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Extra-judicial and judicial methods and forms of “law implementation” used by the eastern Ukrainian “People’s Republics” “law enforcement agencies” in the period 01.06.2015 – 01.06.2016

IMPRINT

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Project
"European Support for the Effective Monitoring
of Human Rights in Eastern Ukraine"



The project "European Support for the Effective Monitoring of Human Rights in Eastern Ukraine" is being implemented in partnership with the following non-governmental organizations:



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Implemented with support from the Federal Foreign Office of Germany



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Foreword

An important key to understanding the armed conflict in eastern Ukraine lies in the self-proclaimed “People’s Republics”. How do the “authorities” function and what rules the politics in these regions? Who determines the political process and what objectives are pursued? What determines the daily life of their inhabitants? Are the fundamental rights in the “People’s Republics” protected?

Since access to the “People’s Republics” for independent journalists and international observers is blocked, investigative research, appraisal of internet sites and social networks and academic analyses are of paramount importance. In order to contribute to a greater transparency regarding the developments in eastern Ukraine, the project “European Support for Civic Monitoring in Eastern Ukraine” presents the following analysis of political scientist and historian **Nikolai Mitrokhin**.

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Introduction

Below is a text focused on the use of quasi-legal and extra-legal mechanisms of governing carried out by the “official authorities”, “law enforcement agencies” and other armed structures in the politically newly formed entities in the east of Ukraine, called the “Donetsk People’s Republic” (DPR) and the “Luhansk People’s Republic” (LPR). Their names are often grouped together (including by the author of this report) and called the LDPR. In the official terminology of Ukraine, they are also called “Certain areas of the Donetsk and Luhansk Regions” (ORDLO). The LDPR, with the help of the Russian army and intelligence services, control roughly 30% of the territory of the Donetsk and Luhansk regions of Ukraine, including both regional centres. According to official statistics from the authorities, 3.8 million people live there,¹ according to unofficial data from the same authorities and provided to Russian journalists, this figure is up from 2 to 2.5 million people in the middle of 2015.² These people predominantly live in gigantic agglomerations (mining and industrial) stretching from Donetsk and Horlivka to the towns of Krasnodon and Stakhanov on the Ukrainian-Russian border. The closest equivalent in Europe is the Ruhr valley region. The specific nature of these new administrations is the unlawfulness of their existence from the standpoint of international and Ukrainian law and their de facto submission to control by Russian authorities.

However, in contrast to Crimea, which was occupied in February-March 2014, where the Russian Federation constructed its own state structures, in matters of internal governance, the LDPR have a greater degree of independence. This includes “law enforcement practices”. Furthermore, it is not only confined to the actions of official agencies in the newly formed administrations, but also their “law-enforcement” and “judicial” bodies. Moreover, at least until the middle of 2015, and in some places until the end of 2016, the LDPR administration had the nature of a “matryoshka doll”. This meant, that in many towns and districts, the heads of institutions and the “law and order agencies” under their control, in fact had no control or local “field commanders” significantly limited it.

The system of such institutions was originally established in the course of armed hostilities, but the dynamic changes that are now occurring (as we will see in this investigation), as well as the political processes in the LDPR influencing these changes, have rarely been the subject of systematic analysis. The reason for this is that, on the one hand, there is an abundance of current information about the gross, large-scale and systematic violations of human rights as part of “law enforcement” and by other powerful (the army, emergency services) and “state” agencies of the LDPR.³ On the other hand, there is a significant deficit of information

about the process of decision making in the LDPR and the reasons for carrying out one or another campaign of human rights violations. Finally, organizations who collect and systematize such information, as well as journalists, who criticize the conditions in the new administrations are subject to systematic persecution by the LDPR.

This investigation covers the period from 1 June 2015 until 1 June 2016. This period is important because at the end of spring 2015, in the territories of the Donetsk and Luhansk regions, temporarily occupied by the Russian army and acting with the support of the ranks of the so-called "separatists" (who consist to a significant degree, if not predominantly, of Russian citizens and are often sponsored by citizens of the Russian Federation⁴), the active phase of the armed struggle for power between field commanders largely came to an end. Its peak had been reached in the first months of 2015.⁵ Thanks to forced disarmament of a significant part of some groups and the fusion of others into a regular armed forces under the full control of the Russian Federation (the so-called "People's Militia", combined into the 1st (DPR) and 2nd (LPR) corps of the "Novorossia army", a certain level of internal stability and relative unity of command was achieved. A large part of the Russian "volunteers" returned to the Russian Federation, replaced by permanent residents of the region, who came to work as soldiers. Since July 2015, the leadership of the LDPR has been completely pushed aside and operative control of the armed forces has been entirely handed over to generals and officers of the Russian army – at the level of centralised command, as well as the level of many major divisions. By now in the LDPR, the practice of direct and large-scale criminal terror towards the population has largely stopped. (The first paragraph of the first part of the investigation details this process).

Violence towards the population by "official authorities" of the LDPR has taken on a largely ordered and systematic character and has quasi-lawful forms, that do not exclude the right to use extra-legal violence towards the population and rivals in the name of the LDPR, on the command of military units, Russian intelligence services and private Russian military companies.

The aim of this study is the analysis of "law enforcement practice" of the "law enforcement system" of the LDPR in the yearlong period, as well as a study of legislative innovations in this area.

The research is based on monitoring of periodicals of the LDPR (mostly websites created by the "official authorities" on the occupied territory of Donbas and groups connected to them), websites of various opposition groups carrying out their activities in the territory of the LDPR, personal pages on social networks (mostly Facebook, LiveJournal and VKontakte), Russian and Ukrainian online media (including those which have their own correspondents in the region) and sites of Ukrainian and international

organisations carrying out monitoring of the situation in the LDPR.

A particularity of the current situation with information from the LDPR has been the sizeable quantity of differing types of publications regarding these new administrations on social networks. A large part of these documents appeared on the social networks through illegal methods, such as "leaks" (uncontrolled leakage) or the hacking of inboxes and servers, which Ukrainian hackers actively undertook, including professionals from the Security Service of Ukraine (pro-LDPR hackers and employees of the FSB also responded in the same way). Verifying the accuracy of these publications using classic methods is rather difficult, however they often contain important identificatory information and contain a large quantity of small details (for example, personal details of victims), which would be fairly difficult to obtain with the aim of falsification. The use of such sources in the text will be specifically mentioned.

The following terms will be used in the study – "Moscow handlers" (set of officials in Russia, tasked with the control, directing and assisting specific people and organisations in the LDPR), "members of groups" (active and former members of one of the paramilitary units having close personal and business ties), "political allies" (individuals, who share the ideology of the LDPR, and are temporarily acting in accordance), "political rivals" (individuals, who share the ideology of the LDPR, but are acting against each other in the struggle for power), "political enemies" (people, who do not share the ideology of the LDPR, and mostly sympathise with the idea of the unity of Ukraine and for that reason are enemies for the dominant LDPR forces), "militias" – synonym for armed groups (otriady), "Cossacks" (one of the types of self-representing armed forces in the LDPR, as a rule without connection to historical Cossackdom, but using elements of the uniform, symbolism and rites associated with them) and "basements" (places of forced and mostly illegal detention of citizens in the LDPR). The army and the "people's militia" mentioned in the text are synonyms, MIA is the "Ministry of Internal Affairs", MSS – "Ministry for State Security", MES – "Ministry of Emergency Situations", "People's Council", nominally elected by the population, is the agency reflecting the LDPR's organisers' beliefs about "parliamentary government". The word "quasi" is used to describe the attempts in the LDPR to simulate processes, procedures or agencies familiar to us.

The names of offices in the LDPR and "state structures" are written in quotation marks, since they are not recognised by Ukraine nor by the international community.

Part I. Key Changes in the Authorities' Administration in the LDPR in 2015–2016 and their Political Consequences

"We need to quickly adopt the legislative framework to build our state in the way we want to" – member of the "People Council" of the DPR, Anzhelika Dobros.⁶

At the end of 2014, the DPR and LPR were the names for two territorially distinct networks of divisions run by field commanders, appointed from Moscow as coordinators – "presidents". Some of these divisions adopted nomenclature similar to that of active or Soviet state and law enforcement agencies (for instance, "commandants", "procurators", department of the MIA, MSS, KGB or even the NKVD of a territory), however this changed their substance. They used criminal methods to manage territories under their control (from terror to the distribution of loot under the guise of charity), and allowed the remaining parts of the system of regional and local governance of the Donetsk and Luhansk regions of Ukraine to function. After conducting "presidential" and "parliamentary" elections on 4 November 2014,⁷ quasi-state structures were established out of this chaos.

