and a class for civil defense.
- Dormitories of Volodymyr Dahl East Ukrainian National University (Luhansk, 20-A Molodizhnyi quarter). According to the testimonies, the largest number of people who were held there at the same time is 100 persons. Testimonies are mainly about the period between July and November 2014. People were held in the basement and other premises of the university.
- Voluntary Association for Assistance to Army, Air Force and Navy (Rovenky, Shchorsa str. across the building № 49). According to the testimonies, the largest number of people who were held there at the same time is 80 people. Testimonies obtained by the Coalition are mainly about the period between August and October 2014.

- Directorate for Combating Organized Crime of Stakhanov city department of the MIA on the Luhansk region (Stakhanov, 48 395 Shakhtarskoi dyvisii str.). According to the testimonies, the largest number of people who were held there at the same time is 280 persons. People were held in sheds, garages, and cells. Testimonies are mainly about the period between June and August 2014. In August 2014, the number of detainees decreased to 40 persons.

"I had my period there but first-aid post did not even have what we need for feminine hygiene, fortunately the girls gave cotton wool and bandages." (Case C-90)

The places of illegal detentions can be divided into two categories:

- Those with certain conditions for detention of persons deprived of liberty and equipped for these purposes, in particular temporary holding facilities in occupied cities; remand prisons, premises of law enforcement bodies (district and city units of MIA, designed and always used for detaining people).
- Those that were not equipped for holding people in custody and did not meet the standards for conditions of detention (e.g. basements, vehicle shed, archives, cages, pits)

According to the testimonies of the released detainees collected during 2015-2016, the vast majority of people were held in maladjusted locations. These places did not meet any standards of detention, as they were not designed for detaining people. Detainees were held in the frowzy rooms with no or little daylight (usually detained people are held in the basement) and were not allowed time in the open air. They slept on wooden benches, pallets, rags and often took drinking water from toilets using plastic bottles. In the bulk of cases, a bucket or plastic bottles were used as a toilet. In some cases, people were taken to the toilet according to the schedule.



"The basement has the earth floor. There was one chair and some stuff on the floor on which we sat. We were sleeping at the same dusty rags. It was almost impossible to draw yourself up to your full height, the room was about 2 by 3 meters in size, at most. In the upper-right corner was a hole and a passage for communication lines. It was the only possible aperture for ventilation. Through it, we could hear the sounds of beatings and screaming as there was a basement nearby. The iron door was tightly closed. There was no toilet. We used plastic bottles. No light. We were in permanent darkness." (Case C-187)

"There was a clock near the place where I was. I was taken out for a smoke at 12.00 and the bell was telling the hour. I was detained in the basement of a multistory office building. [...] I was alone. It was the ground floor without windows. First, I slept on a wooden pallet. The basement had opened in the morning, so I was able to take out the toilet bucket. The toilet was on the first floor. Sometimes I was fed 3 times a day, sometimes once, sometimes I was not given food at all. The food was bad, porridge, mainly barley, pasta. There were no walks allowed. During the whole detention period [05.11.2015 - 20.02.2016] I was taken out twice only for a few minutes to smoke." (Case C-239)

At the same time, the facilities which were designed to hold people were more “comfortable,” e.g. the cells of the remand prison in the archives of the Security Service of Ukraine in the Donetsk region.

"[...] a cell was in the basement. It was the former State Security Service of Ukraine archive with approximately 30 detained prisoners - soldiers and civilians ... The cell was about 4 by 8 meters in size. It has three windows, lighting, fluorescent light, the fridge, the kettle and ventilation. Drinking water we were taking from the toilet by plastic bottles." (Case C-238)

The interviews collected during 2015-2016 show that among the most common reasons of illegal apprehension and detention, there are:

