Office of the United Nations High Commissioner for Human Rights

Report on the human rights situation in Ukraine
16 September 2014

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I. EXECUTIVE SUMMARY

1. This is the sixth monthly report of the Office of the United Nations High Commissioner for Human Rights on the situation of human rights in Ukraine, based on the work of the United Nations Human Rights Monitoring Mission in Ukraine (HRMMU). It covers the period from 18 August to 16 September 2014.

2. By 18 August, the Government of Ukraine regained control of some areas in the Donetsk and Luhansk regions that had earlier been seized by the armed groups, and had restored law and order. Residents of these areas, who had fled the fighting, started returning home as of early August. Government ministries and volunteer groups began restoring essential services, clearing away rubble and unexploded ordinance, and rebuilding damaged areas. In Slovyansk, basic services were restored and residents started receiving social welfare benefits and pensions that had not been paid since April when the city first fell under the control of the armed groups. As the cities of Donetsk and Luhansk remained under the control of the self-proclaimed 'Donetsk people's republic' and 'Luhansk people's republic',[1] the Ukrainian armed forces tightened the blockade around both of these cities in an effort to take them back.

3. Between 24 August and 5 September, fighting escalated in the east. Armed groups of the self-proclaimed 'Donetsk people's republic' and 'Luhansk people's republic' were bolstered by an increasing number of foreign fighters, including citizens of the Russian Federation[2]. On 27 August, the so-called 'prime minister' of the 'Donetsk people's republic', Alexander Zakharchenko, stated on Russian State television that 3,000-4,000 Russians were fighting alongside the armed groups, including former or serving Russian soldiers, on leave from their posts. Incursions were made by the armed groups into areas that the Government forces had recently regained particularly in the Donetsk region. In a number of areas, Ukrainian armed forces reported being bombarded by the armed groups with advanced weaponry. Ukrainian forces were pushed back from their positions in other areas of the southeast, including the border town of Novoazovsk, captured from Ukrainian armed forces on 27 August.

4. The escalation of hostilities led to a sharp increase in casualties among civilians, members of the armed groups and Ukrainian servicemen. From mid-April to 16 September, at least 3,517 people had been killed (including the casualties of the Malaysian airlines MH17 crash) and at least 8,198 wounded.[3] While the HRMMU has not been able to obtain disaggregated data on casualties among civilians and armed elements, it appears that the majority of civilian victims were killed due to indiscriminate shelling in residential areas and the use of heavy weaponry. There were continued reports of armed groups positioning, and intermingling, within urban communities, endangering civilians. Some of the reported cases of indiscriminate shelling in residential areas can be attributed to the Ukrainian armed forces. The unknown number of military casualties has increased anxiety within communities, and is fuelling protests.

[1] Henceforth referred to as either the 'Donetsk people's republic' or the 'Luhansk people's republic'.

[2] On 7 September, Amnesty International stated that it believed the Russian Federation to be fuelling the conflict through direct and indirect interference. It reported that it had compelling evidence that the fighting had burgeoned into what it considered to be an international armed conflict. It also accused both the 'Ukrainian militia and separatist forces' of being responsible for war crimes.

[3] These are very conservative estimates by the UN HRMMU and World Health Organization based on the official data, where available. These totals include: casualties of the Ukrainian armed forces as reported by the Ukrainian authorities; the 298 people killed in the crash of the Malaysian Airlines flight MH17 on 17 July; and casualties reported by civil medical establishments and local administrations in the Donetsk and Luhansk regions. The casualties reported by medical establishments include civilians and some members of the armed groups (without distinguishing them). Only a fraction of them have been reported by medical establishments. OHCHR and WHO estimate that the actual numbers of fatalities may be much higher.

5. During the reporting period, international humanitarian law, including the principles of military necessity, distinction, proportionality and precaution continued to be violated by armed groups and some units and volunteer battalions[4] under the control of the Ukrainian armed forces. It is critical for all those involved in the conflict to comply with international humanitarian and human rights law, and to be fully aware of the consequences of their actions, and the concept of command responsibility.