The elections secured the posts of "presidents" for Aleksandr Zakharchenko (DPR, 73%) and Igor Plotnitsky (LPR, 68.7%), elected at the start of August 2014 as the "bosses" of the new administrations by Moscow handlers from the pool of field commanders, having proved their predictability and controllability in the course of the fierce fighting in August, as well as in the following months. They had no real rivals.⁸

The "People's Council" of the DPR was elected on 2 November and of 100 deputies, representatives of all of two "social movements" participating in the elections entered into the council – "Donetsk Republic" (68 seats) and "Free Donbas" (32). Supporting these groups were two leaders of major armed forces in the DPR – Zakharchenko (the core of his group called "Oplot") and Aleksandr Khodakovskiy (the unit "Vostok" was under his control).

No Ukrainian parties could take part in the elections, nor even supporters of separatism from political organisations that did not have any real military power – for instance, the local Communist party and the movement "Novorossia", which was the first official leadership of the separatists – nor the "People's Governor of the Donetsk region" from March-April 2014, Pavel Gubarev. Their participants were meant to go onto the list of the two leading field commanders' "social movements".

Elections to the "People's Council" of the LPR took place on 2 November 2014. 50 seats in "parliament" ended up being divided between organisations of the "president" of the republic, the well-known field commander Igor Plotnitsky, "Mir Luganshchine" (35) and a network of major and middle-sized industrialists, closely linked to the former "Party of the Regions", the "Luhansk Economic Union" (15).

After the elections in the LDPR, they started to form governing bodies on a systematic basis, including in the law enforcement realm. They started to systematise and codify legislation, as left over from Ukraine, as well as that energetically introduced by the "parliaments" of the DPR and LPR with the agreement of their Moscow handlers.⁹ This led to a relative "normalisation" of the situation for the majority of ordinary citizens. Despite the sharp fall in their standard of living and wage levels (in the best case [for workers of active industrial enterprises] up to 25% less than "pre-war" levels), in the course of 2015, they started to gradually (yet far from everywhere) receive their usual payments from the state on a regular basis (salaries in public institutions, child allowances, pensions) and social services (law enforcement, transport, health, education, refuse removal, town cleaning and so on).¹⁰

Under this process, in the course of 2015, the official "authorities" of the LDPR put under control and in a series of cases forcefully disarmed all armed groups – in many cases, physically eliminating their leadership¹¹ – that existed outside of the framework of official structures. In the LPR, where resistance was particularly fierce, within a year at least five leading "field commanders" were killed by "Ukrainian saboteurs" or died "resisting arrest", often being eliminated along with their security.¹²

Drunk people in field uniforms with weapons in their hands gradually disappeared from the streets of towns, direct robberies, disordered shooting and grenade explosions in public places, violence and kidnapping with torture and subsequent ransom or murder mostly ceased, though it did not exclude episodic recurrences of similar incidents. This led to a significant drop in violent crime, especially in relation to ordinary citizens.

At the same time, the leaders of disarmed and destroyed militias and their supporters mostly explained their disbanding because they had discovered corruption schemes with the participation of the republic's leadership. They produced numerous pieces of evidence (of varying levels of credibility). This allowed external observers to evaluate the scale of violent acts, corruption and shadow economy activities on the territory of the newly formed republics, however, as far as it is known, it has never led to any investigation by the "law enforcement agencies". In response to similarly critical claims made by ideological allies who did not have the backing of armed forces, the authorities have responded by arresting them.¹³

It is obvious, that the disarmament process was closely linked to the struggle for control over the powerful flows of smuggled goods, which were coming both out of the LDPR, as well as within the new administrations. The lack of recognition from the Russian Federation on an

official level of the LDPR and the strengthening blockade by Ukraine led to the whole territory's economy, with a population comparable to that of a small European country, to be completely constructed on a constant exchange of produced goods (most of all coal) and industrial production of essential foodstuffs and other goods, became dependent on illegal export and import, which occurred across the border, which was not even controlled by the de-facto LDPR authorities.¹⁴ This led to the rapid enrichment of field commanders, who controlled the territory around the border and the subsequent organisation of this income coming under the control of the forces running the LDPR.

It is important that in all cases of law enforcement in the LDPR, they completely ignore the presence of Russian or any other citizenship of people killed or arrested by them. In the case of the arrest of someone with foreign citizenship, no representatives of his state are allowed to see him or her. Even in cases of the murder of Russian citizens, Russia, as far as it is known, raises no issues or causes for an official investigation into the circumstances of the crime. However, the Investigative Committee of the Russian Federation by May 2015 had already initiated no less than 40 cases "regarding the facts of war crimes in Donbas",¹⁵ i.e. into various acts by the Ukrainian army.

Another significant circumstance is the consistent and large-scale process of return of MIA employees to the LDPR, procurators and judges, who left the territory in spring-summer 2014.¹⁶ They often could not pass lustration or (like many refugees from Donbas) were not content with the conditions of work, standard of living and meagre wages offered to them. They returned to continue their law enforcement work in Donbas, including taking up senior positions – for example, the deputy head of the "MIA"¹⁷ or the "Prosecutor General"¹⁸ of the new administrations.

However, in 2014 to the first half of 2015, they have objectively helped (in the territory of the controlled DPR at any rate) to introduce methods of illegal, if not directly criminal punishments for fighters to have within their means (kidnapping and informal detention, executions without a court, "people's tribunals" and public humiliation) in the likeness of a legal framework. In any case, from the second half of 2015, some of the cases started to go through formal investigation and were taken to court.

For instance, 11 May 2016, the "military court" of the LPR sentenced the former commander of Antratsit Aleksandr Petrykin to 12 months imprisonment. He was accused of nine criminal acts (extortion, illegal detention and abuse of power with violence and weapons).¹⁹

According to data from the Military Tribunal of the DPR (the only one found in the course of investigating court statistics) from 1 January until 1 September 2016, a total of 46 cases in relation to 55 individuals were examined, out of them 29 are in custody. A sentence was passed in

22 cases relating to 24 individuals. It is true that these are insignificant figures in comparison to the total number of arrested and detained members of the armed forces of the DPR, which will be discussed in the last part of this study.²⁰

Within two years in the LDPR, a "legislative framework" for the activities of the fundamental "law-enforcement agencies" has largely appeared, as well as the legal organisations connected to them, such as lawyers and notaries. For instance, on 3 May 2016 the law "On the Prosecutors' office of the DPR" came into force, defining the term of office (5 years) and the procedure of appointing the General Procurator of the People's Council.

Correspondents from "Komsomolskaya Pravda" outlined in April 2016 another essential aspect of the normalisation process in the legal sphere: "We drive carefully from the shop, in a European way. And everyone drives carefully – our friends immediately warned us: "the traffic police are brutal". "Jihad-mobiles", painted in camouflage with "fence paint", running a red light, including "emergency vehicles" all disappeared from the roads. The Deputy Chief of the traffic police of the DPR, Sergey Parshikov, briefly explained to us in the dry language of a police protocol, that they had managed to bring order to the roads. Firstly, for any law violation, the licence is taken away on the spot. The perpetrator pays a fine, then with a receipt – to the traffic police – for their rights. Fine collection is close to 100%. Not only those travelling by car pay, but also those who have never had a licence. The movement of the military outside of organised columns is now forbidden - the Military Auto-Inspection monitors this."²¹

There is still a long way to go for normal citizens before the full "normalisation" of the situation. In particular, in the LDPR (at least in the major cities) a "curfew" is still (that is in January 2017) in force. As such, ordinary citizens cannot go outside late in the evening or at night, and between the "People's Republics" the border and customs controls are tightening, which makes citizens' movement between them all the more problematic.

It should be noted that legislation in both of the "republics" is not synchronised. Attempts to do this were made in June 2015, but it is currently only at the stage of "developing a roadmap" for synchronisation.²² To all appearances, the full synchronisation of these laws will not be possible, despite the coordination from Russian president's administration, in so much as local conditions and demands constantly influence the ruling forces.

At the same time, the main form of political and socio-economic processes in the LDPR continue to be the forcible removal of large amounts of property and real estate from their previous owners to the benefit of the new "bosses of the region". The controlled redistribution of property and "businesses" (both legal and illegal) between various groups of these "bosses" also plays an important role.