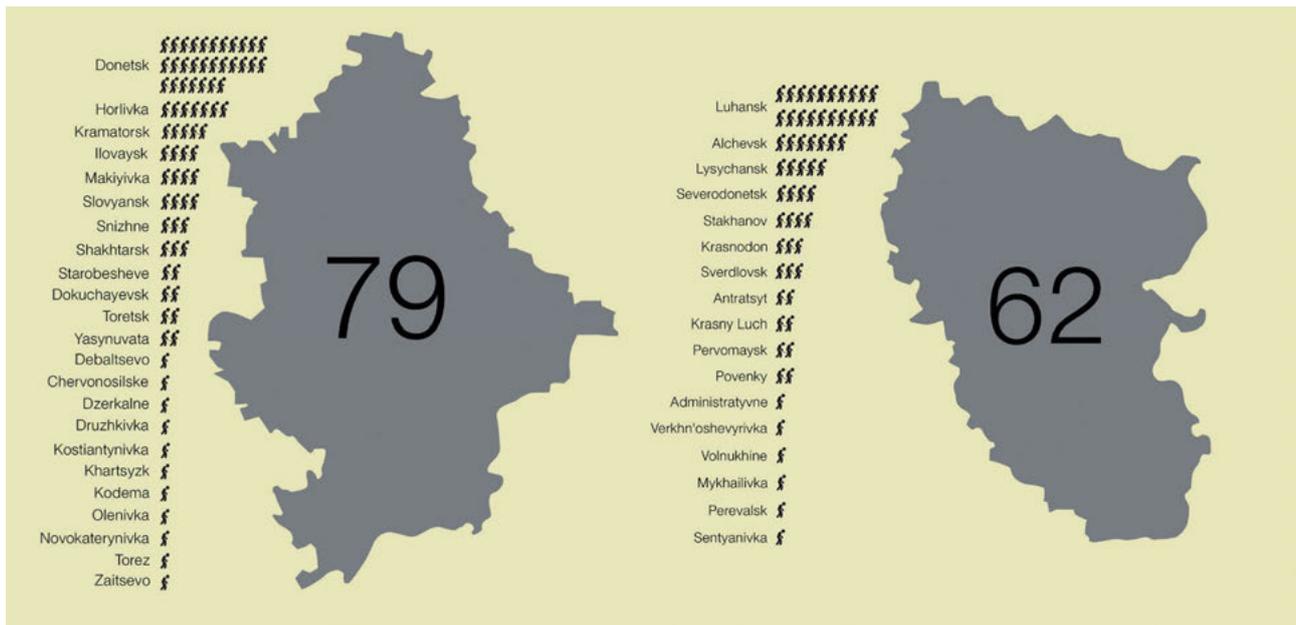
- curfew violations, suspicion of drugs or alcohol consumption (the most common reason for detention, usually used to threaten the population),
- political views and suspicion of supporting Ukrainian Armed Forces and volunteer battalions (the second most common reason),
- extortion (monitors documented cases of abduction for ransom),
- belonging to Ukrainian Armed Forces and volunteers battalions. In these cases the detention is conducted for ransom, exchange and recruitment.

Despite differences in circumstances and procedure of apprehension deprivation of liberty on the territories controlled by the so-called DPR and LPR took place with no respect for any legal norms and no access to justice. Moreover, in the places of illegal detentions established by the separatists people were subjected to torture, inhuman and degrading treatment:

"They are beating him all the time, and they are beating him, [they] dragged [...] they close the door, but there is a split in a door, and everything is well audible. ... When he was dragged, he tried to say something, but then he was just beaten, and he just moans and screams, and howls. But it is so terrible, it's so scary when you hear that somebody is hurt, than I cannot say what was worse - when they beat me, or when he was beaten." (Case C-148)

"[...] I was taken to the basement, when the old man was taken out. Then from behind me I heard when this man shouted "Glory to Ukraine" after which I heard the shots [...] I turned around and saw that the man fell down to his knees [...] I heard that they started saying, "[he is]done, done for," as I understand he was killed" (Case C-155)

"Among the types of torture [...] there was a body of the army truck, where there was a compartment, most likely for tools. [...] they put all newly arrived there. We were thrown there together, it was close-bodied; we were beaten [...] we had to spin all the time. [...] we were changing positions all the time. The worst part was during the day, as everything was made red-hot by the sun and you lose consciousness." (Case C-234)



ILLEGAL APPREHENSION AND DETENTION ON THE GOVERNMENT-CONTROLLED TERRITORY

Among all interviews collected by the Coalition “Justice for the Peace in Donbas,” eight interviews document the facts of illegal apprehension and arbitrary detention of civilians by Ukrainian army, in particular by volunteer battalions and the National Guard of Ukraine. The events took place from 2014 until the first half of 2015. Preliminary estimations made on the basis of the interviews show that approximately 40 persons were deprived of liberty during the reported period. Among them, there were different categories of persons.