6. In late August, the Trilateral Contact Group comprising senior representatives of Ukraine, the Russian Federation and the OSCE Chairperson-in-Office, established to facilitate a diplomatic resolution to the fighting and introduced into their talks the political representatives of the 'Donetsk and Luhansk peoples' republics'. After the first face to face meeting on 1 September, a consultation process began, during which the Presidents of Ukraine and the Russian Federation discussed and tabled elements of a peace plan. On 5 September, at a meeting in Minsk the representatives of Ukraine, the Russian Federation, and the 'Donetsk and Luhansk peoples' republics' signed a 12-point Protocol[5], and declared a ceasefire, to be implemented on the same day.

7. This ceasefire is increasingly fragile, with daily reports of skirmishes, shelling and fighting. Although there have been fewer casualties, civilians and military personnel continue to be killed on a daily basis. Some areas in the conflict zone report calm, such as Luhansk city, while others have been the scene of increasing fighting and hostilities, such as Donetsk airport, which has seen a surge in fighting as of 13 September. Since the ceasefire, there are reports that the Ukrainian military has been shelled by the armed groups many times. Reportedly, 49 servicemen have been killed and 242 wounded.

8. Two key human rights priorities emerged from the 12-point-Protocol: the immediate release of all hostages and detainees[6] and an amnesty[7] in connection with the conflict in parts of the Donetsk and Luhansk regions. Both elements have been included in a draft law on 'the prevention of persecution and punishment of participants of events on the territory of Donetsk and Luhansk regions' adopted on 16 September pursuant to the Minsk Protocol. The law excludes amnesty for crimes, including genocide, terrorism, murder and infliction of serious bodily injuries, sexual crime, hostage-taking and human trafficking. Also on 16 September, Parliament adopted a law offering special status to parts of the Donetsk and Luhansk regions, thereby fulfilling another requirement of the Minsk Protocol aimed at strengthening the ceasefire and advancing peaceful solutions. The two Bills need to be signed by the President to enter into force. While both have the potential to play a critical role in reconciliation and creating an environment for sustainable peace, strategies for their implementation need to be developed with the participation of victims and civil society more broadly. These should be designed to enable implementation of the legislation to be in accordance with international norms and standards, including UN General Assembly resolution 68/262, through the assistance and guidance of

[4] This is a generic term applied to type of 'military' battalions recently created, which are currently fighting in the conflict in the east. They have been formed on the basis of the voluntary participation of individuals. These battalions comprise those placed under the command of the Ministry of Defence (known as territorial battalions), and those under the Ministry of Internal Affairs (known as special police battalions).

[5] Protocol on the results of consultations of the Trilateral Contact Group with respect to the joint steps aimed at the implementation of the Peace Plan of the President of Ukraine, Petro Poroshenko and the initiatives of the President of the Russian Federation, Vladimir Putin. It was signed by the Swiss diplomat and OSCE representative Heidi Tagliavini, Former president of Ukraine and Ukrainian representative Leonid Kuchma, Russian Ambassador to Ukraine and Russian Federation representative Mikhail Zurabov, 'Donetsk peoples' republic and Luhansk peoples' republic' leaders Aleksandr Zakharchenko and Ihor Plotnytskiy respectively.

[6] Point 5, of the above-mentioned protocol 'Release immediately all hostages and illegally detained persons'.

[7] Point 6, of the above-mentioned protocol 'Adopt the law on non-prosecution of persons in connection with events that took place in some parts of Donetsk and Luhansk regions of Ukraine'.

relevant international organisations, and with a view to guaranteeing due process. The President publicly advocated for the two draft laws during their passage, both before the Government and Parliament. The response of the leaders of the so-called 'Donetsk and Luhansk peoples' republics' has been mixed, with the former stating that he found that the document contained 'certain points to start a dialogue', but he still challenged any measure to remain with Ukraine, while the latter stated that the draft law gave a 'peaceful settlement its first chance'[8].