The “presidents” of the “People’s Republics” have tried to confiscate major and high-income property from its owners under the guise of “nationalisation”. In the DPR, this has been carried out as a campaign to nationalise markets,²³ in the LPR, as a campaign to nationalise mines and coal preparation plants. They led to serious internal political crises in both new administrations in the second half of 2015 and January-October 2016. A significant proportion of the political leadership of the LDPR did not support such measures.²⁴ This led to a change in leadership of the “People’s Councils” in both administrations,²⁵ the detention and arrests of their leaders (this includes the former chairman of the “People’s Council of the DPR” who was caught by the FSB in Russia and transferred to the DPR),²⁶ purges amongst the “deputies”²⁷ and the arrest of the chairman of the Central Election Commission of the DPR, who had previously been beaten in his office by the “president”.²⁸ The “Prime Minister” of the “People’s Council of the LPR” was fired and died a few months later after the detention.²⁹ In both new administrations, several “ministers” and numerous officials of a lower rank were fired, arrested or died.³⁰ In response, both “presidents”, in spring-summer 2016, survived several real assassination attempts and some of their key managers were killed.³¹ The authorities, as a rule (but far from always), blamed “Ukrainian saboteurs” for the assassination attempts and linked them to local conspirators.³² The fate of those detained mostly remains unknown, as opposed to those victims who the authorities of the “new administrations” make an example of and so do not feel the need to hide.

For instance, just six days after the assassination attempt on the LPR “president” Igor Plotnitsky, on 12 August 2016, the headless body of Nikolai Minin was found in his bed. He was considered the “right hand” man of one of the main armed opponents of Plotnitsky – the above-named Pavel Dremov, the commander of the “Cossack regiment”, who was blown up in December 2015. Minin was the protector of “compromising information” on Plotnitsky, about which Dremov had repeatedly bragged.³³

The following factors determine the judicial, quasi-judicial and administrative measures taken by the leadership of the LDPR: the struggle for ownership, together with considerations of the need to control and maintain “order” in the LDPR to guarantee the loyalty of the main section of the population and demonstrating to the “Kremlin”, who are financing the social needs of the LDPR, the process of peace building in the controlled territories, as well as the repression of the remaining civilian, pro-Ukrainian opposition and patriotic underground (partly armed) linked to Ukrainian combatants and special forces.

In practice, this is about the establishment of criminal dictatorships on the territories controlled by DPR-LPR, using dynamically changing formally legal and quasi-legal mechanisms. This said, in the DPR, due to greater

repression of competing criminal and armed forces, the dictatorship is gradually (since autumn 2015) taking on a totalitarian nature.

At the same time, the war for major property in 2016 showed that, despite the undoubted strengthening of the personal power of the “presidents”, they continue to depend on two major factors. Firstly, the position of the Moscow handlers, who realistically guarantee the existence of the new administrations (both through the military control of their borders, the guarantee of their internal security, as well as financing the entire social system), and they can continue to influence the administrative decisions of the “presidents”. The second factor is the position of major owners of the main functioning enterprises of the region. On the one hand, these owners, who possess significant financial reserves, can influence the situation themselves (as a last resort, ordering the murder of an official within the LDPR or paying an official in the Russian Federation administration for a necessary decision). On the other hand, without them it is difficult to guarantee the current work of businesses and the export of their products through Ukraine – without which its further functioning would be impossible.

For these reasons, it is wholly likely in 2017 that we can expect a continuation of the war for the redistribution of property, in which the main victims will be former and current political allies, guilty clan members, as well as the owners of major and middle-sized property, the security of whose assets are not protected by the major capital of former oligarchs, whether Russian oligarchs or senior officials.

Part II. Repression of Pro-Ukrainian and Independent Political Activity, the Press and Civil Organisations in the LDPR

"On the way to school.

- Mum, the mayor of Donetsk loves money, doesn't he?

...Pause...Passers-by interestedly look out of the corner of their eyes at the enlightened family...

- ...well, so he can rebuild the town and improve it. Right, Mum?

She breathes a sigh of relief.

- Yes, little one."

(From the Facebook page of the DPR supporter Viktoria Grekova, 07.09.2016)

The prevailing dictatorships in the LDPR suppress any form of independent political or civil activity, even more so that which opposes the idea of being separate from Ukraine. The situation in this context has significantly worsened during the analysed period and the subsequent months. The policy of curtailing civil liberties has significant support amongst the population, seeing them as a threat to their own safety and actively support these measures through whistle blowing.

In the LDPR, there is no freedom of assembly and public protest. Periodically, impromptu meetings,³⁴ a way for their participants to express their dissatisfaction in the face of acute, predominantly social problems, are considered by the authorities to be consciously inspired from the outside or in extreme cases by political opponents as attempts to destabilise the situation in the "republics", and accuse their participants of acting out of selfish motives.

In the LDPR, there is no freedom of religion. The authorities consider religious organisations in practice to be a form of enforcing political preferences, dividing them into those, which are acceptable (most of all the Ukrainian Orthodox Churches of the Moscow Patriarchate, which is very loyal towards the prevailing dictatorships), tolerated (like the majority of protestant churches, the total number of which in the Donbas region consistently exceeded the number of Ukrainian Orthodox Churches of the Moscow Patriarchate until spring 2014, and not tolerated – to which belong the Ukrainian Orthodox Churches of the Ukrainian Patriarchate (demonstrating a high level of loyalty to Kyiv), the Ukrainian Greek Catholic church, "Jehova's Witnesses", the Church of the Latter-Day Saints (Mormons) and those protestant churches who "could not agree" on the right to existence and preservation of property (that is, to start paying "protection money"). The communities belonging to the final group have lost a large part of their property, their priests are subjected to terror, including murder and kidnap with subsequent torture. A significant number of priests and activists of the last two types of communities have left the LDPR.³⁵ Many houses of prayer

have been confiscated by the LDPR authorities or separate detachments of field commanders and have been turned into dormitories for fighters or used for other purposes. A typical report in the local press talks about this practice in such a way:

"The Wedding Palace in the Proletarsky district of Donetsk has changed its residence. The employees of the registry office have moved into a new building, which has been provided by the DPR authorities as an emergency replacement. The grand opening was attended by the Minister of Justice, E. Radmoskaya, the member of the People's Council, V. Bidevka and by the head of the district administration, E. Riazantseva. Before the war, the new building housed a branch of the American Mormon church, but since the start of armed hostilities they have left the Republic."³⁶

The rest remain under permanent pressure. For instance:

On 29 January 2016, "authorities of the DPR" organised a meeting around one of the Donetsk churches of the Ukrainian Greek Catholic Church. Its parishioners, of which there are very few left in Donetsk, are accused of "sectarianism" and "working for the CIA". As reported by the Ukrainian service Radio Svoboda, the protest was organised by "Molodaya Respublika (Young Republic)", a movement controlled by the separatists. The rally was described itself as "impromptu", but the leader of "Molodaya Respublika", Sergei Kondrykinsky, announced it the day before, 28 January. "The orthodox belief and in general, any other kind of normal belief, first and foremost, unites people. But these slogans that this sect is now giving voice to are calls to the disruption of the "Donetsk People's Republic" from the inside. And we understand perfectly well that these are the goals, which they set before themselves", Kondrykinsky said to journalists.³⁷

As discussed above, all political parties and organisations, not sharing the ideology of separatism from Ukraine, are in reality forbidden in the LDPR. Attempts to renew their public or unofficial activities are brutally suppressed. Along with this, all political parties allied to Ukrainians are practically banned in the LDPR. By the end of 2015, there was only one such party remaining – the remains of the former Ukrainian Communist Party, which nonetheless had its own political representatives. However, in May 2016, after the dismissal of their head, Boris Litvinov, from the members of the "People's Council" of the DPR, the party was completely removed from the political scene.³⁸

The reason for the arrest of citizens is often the presence of Ukrainian symbolism, left in the homes from "pre-war" times or publicly expressed thoughts about what is happening. Below, there is a text from an article in a regional newspaper which eloquently describes the logic

of the authorities and supporters of the LDPR and the boundaries of what is permitted in the "People's Republics".

"Freedom of speech is one of the most important components of any democratic society. But it is not a secret that there are citizens, who understand freedom of speech not to be the right to objectively evaluate one or another situation or to express their opinion, but see in this exercise a certain permissiveness, the possibility to continue with anti-government sentiments with impunity, reinforcing them with concrete actions. Ultimately, such a development of events gives rise to chaos.

In the Starobeshevsky district, the first case of this kind so far has been documented, when one of the inhabitants of the district's centre was deported from the DPR without right of residence in the Republic for carrying out acts, which damage the lasting establishment and development of the Donetsk People's Republic.

As the investigation revealed, during the period of occupation of our district (from July to the end of August 2014, the district to the south of Donetsk was under the control of the Ukrainian army, and as in many of the rural areas of the region, there were strong pro-Ukrainian sentiments – NM), an employee of the Starobeshevsky district in the "Donbassgaz" department, citizen N., used his official position to assist the transfer of financial means to the so-called anti-terrorist operation, as well as the repair of military equipment of the Armed Forces of Ukraine," a representative of the MIA of the DPR reports. "Moreover, he supplied foodstuffs for wounded Ukrainian servicemen to the Starobeshevsky central district hospital. After the liberation of the Starobeshevsky district, citizen N., still remaining in his previous office, whilst carrying out his tasks, daily spoke in front of the collective, justifying the military invasion of the Ukrainian army into the territory of the DPR and the murder of civilians. He also compared the DPR and Ukraine, in favour of the latter, and insisted that Ukraine would allegedly soon seize our territory and all the current leadership would run away. N. would daily inspire hostility to those who supported the DPR.