The first category are those who were suspected of sympathizing with the separatists. For instance, the Coalition documented the fact of arbitrary detention of a journalist and a former employee of special services of the USSR, who were suspected of sympathizing with the separatists. Their detention lasted for less than 2 days and was accompanied by less severe injuries, threats with firearms, gender-based violence, forced locking of arms and legs, confiscation of property. One person was held in the local police station, another was moved out to an illegal place of captivity in another region. Both detainees were released, and the confiscated property was returned in a damaged state. One of the victims has initiated legal proceeding against the commanders of the volunteer battalion that detained him.

Another example of detainees are residents, a man and a woman, of the frontline that were arbitrarily detained in the Novoaidarsky district of the Luhans'k region by the members of the Security Service of Ukraine. According to the obtained testimonies, the man was tied up, beaten and interrogated for several hours. His wife was held in an empty house for a few hours, without any information either about the reason for detention or the whereabouts of her husband. The woman was released and the man was found in a few days.

The second category is Ukrainian journalists and volunteers, who were apprehended and arbitrarily detained due to suspicions of espionage. The Coalition documented the case where the detention was accompanied by less severe injuries, threats with firearms, forced locking of hands, inability to go to the toilet for several hours and lack of access to water. Detained people did not complain to the law enforcement authorities.

Moreover, sometimes arbitrary detention was aimed to hide a crime or receive a ransom. For instance, in one of the cases a young woman was abducted and temporarily detained for a ransom by the soldiers of the Armed Forces of Ukraine. Her detention was accompanied by psychological and physical violence as well as less severe injuries. The investigation is conducted into the case, but the victim emphasizes the reluctance of the law enforcement officers to punish those responsible. Another example is a soldier of the “Aidar” battalion who was arbitrarily detained by the members of the battalion. According to the testimonies, the soldier noticed that the man, who was ordered to be questioned due to allegations of separatism, was severely beaten and needed medical aid. The soldier’s request to provide medical help was ignored and the man died. He was detained and

accused of murder. No investigations were conducted into the fact of his death or illegal detention.

Besides the mentioned cases, the monitors have received other information about arbitrary deprivation of liberty by Ukrainian side, but the victims and witnesses refused to document the evidence due to the fear of retaliation.



*"They opened the trunk of a car [...]They put me in the trunk. I told myself: "It is better not to remember anything." They threatened me: "If you go to the police – everyone is doomed, everyone from your family, we will kill everyone and we will kill you if you go to the police."
It turns out they were scared, they constantly talked about it".(Case C-151)*

During the period of active hostilities in 2014, civilians were arbitrarily detained by the units of the Armed Forces, the State Security Service of Ukraine and volunteer battalions in the Luhansk, Donetsk, Kharkiv and Dnipropetrovsk regions. Such places were functioning in the Armed Forces locations – Dovhenke village (Iziumskyi district, Kharkiv region); Kramatorsk airport in the Donetsk region; on the territory of the hospital in Dnipro - and volunteer battalions – Polovynkyne village (Starobilskyi district, Luhansk region); Lusychansk, Pryvillia and Shchastia (Luhansk region). Among those who were arbitrarily detained, there are: those who took active part in hostilities; those who were suspected of assisting the separatists; those who supported military intervention in Ukraine; and the fighters of Ukrainian volunteer battalions and Armed Forces.

The practice of temporary detention of locals became common during the liberation of the occupied territories of Donbas and preventive actions at the front-line and checkpoints, and could be accompanied by the use of violence. These events mostly took place between 2014 and early 2015.

Whereas data collected by members of the Coalition requires elaboration, preliminary observations point to the practice of arbitrary detention, inhuman treatment and torture in the ATO zone and surrounding areas. The latter did not have a widespread character. It was used during interrogations in order to reveal subversive activities and obtain strategic military information; the settling of scores between military personnel of the same unit; and reaping the benefits. Torture and arbitrary detention were not used as a tool for political pressure on the local population.

As of today, the most flagrant violations of human rights, inter alia, torture, sexual violence, murder have been investigated. However, there is a high level of distrust for the law enforcements authorities among the victims and witnesses of violence committed by Ukrainian army.



RECOMMENDATIONS

- To ensure effective investigation of arbitrary detention on the territory temporarily outside of Ukraine's control as well as the government controlled area.
- To develop an effective and transparent course of action for the release of hostages from the territory temporarily outside of Ukraine's control.
- To document all cases of arbitrary detention of civilians and military in Eastern Ukraine.
- To develop and implement a program of state aid to civilians who were held in places of illegal detention, in particular on the territory temporarily outside of Ukraine's control, for political reasons (support of Ukraine's territorial integrity, democratic rights and freedoms) and due to the support of Ukrainian Armed Forces.

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