9. Armed groups continued to terrorise the population in areas under their control, pursuing killings, abductions, torture, ill-treatment and other serious human rights abuses, including destruction of housing and seizure of property. They abducted people for ransom and forced labour and to use them in exchange for their fighters held by the Ukrainian authorities. They also continued to practice forced mobilisation of civilians and threatened the local population with executions. Reports also continued of parallel governing structures being set up in the 'Donetsk and Luhansk peoples' republics'. An unlawful 'criminal code' was adopted by the so-called 'presidium of the council of ministers' of the 'Donetsk people's republic'; and entered 'into force' on 18 August. Modelled on the criminal code of the Russian Federation, its provisions include the establishment of military tribunals to implement death sentences to be applied in cases of aggravated murder.

10. There have also been continued allegations of human rights violations committed by some volunteer battalions under Government control, which have been undertaking police functions in many of the liberated towns and villages. The Government needs to exercise more control over all of its forces, including the volunteer battalions, and to ensure accountability for any violations and crimes committed by their members.

11. With the increasing number of reports of grave violations of international humanitarian and human rights law committed in the conflict area, it is crucial to establish accountability. The humanitarian situation in the areas controlled by the armed groups remained precarious, even after the ceasefire, especially in the Luhansk region. Humanitarian assistance largely depends on volunteers and a few international organisations, namely the International Committee of the Red Cross (ICRC) and *Médecins Sans Frontières* (MSF). Despite the ceasefire, many people in the conflict area remained for a second month deprived of water and electricity, with limited access to healthcare and educational services. On 22 August and 13 September, the Russian Federation authorities sent white-truck convoys to eastern Ukraine, without the consent of the Government of Ukraine. Such humanitarian convoys must be undertaken in full compliance with international standards, and the procedures of relevant international organisations, including proper inspections, before entering the territory of Ukraine.

12. The ceasefire encouraged many internally displaced persons (IDPs) to go back to their homes in the regions of Donetsk and Luhansk. Some went back to their homes just to collect belongings, others have remained. Those who have returned face serious difficulties besides the volatile security situation, private property has been destroyed or damaged, and employment is limited as many business or industries have now closed down.

13. At the same time, more than 275,489 registered IDPs[9] remained partly without the commensurate assistance and care. Most IDPs still live from their savings and the generosity of family and friends willing to host them. The conflict in the east has triggered a wave of solidarity among Ukrainians, but the capacity of absorption within host communities has been weakening. There have been some reports of increased tensions between residents and IDPs mostly due to a growing distrust vis-à-vis persons coming from the areas controlled by the armed groups, and

[8] According to the 'prime minister' of the 'Luhansk People's republic', the law is "largely in line with our negotiating position … Therefore, although there is still much uncertainty, it can be said that a peaceful settlement has its first chance".

[9] State Emergency Service, 18 September, 2014.

suspicions of potential connections with such groups. It is crucial for the authorities to defuse such tensions. It is also important that the draft IDP law under review by Parliament be adopted promptly so as to allow the provision of basic services, including the possibility for IDPs to access health care, education and employment, in line with the UN Guiding Principles on Internal Displacement.

14. Some protests against mobilization have been reported and the lack of rotation for soldiers at the front is allegedly leading some servicemen, on 'leave', not to return.

15. Authorities and residents throughout Ukraine are particularly concerned about the coming winter months, especially because of the expected gas shortages. This is a particular issue for those living in temporary shelters and camp sites that are ill-equipped, and for those who have returned to areas affected by the conflict, where properties have been damaged.

16. On 27 August, a presidential decree announced the holding of extraordinary parliamentary elections on 26 October 2014. It is critical for these elections to be held transparently, freely and fairly in an environment which allows the participation of the electorate throughout the country. Ensuring the protection of freedoms of expression, peaceful assembly and association will be particularly crucial. Elections are an opportunity to encourage greater participation of women in political life, as they only constitute 10 per cent of all parliamentarians. How people will be able to exercise their right to vote in the eastern regions under the control of the armed groups is unclear. The precedent of the Presidential election raises serious grounds, as well as with the ongoing curtailment on the freedoms of expressions and peaceful assembly in these areas, which are an essential element for a free and fair electoral process.