The prosecutor general and the Ministry of State Security of the DPR jointly came to the conclusion at the time of investigation that this citizen needed to be arrested. After the conclusion of the investigation, the decision was taken to deport N. to Ukraine to like-minded people and to prohibit his entry into the DPR. This decision is of an unlimited duration.

Alas, this is not the only such case in the DPR. Such measures are essential, since citizens' pro-Ukrainian sentiments represent a danger to all inhabitants of our republic. At any moment, with their help, terrorist acts could be organised, as well as these citizens being able to engage in espionage.

N.'s family remain in Starobeshevsky, his wife and two sons. As the investigation established, they do not share the

views of the head of the family, in connection to which no actions with the aim of deporting them from the country have been undertaken, a representative of the MIA DPR announced.

This case is evidence that in the DPR, there are still people, who, like many in Ukraine, believe in the ideology imposed by the government in Kyiv. And they do not simply share such a point of view, but try to persuade others to their side, spread their convictions and hypotheses, against which the people of Donbas rose up against after Maidan. Furthermore, living in the Republic and supporting its enemies, "pro-Ukrainian ideologues", acts not only against the state, but against all of its citizens.

For what did sane citizens of the former Ukraine go out to protest against the anti-constitutional events in Kyiv? For what did the inhabitants of Donbas suffer so much hardship and sorrow? For what were thousands of lives given for?!

Inhabitants of the DPR defended exactly this freedom to live in a way that they consider to be correct and worthy for themselves, defended this freedom of speech, which people have now become terrorists for in Kyiv. That is why citizens, who for one reason or another do not share the just position of the majority, have the full right to leave the DPR and live, for instance, in Ukraine, where their position is not just shared, but is even considered "favourable". There is just the question, of how long it will continue in Ukraine, this blindness and submissiveness of people to alien values, alien history – in short, everything that is promoted by America? And how many people have the idiotic patience to live in the conditions into which they were driven by the Kyiv junta?

And to those inhabitants of the DPR, who like citizen N., carry out ideological actions against the republic and are accomplices of the enemy, the corresponding measures will be used for the sake of the safety of our state created by the people and all of its citizens."³⁹

According to various sources, even the "pro-LDPR" political parties largely did not reflect the sentiments of the region's population. Even the Russian press, referencing data from closed surveys in the DPR, ordered by the organisation "Businessmen of Donbass" and covering the period from the start of 2015 until the middle of 2016, report that: "sociologists were faced with a "sharp segregation of society" along political lines. The total number of supporters of the DPR grew at a minimal rate – from 15% in January 2015 to 20% in June 2016. The number of people who supported returning to Ukraine was stable for the duration of the research's period – from 13% to 15% in the same time frame." Therefore, the overwhelming majority of citizens have a neutral stance towards the question of independence. In line with this, 62% of the population see the need for the "formation of a political opposition in the DPR".⁴⁰

Similar bans affect the actions of the press and political bloggers.⁴¹ Ukrainian television and radio channels and Ukrainian press are forbidden from being situated on territory controlled by the LDPR. Ukrainian media correspondents or pro-Ukrainian bloggers work deep underground. Russian media working in Donbas has also been subject to repression since the second half of 2015. In this relation, the situation significantly worsened in the period of research. Correspondents from Russian media who are critical of the LDPR, having arrived in the LDPR from Russia have been repeatedly expelled, and at the same time have had all their accumulated and found material destroyed by "law enforcers". For instance, on 16 June 2015, the "Novaya Gazeta" correspondent, Pavel Kanygin, who had previously visited the LDPR on multiple occasions, was detained and beaten in Donetsk. He was accused of acting without accreditation (accreditation documents had been submitted and they were expected to be ready in a few hours) and "working on a Ukrainian publication". He was deported to the Russian Federation. The actual reason for this was his appearance at an impromptu anti-war rally in Donetsk.⁴² On 2 November, journalists from the TV channel "Dozhd" were detained for seven hours in the DPR, before being deported to the Rostov region. The likely reason for their detention was an interview with A. Khodakovsky.⁴³ Russian media correspondents in the LDPR work under pseudonyms and collect information anonymously.

Civil organisations in the LDPR are under severe political pressure and the situation has significantly worsened in the period analysed. The LDPR authorities support organisations demonstrating full personal loyalty to the head of the "republic" and take for granted organisations that express support for separatism or connections with the Russian Federation (especially if they take on the function of the authorities in providing the population with food, medical help or education). The attitude towards the activities of organisations, who have a "neutral" position in the Ukrainian-Russian conflict, changed in the course of the researched period from suspicious to hostile. In reality, most of the major and active organisations have been unofficially banned or even openly crushed.

"The latest and largest-scale wave of repressions in Donetsk began at the end of January 2016 – after the blowing up of the Lenin memorial by unknown individuals. The statue of Lenin itself was not damaged, just part of the plinth fell off. However, this was enough: on the next day, the head of the DPR, Aleksandr Zakharchenko, announced an extensive investigation, accusing an "unspecified group of Ukrainian saboteurs". Their identification was entrusted to the Ministry of State Security of the DPR - an office, which has become notorious for arresting the local opposition, deporting journalists and international organisations from the republic (for instance, "Doctors without Borders").

In the next three days, the Ministry launched a campaign to identify Ukrainian spies, saboteurs and enemies of

the Donetsk republic. Local media called people to immediately pass on information about suspicious individuals and conversations to security officers. The curfew was tightened; night-time walks and trips were forbidden. In the first night alone, local security officers visited the flats of several dozens of citizens. According to rough estimates made by local journalists, around 50 people were arrested.

Employees of the state security services forced entry into the homes of volunteers, university lecturers and parishioners of local protestant communities. The founder of the volunteer group "Otvetsvennie Grazhdane (Responsible Citizens), the Donetsk businessman Enrique Menendez, says that at this time, the security officials descended on all those who had long been annoying the leadership of the DPR with their independent position.

Amongst those detained during this time was the member of the Donetsk regional council and coordinator of "Otvetsvennie Grazhdane", Marina Cherenkova, as well as the history and theology professor of Donetsk University, Igor Kozlovsky. Kozlovsky's wife later told of a telephone conversation with one of the security officials who told her that they had taken the professor "for an improper correspondence on Facebook".⁴⁴

Even those organisations who for a long period had carried out charitable work with the support of the authorities were subjected to persecution. "On 8 June 2016, employees of the MIA LPR detained the former director of the international, charitable NGO "Mercy Corps" (Corpus Miloserdia), Oksana Mikitenko, on suspicion of organising espionage on the territory of the Republic to benefit foreign intelligence services and a criminal case was opened against her. In reality, she was accused of collecting intelligence of a political, economic and social nature, without permission of the LPR authorities, which were then passed on to the central office of the organisation (Portland, USA), the American embassy in Ukraine (Kyiv) and the US State Department (Washington) through the director of "Mercy Corps", the US citizen, Stuart Charles Willcuts." Two days later, on 10 June, "the Minister of State Security, L. Pasychnik, reported that the detained director of projects of the international NGO "Mercy Corps" in Ukraine, O. Mikitenko "has long-standing ties with the deputy head of the Administration of the Head of the LPR, Marina Filippova. The contact was established during the time of the previous town mayor of Krasnyi Luch and through her active participation in various grant programmes of the US Agency for International Development (USAID) and the US State Department. Mikitenko and Willcuts have already actively used Filippova in the LPR to receive information that is of interest to them and to establish contacts there. Mikitenko formed an especially trusting and even friendly relationship with the Minister of Labour and Social Policy of the LPR, Svetlana Malakhova, through whom the gathering of sensitive

information regarding the socio-humanitarian situation in the republic was organised, including in the period of active armed hostilities. In February 2016, Mikitenko was arrested in Severodonetsk by employees of the Security Services of Ukraine and using physical and psychological pressure, recruited her and assigned her the pseudonym "Vishnia" (Cherry), upon which she started work on her primary task. It is not known about any protests by the leadership of "Mercy Corps" or the American Embassy in Ukraine addressed to the Security Services of Ukraine regarding the illegal detention and recruitment of an employee of an international humanitarian mission." Pasyochnik also announced, "the information received from Mikitenko, was used by the CIA and State Department for monitoring...as well as for laying the foundation of a non-systemic opposition with subsequent preparation to overthrow the state".⁴⁵

On 23 May 2016, according to official reports, the Ministry of Justice in the DPR demanded all civil, non-commercial organisations and unions, registered in the Central Election Commission, in the course of four days to present information regarding their activities for inspection.⁴⁶ This, evidently, meant another round of "tightening the screws" in the new administration.