17. The investigations into the unlawful killing of protesters and the Maidan violence of November 2013 – February 2014 continued. On 5 September, an 'Interim Parliamentary Commission' report, including on the 2 May Odesa violence, was published and is now under consideration in Parliament. It has highlighted some new elements, such as the use of chloroform in the Trade Union Building. Other investigations into the 2 May violence continue, including by the Office of the General Prosecutor and the Ministry of Internal Affairs (MoIA). It remains critical to ensure the impartiality of all ongoing judicial processes in order to guarantee accountability and justice for the victims.

18. In the Autonomous Republic of Crimea, the human rights situation continued to be marked by multiple and ongoing violations. As previously reported, the introduction of Russian Federation legislation, in contravention with General Assembly resolution 68/262, continued to curtail freedoms of expression, peaceful assembly and association, religion or belief. Property rights have been violated through 'nationalisation' and the illegal seizure of property by decision of the de facto authorities and actions by the so-called 'Crimean self-defence'. Law enforcement personnel continued to conduct searches, particularly among the Crimean Tatar and Ukrainian population, claiming to look for 'extremist' material. The number of IDPs from Crimea on mainland Ukraine has further increased to 17,794.[10] The HRMMU continued to seek access to Crimea, and reiterated a request to establish a sub-office there.

19. On 16 September, the Parliaments of Ukraine and the European Union ratified the EU Association Agreement in simultaneous sessions, moving towards the establishment of political association and a free-trade area between the two parties. The key provisions on free trade will not be implemented until December 2015 at the earliest.

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

20. Intense hostilities in the Donbas region continued during the reporting period, and intensified between 24 August and 5 September, causing numerous military and civilian

[10] Ibid.

casualties, and damage to infrastructure. Following the 5 September ceasefire, the scale and intensity of hostilities dramatically decreased, although not completely. The civilian population in Debaltseve, Donetsk, Horlivka, Ilovaisk, Luhansk, Pervomaisk, Shchastya and a number of other settlements continued to be caught in the crossfire and cross-shelling.

21. The intensification of hostilities between 24 August and 5 September led to an increase in casualties largely due to the use of heavy weaponry and indiscriminate shelling of densely populated areas. An increasing number of foreign fighters were reported to be participating in the fighting, including citizens of the Russian Federation, allegedly "former servicemen" or active duty personnel "on leave".

22. One emblematic case of such casualties was around the town of Ilovaisk (Donetsk region). As a result of an offensive that started on 19 August, part of the town came under the control of the Ukrainian armed forces. By 27 August, the Ukrainian troops in Ilovaisk were completely surrounded by the reinforced armed groups. The same day, a safe corridor was allegedly negotiated with the parties involved in the fighting. However, at least one column of Ukrainian troops was heavily shelled while leaving Ilovaisk. Many Ukrainian units and individual servicemen managed to break out from the encirclement. According to various official reports, between 107 and more than 200 Ukrainian servicemen were killed, hundreds were wounded, several hundreds have been detained by the armed groups, and many remain reportedly missing.

23. On 22 August and 13 September, the Russian Federation authorities sent separate large white-truck convoys to eastern Ukraine. Both entered Ukraine at the Izvaryne crossing point, located in armed group controlled territory. This was without the full consent or inspection of Ukraine, and the exact destination and content of the convoy could not be verified. The first convoy reached the border under an agreement whereby a visiting Ukrainian team of border and customs officials would check the vehicles, along with Russian counterparts. This broke down however, after only 34 vehicles of the 227 assorted vehicles that made up the convoy were inspected. The remaining vehicles proceeded to just drive across the border without the Ukrainian officials having any way to enforce their control. The crossings were monitored by OSCE. The convoy on 13 September consisted of 216 assorted vehicles.

Indiscriminate shelling

24. Indiscriminate shelling of populated areas, both by armed groups and the Ukrainian armed forces continued to be reported. This, combined with the continued intermingling of armed groups in civilian areas, endangered the local population. In the reporting period, the Department of Internal Affairs of the Donetsk region started investigations into several cases of shelling which resulted in at least 12 civilian deaths and 44 wounded. Shelling of civilians trying to leave the conflict areas was reported to the HRMMU. On 18 August, a column of vehicles with civilians evacuating from Luhansk was allegedly targeted and shelled by the armed groups, between the settlements of Novosvitlivka and Khryashchuvate. As a result, at least 17 people were killed and six were wounded. Prison facilities were also targeted. On 20 August, two artillery shells hit Makiivka Penitentiary Colony No. 32 (Donetsk region) killing two inmates and wounding six.

A. Casualties

25. The number of reported casualties caused by the conflict in eastern Ukraine increased by almost one and a half times since the cut-off date of the last HRMMU report issued on 17 August. Prior to the ceasefire, from 18 August to 5 September, at least 42 people were killed on average every day. Since mid-April, and as of 16 September, at least 3,517 people (including at least 36 children) were killed, and at least 8,198 (including at least 82 children) wounded. This is

a conservative estimate by the HRMMU and the World Health Organization based on the official data, where available.

26. These totals include: Ukrainian armed forces (at least 1,078 killed and 3,277 wounded) as reported by the National Security and Defence Council and the Prosecutor-General; the 298 people killed in the crash of the Malaysian Airlines flight MH17 on 17 July; and casualties reported by civil medical establishments and local administrations (at least 1,299 killed and 2,245 wounded in the Donetsk region, and at least 842 killed and 2,676 wounded in the Luhansk region).

27. The casualties reported by medical establishments include civilians and some members of the armed groups (without distinguishing among them). The HRMMU and WHO deem that casualties among Ukrainian armed forces, civilians and of the armed groups (including foreign servicemen and volunteer fighters) have been under reported during the whole period of the security operation.

28. The reporting of Ukrainian military casualties remained imprecise and contradictory. By 4 September, according to the National Security and Defence Council, 837 servicemen were killed and 3,044 wounded during the whole period of the security operation. On 5 September, the National Security and Defence Council reported that the previous day seven servicemen were killed and 59 wounded and indicated that total of 846 servicemen were killed and 3,072 wounded since April 2014 (while arithmetic would imply 844 killed and 3,103 wounded). The National Security and Defence Council reported an increase of 151 Ukrainian servicemen killed from 24 August to 12 September, while, according to the Minister of Defence only in Ilovaisk and some other locations of most intense hostilities, 181 persons were killed during that period. While the Minister reported being aware of 107 servicemen killed in Ilovaisk, the Prosecutor-General indicated that at least 200 servicemen had perished there. On 29 August, the National Security and Defence Council spokesperson reported 11 Ukrainian servicemen missing in action, while first-hand reports from Ukrainian soldiers suggest that tens, if not hundreds, of Ukrainian servicemen remained missing.

29. The level of under reporting of military casualties by the Government can be grasped by comparing the figures on wounded provided by the National Security Defence Council (3,277) with the number of servicemen treated in major military and civilian hospitals closest to the fighting – Dnipropetrovsk, Kharkiv and in Zaporizhzhya region. They amounted to at least 4,800 in these three locations by earlier reporting dates (until 3 September, 26 August and 13 August respectively). Further, some lightly wounded who are treated in the field with their units, are probably not accounted for in these totals. Estimates for the number of wounded, therefore, could be two times higher than the figure reported by the National Security and Defence Council.

30. As during previous reporting periods, insecurity prevented people from seeking medical aid. Many of those killed were buried without being taken to morgues or offices with forensic expertise. The armed groups increasingly buried their members in separate burial sites in fields. Reportedly, many bodies were taken to the Russian Federation.[11] Therefore reports of medical establishments only partially covered casualties among civilians and armed groups. In the Donetsk region, women comprised 15 per cent of those killed and 15 per cent of those wounded as reported by medical establishments by 16 September (11 per cent and 13 per cent respectively as of 11 August).[12] At the same time, the indiscriminate use of weapons accounted for the

[11] According to the Committee of Soldiers' Mothers in the Stavropol region of the Russian Federation, about 400 servicemen of the Russian Armed Forces were killed and wounded in Ukraine as of 28 August.