The Ukrainian government and Ukrainian patriots contribute to the atmosphere of suspicion in the LDPR towards any expression of disloyalty. They support the strategy of undeclared and partisan war in territory controlled by the LDPR. They use practically any opportunity, including acts of terrorism against civilian infrastructure to "remind" the population and authorities of the administrations of the "real bosses" of the territory.

For instance, the above mentioned arrest of the theologian Kozlovsky was quite likely not only caused by his "Facebook correspondence", but also by the fact that he worked for many years for the KGB in the USSR and then from 1980-2001 in the Donetsk regional administration as the head of the department for religious affairs. From the 1990s, he was head of the centre for religious studies in an institute for higher education – the State University for Informatics and Artificial Intelligence, which had previously been a research centre of the USSR's KGB. In independent Ukraine, it had been a centre of consolidation for pro-Ukrainian patriots in the region. Kozlovsky clearly and consistently had a favourable attitude towards religious diversity and the equality of religious organisations before the law. For that reason, he was highly regarded in those religious communities that were persecuted in the DPR, as well as in professional communities.

On a journalistic level in the DPR, his arrest has been explained in the lexicon and traditions of 1937, by his former acquaintance and attendee of the Institute's seminary:

"After the victory of the Russian spring in Donetsk, Kozlovsky was forced to hide: he could not go away because of his family circumstances, but this did not prevent him throwing dirt [.] fighting for the freedom of the people on social networks. That is why his arrest was a legitimate outcome of opposition to Donbas, which refused to accept the alien values planted in him.

In conclusion, I want to say, that Donbas is too merciful in their treatment of individuals of pro-Ukrainian sentiment. It is time to go over them with a hot iron!"⁴⁷

In Kyiv, on 17 September 2016, President Poroshenko met the Ukrainian partisan, Volodymyr Zhemchugov, on his return from prison in the LPR. He had been born in Donbas, into a family of ethnic Russians, was doing business in Georgia, when he returned to the region from the start of the armed conflict, motivated by patriotism. He was arrested on 28 September 2015, after blowing himself up on a mine, which he had tried to install on a power line inside the territory of the new administration. Zhemchugov was one of the participants of a partisan network in the LPR.⁴⁸

However, there are serious doubts as to whether the situation of civilian rights in the LDPR would have undergone any meaningful changes, if there had been no such terrorist acts and destabilisation by the Ukrainian military or patriots.

It is obvious that the activities of the MIA of the LDPR are not autonomous, but are largely supervised directly by the Russian FSB. According to the statements of the FSB, it acts in parallel with the MIA of the LDPR. In certain cases, it is clear that FSB employees have initially arrested suspects, and then after severely beating and torturing them along with the arrest, have then transferred them to the MIA for keeping and to later be exchanged for supporters of the Russian Federation or the LDPR held in Ukraine.

A separate problem is the fate of those suspected of political hostility towards the LDPR (that is, for instance, individuals accused of preserving Ukrainian symbols or critical remarks), who have fallen into the hands of militias not included in the system of the MIA-MSS. In this case, their fate depends on the "mercy" of the commanders of these divisions and mostly it is a lamentable outcome.

Part III. Treatment in places of illegal detention and extra-legal forms of violence

"The miners' meeting, which is personally led by the head of the DPR, Aleksandr Zakharchenko, has a tense atmosphere.

"Where is the director of the workers of the 'Trudovskaia' mine?" Zakharchenko asks. "Sergei Nikolaevich was taken yesterday to the 'basement', having been accused of illegally holding weapons and forging documents," the Deputy Minister for Coal of the DPR, Aleksandr Potapenko, explains. "It is possible there's been a mishap. Call Topaz [a code name... one of the DPR field commanders – RBC] and tell him to let him go," Zakharchenko declares."⁴⁹

Despite the tendency in the LDPR of carrying out state violence within a legal framework, there remain extremely serious problems with the conditions detainees are being held in, as well as the forms and methods of conducting detentions, arrests and investigations.

Arrests are often politically motivated and are carried out according to personal orders of the heads of the new administrations or their key leaders. According to available evidence, some of the court sentences are passed on the basis of personal orders of the LDPR. Unlike in Ukraine, the death penalty for murder has been officially introduced in the DPR (pg. 58 of the Criminal Code of the "DPR"), but in connection with the lengthy downtime of the courts, the penalty has so far rarely been given.⁵⁰ The former head of the "People's Council", Andrei Purgin, announced in December 2016, "And if this appears to be an opportunity for anyone, then Zakharchenko and [the Minister for Income and Taxes Aleksandr] Timofeev (as second-in-command after him) have appointed themselves the right to apply the supreme penalty."⁵¹

In principle, even this decision was some form of progress in as much as until the start of 2015, the death penalty was given on the orders of local commandants and on an even greater scale.

The former commandant of one of the towns of the DPR said in a conversation with a correspondent from the Russian publication, "Gazeta.Ru.", "that, according to his calculations, in the course of only eight months of active military operations in 2014, around 100-150 executions were carried out in the republic without a court."

"The final decision and responsibility lies with the commander or commandant of a town, who may be civilian. Personally as a commandant, around 20 such papers were brought to me for signing, but I did not sign any of them. It's not right to respond to a crime with another crime. Although the individuals detailed in the papers were caught red-handed. Looters, rapists, murderers and the like."⁵²

The first official death sentence was imposed in December 2015 for a crime characteristic of the situation in the LDPR. "Yakubenko Anatoly Viktorovich (6.10.1987) from Makiivka. Graduated from MGU (Makiivka Mining School). Tried in court. In 2014, entered the Cossack Union of the "Region of the Don Army" of Hetman Safonenko under the code name "Valui". 30.11.2014 led the abduction of local businesswoman Anna Sergienko and her husband Viktor, from whom he seized the shopping centre "Sokol", reassigning it to himself, as the director of the OOO "Cossack Import". In May 2015, he was arrested, confessed racketeering and several murders carried out between July and October 2014. On 6 October 2015, his trial began in the Supreme Court of the DPR."⁵³

The story on property removal from businessmen by the group "Region of the Don Army", which included Yakubenko (until 2014, a convicted criminal from Makiivka) was presented by Russian journalists and, using the words of victims, they described in detail the conditions of their detention (75 days in solitary confinement in the "glass" – a premises of 1.5 square metres and 1.5 metres high). However, Yakubenko was only arrested on 8 March 2015, after having shot and buried two 23-year old women who had refused to have intimate relations with him.⁵⁴

Detainees continue to be held in "basements", that is locations with no legal regulation or control of detention conditions. It is difficult to find a principle difference between completely illegal places of detention (an office or industrial premises, a barn or a garage) and remand prisons (SIZO) of the "MSS" or "MIA" who use the premises of former Ukrainian detention centres.

In the "basements", there continues to be no form of legal control and large-scale and gross human rights violations and practically torturous conditions persist.

In practice, a similar method dates back to the holding of abducted and illegally detained citizens by criminal organisations with the aim of receiving information, ransom, the fulfilment of different demands, the punishment of guilty bandits or violence. The word "basements (*podvali*)" in and of itself likely dates back to the understanding of the "Cheka-NKVD basements". The associations themselves during the period of the Civil War or the Stalinist regime, as stated at the start of this report, were very popular amongst the military.

The first "basement" under the name of the NKVD was organised in the building of the Donetsk Regional Administration immediately after its capture by pro-Russian fighters in April 2014. People captured by fighters and suspected of pro-Ukrainian sympathies immediately

started to be sent there. In April 2014, the unit of Igor Girkin in Slovyansk immediately created a "basement" in their own headquarters and in the SIZO after its capture. Supporters of a united Ukraine were murdered there from the early stages of the conflict.⁵⁵ In Antratsyt, in the Luhansk region, a "basement" was created on the premises of the local air traffic control, captured by Russian Cossacks on 3 May. According to available evidence, sophisticated, and clearly not for the first time, torture of "spies" (being hung from handcuffs from a grill and simulation of being buried alive) was already taking place on 10-11 May.⁵⁶

Each militia in the LDPR organised their own "basement" (and often more than one). As part of the measures to centralise leadership in the course of 2015, the remaining "basements" were taken over by official LDPR law enforcement structures. One of the most widespread accusations against arrested militia leaders became the existence of illegal places of detention and the violence that prevailed there, including the murder of detainees and abducted citizens and the extortion of their property.

However, even the consolidation of the "basements" into the hands of official LDPR law enforcement agencies and the significant softening of conditions in some of them has not turned them into "normal", for the post-Soviet space, places of imprisonment for detainees. In the course of preparing this report, no reports on the resumption of prosecutorial supervision of detention conditions could be found, nor on the admittance of representatives of civil organisations, press or any other structures exercising civil control to places of detention, nor on the implementation of standards of detention in line with current legislation – including adherence to maximum term lengths of detention, adequate medical provision or even regular opportunities for a walk. The most significant improvement is that in some of the "basements", most prisoners are regularly fed, not subjected to systematic beatings and torture and receive some form of medical assistance.

In a significant number of cases, the detainee is transferred around a few holding places in the first few days after their detention, which are mostly unsuited for housing detainees. During this time, they are in non-standard conditions for transferring individuals deprived of liberty (bags and bandages on their heads) and are held with the use of extremely painful or uncomfortable procedures, essentially under conditions of torture (being in a constant supine or sitting position, being chained to unmovable objects (radiators, grates) in handcuffs for an extended period of time (up to several days), without the possibility of going to the toilet, without food and water, with a lack of air, transportation in the boot or under the feet of people sitting in a car and being subjected to pointless beatings and robberies.⁵⁷ Torture and beatings are the main means of carrying out inquiries. In several cases, they led to serious injuries and even the deaths of detainees. There

are known cases of the abuse and extrajudicial executions of prisoners of war, about which we will talk about below.

The case of one field commander Oleg Orchikov is well known. His subdivision "Svarozhichi" was part of the ruling group of the DPR "Oplot" and controlled part of the Petrovsky district of the town. On 11 November 2014, he was arrested on Zakharchenko's order, accused of stealing cars, rapes and robberies, as well as the shooting of his own soldiers. A possible reason for this conflict was Orchikov's possession of the TV channel "Rodnoi TV", which he had taken away from its previous owners (it was previously the channel TRK Ukraine in Donetsk) and he broadcasted programmes on it about the benefit of neo-pagan (in his understanding, "folk") traditions. After his arrest, the TV channel "Rodnoi TV" was renamed to "Oplot TV" and its programming was altered.

A significant group of support emerged around Orchikov, who before the war was a practicing neo-pagan priest.⁵⁸ Thanks to this, we know quite a lot of details surrounding his stay in prison, which lasted for no less than a year and a half. Moreover, in this rare case, his former fighters managed to have a video interview with him inside the walls of the SIZO of the "MSS" roughly six months after his arrest.⁵⁹ Furthermore, in petitions in support of him, defenders used legal terminology and links to legislature. Below, I cite a summary of Orchikov's interview as retold by Ukrainian journalists (verified by me with the original source): "On Zakharchenko's order, people from the so-called "Oplot security service" arrested him. They beat him and put him in the basement of the Donetsk TV centre on ul. Kuibyshev, 61. After this, Zakharchenko's people subjected him to sophisticated and painful torture that was carried out in several stages.

"The torture began. They dunked me into water five times, that is, they laid me on my back, five people sat on top, laid a rag over my mouth and poured 1.5 litre bottles of water so that I had water up my nose, in my ears. I was suffocating, I was dying. After I had lost consciousness, they brought me back to consciousness again and tried to force me to sign a document about how I had stolen many cars, raped a lot of women, that I had kilograms of gold, money in the millions", the fighter recounted.

Despite the torture, the fighter did not sign the confessions. However, there were other field commanders in prison with him: the commander of Ilovaisk, the combatant Yura "Kadet", as well as the weaponry and ammunition supplier of the fighters, "Moldovan". Many people did not withstand the abuse and signed the confessions, in particular, a volunteer from Krasnoyarsk (Russia), surname Skvortsov, was forced to do so. The Russian was guilty of having been witness to looting carried out by DPR fighters. Skvortsov, who was formerly sympathetic to the DPR, could not get a meeting with the Russian consulate.

“Oplot’s’ favourite form of torture is suffocation. That is, suffocation using water or a gas mask. They put on a gas mask and close off oxygen entry. After the usual torture, they understood that they would likely kill me, but all the same, I would not admit to what they were charging me with. After this, in their fright, they handed me over to the MSS. They also tortured me there, beat me with a club, and tried to stab me with a knife. I naturally did not confess. After three days of starvation, beatings and torture, they handed me over to the MSS investigator, Lozinsky, who had taken the first testimonies, which were now being used to charge me”, the prisoner complained.⁶⁰

There are in practice no limits on the periods of pre-trial “inquiry” and detention. During 2015, the judicial system of the LDPR practically did not work, at least, it did not pass sentences on any well-known cases, and in the “basements” in the SIZO, arrestees and detainees continued to accumulate. Their fates were in the hands of the “presidents” and “commanders” of various towns and districts, as well as the leaders of the “security agencies”.

The commander of the “Vostok” brigade, Alexander Khodakovsky, talked about this at his press conference for a “patriotic society” in January 2016 in Moscow (in the summary of the blogger Daria Mitina) in the following way: “the judicial system has not yet developed, there are no courts. In some places, there are none at all, in some places the courts of the Ukrainian jurisdiction are active, in some places we are trying to establish our own, and we are asked (from Moscow – NM): “What is this initiative? Immediately return everything to how it was!” The current Criminal Procedure Code was adopted in 1961; there are no lawyers, no penal system, no trials. There is no way to hold those arrestees, the basements are overcrowded and people wait for months without sentencing. It has long since been needed to sentence people for murder, looting, robbery, to unload the solitary confinement cells, but there are no developed procedures and there is no one to do it.”⁶¹

Investigations into those arrested started properly in the second half of 2015. The “judicial system” at large started to work roughly in spring-summer 2016 and its effectiveness in practice is still small.⁶²

Oleg Orchikov was not provided with a lawyer for six months, despite the fact that he was charged with crimes that could carry the death penalty.⁶³ The trial of Orchkov only started on 25 November 2016, after two years of being in custody.⁶⁴ Information about the outcomes of the trial could not be found.

Conditions in places of detention for those convicted have not significantly worsened. It is commonly heard in the accounts of convicts that, in those fighters who freely came to a prison colony to establish order, they have come up against the worst types of criminals, who do not acknowledge any previously existing laws or rules, and

use terror to enforce their order. For instance, the former prisoner of Kalininsky Correctional Colony of the State Penitentiary Service of Ukraine in the Donetsk region (IK-27 high-security) situated in Horlivka, told a Russian journalist in an interview: “They came, made everyone lie down, even the rubbish collectors and prison inspectors. They were beating people with their gun butts, firing shots. You are lying there and he stands over you, getting wasted, and shooting above your head. I had all my teeth knocked out by a gun butt... When there was shelling, no one died, and no one was even injured. It was exactly then that they would come into the camp – and there would be victims. At this time, I was in the 10th division, fifth sector. They killed one, two were injured. They cut off the hand of one, because they had pierced his hand so badly with a bullet, it had to be cut off. In the sixth sector, the “TBs” (those ill with tuberculosis – MZ), they even shot the sickies, in the shoulders. They put us up against the fence and beat us with gun butts, getting us to say where our phones were or whatever else. Because they themselves had been prisoners. ... Using the fact that at any moment the area could be raided, and that the prisoners were scared, they sold assistance. To have a phone, you had to pay, even though a phone was allowed, even under their law. You needed to pay for everything – they would swindle your grandmother. We were supposed to go out to do our labour for two hours, and even then, not every day, but now they would get you out every day for as long as they wanted. [In case of aggression towards the security or escape attempts] they took you to their headquarters, put a helmet on your head and clubbed you round the head. Or they put a bullet proof vest on you, while they’re getting drunk and you are standing along the wall, and they are shooting live ammo at you. Or they throttled lads, I will not mention names: they broke your arm, one holding it and the second with a spike meant for cleaning his gun, and he drives it into your collarbone. It hits with such a force, that the second man cannot hold on.”⁶⁵

The Ukrainian human rights organisation, ORD, confirms this information from its sources, reporting that only upon the storming of the colony were three people killed. They report additional details about this colony:

“Prisoners, who are due to be released, are forced to pay. They also demand bribes from them for visits with relatives: the toll is 30 thousand roubles.”⁶⁶

In the organisation’s opinion, prisoners in many colonies and official remand prisons (SIZO) experienced starvation, lived in unheated premises and were subjected to unprovoked beatings and extortion over the course of 2015.

Arrests and torture in the “basement” are widely used as a method of extorting money from the arrestee and their relatives, or as a means of political pressure on the detainee without the aim of subsequent conviction.

The actions of the leadership of some of the “basement” militias represent a particular danger and the methods of treating detainees are not controlled even by the system of “law enforcement agencies” of the LDPR. Cases of murder, particularly sophisticated, aimless torture and rapes are especially common there.