[12] The breakdown of statistics is not available for the Luhansk region as not reported to the WHO by medical establishments from region.

majority of civilian deaths, which affected men and women equally.[13] Although women and children comprised the majority of those who have fled the security operation area, the proportion of one killed woman to six-seven killed men suggest that members of the armed groups (who are predominantly men) constitute a considerable part of casualties (up to 50 per cent) reported by medical establishments. From this, it can be considered that the majority of those killed and wounded in hostilities comprised servicemen of the Ukrainian armed forces and members of the armed groups.

B. Summary, extrajudicial or arbitrary executions

31. During the reporting period, alleged torture and executions of detainees by the armed groups and the volunteer battalions continued to be reported. These reports require thorough verification.

32. On 22 August, Lithuania's Honorary Consul in Luhansk was abducted and killed. On 9 September, the Security Service of Ukraine (SBU) reported on the detention, in Kramatorsk (Donetsk region), of a Ukrainian citizen who admitted that he had voluntarily "become part of the firing squad No.1 of the NKVD ['Donetsk people's republic's secret service] at the Druzhkivka commandant's office". Local people reportedly have named at least five people executed by that squad in the nearby forest.

C. Missing persons, enforced disappearances and arbitrary detention[14]

Detainees

33. The escalation of hostilities between 24 August and 5 September resulted in a sharp increase in detentions by the armed groups. According to the SBU[15], the law enforcement agencies registered 30 to 50 submissions on missing or abducted persons per day, both military personnel and civilians. Between 5 and 10 September, an inter-departmental centre at the SBU created to assist citizens regarding detainees, hostages, and missing persons received 1,290 submissions. By 11 September, its database included about 700 names.

34. Point 5 of the Minsk Protocol agreed upon on 5 September foresees that 'all hostages and illegally detained people shall be released without delay'. On 6 September, the National Security and Defence Centre reported that at least 200 Ukrainian servicemen were kept by the 'Donetsk people's republic'. According to the 'acting minister of state security' of the 'Donetsk people's republic' about 1,000 people were being detained by the 'Donetsk people's republic' as of 7 September. On 8 September, the Press Secretary of the President of Ukraine, referring to the Army Chief of Staff, reported that 648 people were released by the armed groups during the whole period of the security operation, while more than 500 remained to be released. On 11 September, the HRMMU shared with Ukrainian authorities a list of more than 400 people (mainly civilians) alleged to be held by the armed groups.

35. Between 6 and 16 September, at least three exchanges took place, during which at least 130 people were released by the armed groups. The exact number of people released by the Ukrainian side is unknown, though it is believed to be comparable with the number of detainees released by the armed groups. On 12 September, the HRMMU was informed by some families that three detainees were released from the Odesa pre-trial detention centre and driven by the

[13] This is supported by figures provided to Human Rights Watch by a senior figure in the Luhansk medical system in early September; the city morgue had received more than 300 bodies of civilians, about half of them female, since the shelling started.

[14] The United Nations Working Group on Arbitrary Detention regards as detention all forms of deprivation of liberty.

[15] In a meeting with the United Nations Assistant Secretary-General for Human Rights on 29 August in Kyiv.

SBU to Kharkiv in order to be exchanged, despite the alleged refusal of two of them to be exchanged. The HRMMU was granted access to them and held private talks with each detainee. They were released the following day by the Ukrainian authorities.

36. A number of exchanges and unilateral releases occurred before the signature of the Minsk agreements. Reportedly, more than 200 Ukrainian servicemen were unilaterally released by the 'Donetsk people's republic' during the night of 30 to 31 August. On 5 September, hours before the ceasefire was announced, the 'Donetsk people's republic' released 10 detainees. On 7 September, 15 people were unilaterally released by the 'Donetsk people's republic' but this was allegedly not related to the Minsk Protocol.