The most scandalous story happened in the district of Brianka, Luhansk region, where from summer 2014 until at least the middle of 2016, a major militia was based, numbering 400 people, called “USSR-Brianka”, under the command of the local, Dmitry Pendiurin, nicknamed “Liuty” (he previously “looked after the illegal coalmine” in the town, in spring 2014, he became commandant of the camp of fighters near the captured building of the Security Services of Ukraine in Luhansk).⁶⁷ The squad was not part of the structure of the “people’s militia” (that is, the army) of the LPR, but it continued to exist, under the auspices of the MSS of the LPR and under the supervision of the Russian FSB. The division occupied the former holiday resort “Marin utes” in the village Staraya Zamkivka, which is why instead of the squad’s name the word “Utes” is often used.⁶⁸ As became known from an interview with Marina Gryshenko (codename “Sobaka”⁶⁹), the wife of the deputy commander of the battalion for technical and material security Evgeny Sabancheev (codename “Arbat”),⁷⁰ who gave an extensive interview to the Russian publication “Ura.ru”, this division actively carried out brutal murders, property seizures and rapes. There they even “experimented” on detainees, that is they killed them in intricate ways.⁷¹

“If we come across a drunk in uniform (according to other evidence they detained every intoxicated person they met – NM), we are obliged to take him “into the basement”. Then we already decide, whether or not it’s worth giving him to the commander and whether it is worth calling him at all – everything depends on how he behaves and how fancy we are feeling. If we are feeling good, we can do nothing with him. If I start to recount everything in full colour, even your teeth would start to sweat. We forced the guys to swim (there is a large pond on the site of the base – NM) and we would shoot at them, so they would swim quicker. We would then see them off with bullets, or cut off their heads. All these people from our town who died before my eyes and whom we buried on our base, like dogs, in the ostrich enclosure it’s a graveyard. The parents search for them and they don’t know where they are. I’m not going to go out and tell them: “Oi, I know where your son is buried”. It has always disturbed me what we did on the base, I even stole painkillers from the infirmary and gave them to the prisoners: they were all ill, shot, one with their ear cut off, another a leg.

- And the prisoners – who are they mainly?

- They are citizens who broke the curfew, who were detained when they were drunk. Or their wife rang: “My

husband beats me”. They took him away, killed him, buried him and on the next day she would come and say: “Give me my husband, you brutes, go to hell”. They say to her: “So why did you come yesterday and give a statement on him to Vostok (head of the special department Sergei Nemilostiviy –NM)?” Vostok did all the dirty work: murders, violence.

- How many prisoners are on the base?

- From 30 to 50.

- What did you do with them?

- We mostly killed them, beat them, raped them like girls, bullied them, shot them, and experimented on them. Some brought their grandmothers (parents, relatives) and those we released unharmed and in one piece – well, with a tap on the back with a shovel.

- Men raped other men? Is no one interested in that?

- How to explain it to you? In the battalion, we took on whoever and many of them had a sick psyche.

- And what kind of experiments?

- Well, for instance, what would happen if we cut off your penis.

- Did you really cut it off?

- We really cut off people’s thing with ‘bolgarki’ (that is, small electric saws – NM).⁷²

The interview with this woman (from which it is obvious, that the married couple, who after an attempt to murder her husband, fled to Russia, were also involved in murders and hiding bodies⁷³) appeared at the same time as information regarding the arrest of two deputy commanders of the battalion – Sergei Nemilostiviy (codename Senia-Vostok), a Russian citizen, and Mikhail Sotnikov (code name ‘Krym’, former investigator of the town Feodosia, now a likely citizen of Russia). Dmitry Peniurin had the opportunity to go to the Russian Federation.⁷⁴ In the first half of August, during an investigation, 17 buried bodies of the group’s victims were discovered.⁷⁵ On the “Brianka-USSR” page on the social network VKontakte, in one of the posts, fighters from the group estimate the number of those murdered at 25 people.⁷⁶ There is also a text under the name “Verification” – likely being from one of the forensic investigative documents, with eight listed cases of murder or suspicion of murder carried out by the division’s leadership.⁷⁷

Moreover, there is also a link to a text published on the site called “Wrong Side of the Luhansk Militia”. It is written by an elderly, spiritual, master wood-carver from Kharkiv, Sergei Khomiakov. He was detained by “Brianka-USSR” in October 2014 in his minibus with a large sum of money and he spent two months in prison. The text contains

multiple testimonies of torture, beatings and sadistic “games” by members of the group (for instance, cutting the hands and fingers of the prisoners, branding them with a red-hot poker). The author explains the reasons for such events being the presence of many criminals in the unit (in particular, S. Nemilostlivy was (and “Verification” confirms this) convicted of theft at least once). Khomiakov describes in detail at least one murder – a squadron leader from a nearby colony, who was raped and beaten to death for belonging to the staff of the colony (this case is not included in ‘Verification’).⁷⁸ However, in his opinion, based on conversations with employees of the “special department” which was led by S. Nemilostiviy (for example, with Nikolai Gribunoviy (codename “Kolia-Ryzhi”, “Sinoptik”⁷⁹), there were evidently dozens of victims of the group in summer 2014, in any case already in November-December 2014, numerous people from the town and surrounding districts tried to find traces of their disappeared relatives on the squad’s base. The request to report “whose relatives had served on Utes and stopped getting in touch, whose businesses had been looted or cars taken away” was still posted on the homepage of the site “USSR-Brianka” in 2017.⁸⁰ Khomiakov’s eloquent testifies about how the “militia men” never did any physical work on their base. They detained people under various pretences on the streets and then after severe beatings, gave them an arbitrary period of detention, during which time they would carry out all the dirty work, from chopping wood and fuelling stoves in the barracks to digging trenches.

The arrests of the leadership, however, did not lead to a cessation of the group’s activities, and it continued to fulfil the role of commandant (that is, domestic security) in close cooperation with the Russian FSB. Fighters from another group complained almost a year later: “On 19 June [2016] two officers, wolves in uniform from the Brianka-USSR division on the 31 roadblock in the LPR beat Makar, a regular artillery fighter, to death. Then a group of comrades, including activists from the Interbrigad (of left radicals, predominantly members of the Russian “National Bolshevik party”, fighting as part of the unit “Prizrak” – NM) Luka and Tolik, took up the perimeter defence on the frontline with weapons in their hands and demanded to punish those guilty for Makar’s murder. ... After a while on the frontline a large number of officers from Brianka-USSR had arrived, who arrested several of the guys on perimeter defence (in particular Luka) and threw them into the commander’s office. ... And then yesterday they let Luka out! He feels fresh and ready for the further struggle for his and his comrades’ rights. The wolves in uniform truly robbed him, taking away his phone worth 8 thousand roubles and money – around 18 thousand roubles.”⁸¹

It must be said that where torture and murders occur in the region, the line between field commanders and legal authority is not clear. On 29 May 2015, the former

fighter from Zakharchenko’s division, “Oplot”, Sergei Desiatnichenko, in his address regarding the “illegal arrests” of several commanders from the same group, in particular stated, “We have a comrade, his call name is Lucifer. He slips corpses into hot boilers. The boilers are stoked, water is poured onto the people. Whoever is not arrested, just simply disappears”.⁸²

Treatment of Prisoners of War

Overall in the LDPR, prisoners of war are considered to be a valuable resource, essential for the exchange of their own supporters and prisoners of war on the territory of Ukraine. Their value is very uneven. It increases when there are no armed hostilities and decreases in periods of their resumption. In total, in August 2015, there were 133 Ukrainian military personnel imprisoned in the LDPR, out of which 37 were held in the building of the Security Services of Ukraine (SSU) in Donetsk.⁸³ At the end of December 2016, according to data from the SSU, there remained 61 people imprisoned.⁸⁴

For field commanders on the line of confrontation, the value of prisoners of war is clearly lower than for the staff and leadership of security agencies. For this reason, the fate of a prisoner mainly depends on in what state he will manage (if he manages) to get out of the hands of his capturers and into the "basements" of the centres of Donetsk or Luhansk.

The murder or abuse of prisoners by commanders and soldiers on the frontline or in the nearby support areas is characteristic in the LDPR. For example, the footage of the bullying of imprisoned Ukrainian officers and soldiers during the battles in the district surrounding Donetsk airport in January 2015 is widely known. The field commander Mikhail Tolstoy (Givi) initiated this in front of the video cameras.⁸⁵ Arseny Pavlov (Motorola) is known as the murderer of at least one Ukrainian prisoner of war – Igor Branivetsky. He admitted that he was a "gunner", after which he was severely beaten ("they broke all of his arms and legs"), and despite the attempt of those beating him to send him to hospital, he was shot by Pavlov in front of other Ukrainian prisoners of war, publicly announcing that the motive behind this murder was "mercy". The remaining prisoners were also subjected to severe beatings in the "shooting gallery" of Motorola's squad.⁸⁶ Furthermore, when Ukrainian journalists tried to discuss this matter with Pavlov on the phone, he stated that he had killed 15 prisoners, though he later disavowed this statement. A group under the leadership of Sergei Zavgoveev was accused of murdering at least three prisoners of war, who had been captured in the course of an attack on the colony inside the "Debaltseve cauldron" in February 2015.⁸⁷ Cases are also known of the use of prisoners of war in public actions to demonstrate the hatred of the population in the territory under the LDPR's control towards Ukraine.⁸⁸

According to the official statement of the head of the SSU in December 2016: "The main forms of torture used against our people have been the amputation of extremities and other parts of the body, suffocation through the blocking of respiratory tracts with water or with the help of a gas mask, electric shocks, burns from acid and irons, being forced under the threat of death to murder other prisoners or "to draw blood", beatings with rubber truncheons and metal bars, being left without food for several days and being held in a standing position in pits". In connection with these incidents, 31 former prisoners have filed their complaints with international institutions.⁸⁹

Conclusion and Implications

The transformation process of the political regimes in the LDPR can be described as the transition from a revolutionary dictatorship to a totalitarian dictatorship. Instead of direct, "revolutionary" terror, falling on the heads of obvious opponents and random victims, whilst leaving vast space for freedom, a methodical repression of all groups and individuals who can be suspected of disloyalty or the incorrect interpretation of dominant ideas is emerging. If under revolutionary terror, detained citizens have a roughly equal chance of ending up in front of a firing squad or to be released after a few days on bail, then under a totalitarian dictatorship, having been "taken from home", one is practically guaranteed to receive a significant term of imprisonment and one's health will worsen from being held in the torturous conditions of imprisonment. If under revolutionary dictatorships, ideological allies of a party fear falling into the hands of the enemy, then under a totalitarian dictatorship, they are more likely to die falling into the disfavour of a former friend.

If in a revolutionary dictatorship, the average person is at serious risk of parting with his movable assets or becoming the victim of street violence, then in a totalitarian one, he is forced to become a "small cog", part of a low-paid workforce, faced with direct and hidden taxes.

The particularity of the emerging dictatorships in the LDPR has been the combining of authoritarian and commercial interests of their leaders. That is, if under a totalitarian dictatorship the leading party (more accurately, the group of leaders managing property they do not personally own) usually becomes the largest property owner, then in the LDPR, namely the head of the dictatorship and two-three people from his closest circle try to become the most powerful businessmen of their new administration. They do not just control state funds, which also includes different types of international aid that pass through state structures. In addition to consolidating the most profitable and simple business from retailers into their hands ("hard and fast money"), drawing upon their experience of organising smuggling, they are trying to become owners of a large export-oriented enterprise. If they manage to do this, in the next few years they can become the richest people in Ukraine, surpassing the oligarchs in this position. Accordingly, they take all attempts at political discussion (both regarding the unity of Ukraine and questions of internal ideology) as attempts on their position as leaders

of the LDPR, that being the only factor which guarantees protection of their property and income. The majority of active functionaries of developed political dictatorships use the same policy of combining ideological and commercial interests at the level accessible to them. If there is not the opportunity to "reassign to yourself" or your wife an iron and steel works, they "reassign" a petrol station or a nightclub.

Correspondingly, the support of apparent order and the "normalisation" of law enforcement in these dictatorships, whilst not being completely exhausted (some progress is still possible in this sense), has its limits. In particular, the regimes that have emerged are interested in maintaining the "basement" systems that exist for holding prisoners and arrested citizens, in as much as it acts as a means of psychological terror, helping them to reach desired goals. Moreover, the strengthening of personal power and the transfer of property in the dictatorships from the politically and militarily "weak" to the stronger leads to a constant internal struggle. Considering the criminal and military past of many of the representatives of the new regime, this is guaranteed to lead to a continuation of criminal battles and acts of terror.

In the political discussion on the future of the LDPR in 2014-2015, it was supposed that they would become "a second Transnistria" or "second Abkhazia". However, the processes currently taking place are more reminiscent of the immediate forming of two "Chechen republics". That is, totalitarian regimes in these territories, which are based around a personality, are strengthened, at the expense of Russian subsidies, military strength and intelligence services. Their heads, on the one hand, are the largest property owners in the region and the managers of the lives and fates of their inhabitants, but on the other hand, they are heavily dependent on the Russian authorities and use them for protection and support.

Endnotes

- 1 According to official data from the Department of Statistics of the DPR on 1.11.2016, 2.3 million people lived on the territory, similarly in the LPR on 1.12.2016 – 1.5 million people. It is wholly likely that the size of the population was raised significantly for objective and subjective reasons. On the one hand, the calculations of these local statistics diverge from data in the 2011 census and taking into account people who had been removed or added to the register at local agencies. On the other hand, it is obviously desirable for local authorities to increase the size of the population with the aim of receiving additional subsidies from the Russian Federation budget and the centralised budget of the new administrations. Furthermore, the population wishes to remain registered in the LDPR with the aim of protecting property and receiving possible subsidies and wages.
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- 9 Details about the approval of the presidential aide, Vladislav Surkov, on legislation in the LDPR see: in particular its discovery in correspondence by Ukrainian hackers: Kurtov M. "Karabas von Donbas" // Radio "Svoboda". 2016. 03.11. [<http://www.svoboda.org/a/28095382.html>] (and numerous other expositions relating to this hack).
- 10 On the economic situation, tax system and finances in the middle of 2015 see: Golunov I., Artem'ev A. Investigation of RBC: whose money is Donbas living off // RBC 2015. 15.06. [<http://daily.rbc.ru/investigation/politics/15/06/2015/5579b4b99a7947b063440210>]
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- 12 28 December 2014 r. in Anratsit, as a result of an attack on the commandant of the town, called an attempt at "disarmament", the "military commander", Viacheslav Pinezhanin, of the town died and the head of the local Cossack unit Mikhail Koval'. The motorcade of Aleksandr Bednov, head of the unit "GBR Batman" was shot at 1 January 2015 from flamethrowers "under arrest". Bednov died, along with several Russian civilian guards. on 23 January, the "people's mayor" – Evgenii Ishchenko (likely Russian citizen), leader of the unit "Cossack People's Republic", who repeatedly expressed to journalists his discontent with the distribution of humanitarian aid with Luhansk, was killed by unknown individuals in the town of Pervomaisk. On 23 May, the motorcade of Aleksey Mozgovoy, leader of the unit "Prizrak", was blown up by mines and shot with machine guns in the back. Five people died. Pavel Dremov (likely Russian citizen), commander of the "Cossack regiment named after hetman Platov", was blown up in a car on 12 December 2015 together with his young wife.
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- 16 See, for instance, the characteristic "leaking" of documents from the DPR in spring 2015. Materials on the criminal situation in the DPR [<http://coloneccassad.livejournal.com/2383142.html>, 2015. 12.09.]
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European Support for the Effective Monitoring of Human Rights in Eastern Ukraine

The report presented here have been produced as part of the project 'European Support for the Effective Monitoring of Human Rights in Eastern Ukraine' conducted by the German-Russian Exchange (DRA e.V.) with support from the Federal Foreign Office of Germany. In the second part of 2016, a weekly digest on developments in the certain districts of Donetsk and Luhansk regions was published.

The main aim of the project 'European Support for the Effective Monitoring of Human Rights in Eastern Ukraine' is the systematic and consistent documentation of the civilian population's situation and of violations of human and humanitarian rights in eastern Ukraine. An important part of the project is the creation of a network of European human rights organisations participating in the undertaking of international monitoring, which should enable detailed and unbiased spreading of information to a wide public about the situation surrounding the conflict in eastern Ukraine.

The work on the project is founded on the conviction that the documentation of the on-the-ground reality and violations of human rights should lead to the cessation of violence and serve as a signal to the violators of these human rights that they cannot rely on impunity. The European monitoring of human rights violations in eastern Ukraine is a contribution to the peace process and the possibility of reconciliation in the future.

The project is implemented by the following non-governmental organisations: in Ukraine by Vostok-SOS (<http://vostok-sos.org>), Eastern Ukrainian Centre for Civil Initiatives (<http://totalaction.org.ua>), Luhansk Regional Human Rights Centre 'Alternativa', in Poland by Helsinki Foundation for Human Rights (www.hfhr.pl) and in Germany by DRA e.V. (www.austausch.org).

The report and other information regarding the situation of civilians and human rights in eastern Ukraine are available online at www.civicmonitoring.org.