Detentions by armed groups

37. On 21 August, the HRMMU talked to relatives of two people who went missing on 7 August near Makiivka, Donetsk region. Reportedly, three armed men came to the victims' residence and abducted them. On 21 August, in an interview, the son of a Donetsk businessman described the abduction of his father from his office. On 24 August, a pastor and a parishioner from a town in the Donetsk region were abducted by the 'Donetsk people's republic' supporters – one for his allegedly 'anti-Donetsk people's republic' views and the other for having relatives in the United States. On 25 August, a member of a Protestant church who delivered humanitarian assistance to elderly residents of Donetsk, and had been vocal about his pro-Ukrainian views, went missing. On 5 September, a Druzhkivka resident was detained by 'Donetsk people's republic' supporters on his way home from Komsomolskoe. His wife was told that "there were reasons" for his detention, and that "he would be released after circumstances are clarified". As of 16 September, the whereabouts of all these people remained unknown.

38. In early September, three local administration officials of the town of Kirovsk (Luhansk region) were abducted by the armed 'Luhansk people's republic' supporters, allegedly because of their refusal to provide a school building for the 'Luhansk people's republic' needs. On 11 and 16 September, two senior officials of the Luhansk National University were abducted by the armed groups. At the same time, the 'Luhansk people's republic' leadership had ordered earlier that the university lecturers return to work or they would otherwise be fired.

39. A number of people released by the armed groups reported being transferred to the Russian Federation for interrogation, and then returned to Ukraine. Ukrainian servicewoman Nadiya Savchenko, allegedly captured in the Luhansk region in July, remains in a detention facility in the Russian Federation. Ms. Savchenko is charged with killing Russian journalists in Ukraine, while on duty. On 27 August, the Voronezh Court decided that she would remain in custody until the end of October 2014, and refuted the motion of her defence to initiate an investigation concerning her abduction from Ukraine. The court ordered, at the same time, that the Ukrainian lieutenant undergo a so-called compulsory psychiatric examination in Moscow. The referral to a psychiatric examination means that she will be deprived of contact with the outside world – including her lawyers and the consular services of Ukraine. For two other Ukrainian citizens detained in Crimea in May, please see section X on human rights issues in Crimea.

Torture and ill-treatment of detainees by armed groups

40. The HRMMU continued to document cases of torture and ill-treatment in the custody of the armed groups in the Donetsk and Luhansk regions. A woman suspected of acting as an artillery spotter for the Ukrainian armed forces was abducted at the end of August. She was subjected to beatings (including with rifle butts) and shooting near her ears. She was forced to stretch her arm in a Nazi salute and shout "Sieg Heil", threatened with rape and handcuffed to a radiator for several days. Two civil society volunteers were abducted while transporting humanitarian aid. They spent 22 days in detention in late August. They were reportedly beaten, including with truncheons and rifle butts, whilst cigarettes were crushed on their noses and their

nails were broken. Two other civil society volunteers (in detention from 28 July to 27 August) experienced mock execution with guns placed to their heads and knives pointed at their eyes. They were also reportedly beaten (including with baseball bats), poorly fed, and received no medical assistance. Another volunteer was abducted, and taken to a nearby forest where he was ordered to dig his own grave. After refusing to do so, he was hit several times on the head, and his nose was broken. All these people were later released.

Detention and enforced disappearances by Ukrainian armed forces and police

41. According to the SBU, from mid-April to 25 August, at least 1,000 individuals have been detained on suspicion of being 'militants and subversives'. Most of these detainees have been accused of violating territorial integrity or constitutional order, terrorism, espionage, diversions and State treason. After 25 August, at least 52 other people were detained throughout the country on suspicion of such crimes. The HRMMU remains concerned over the situation of these individuals. On 12 September, a number of people released by the Ukrainian forces reported ill-treatment in custody, such as beatings, poor nutrition and lack of medical assistance.

42. The HRMMU has also remained concerned over the enforced disappearances, arbitrary detention and ill-treatment allegedly perpetrated by members of the volunteer battalions, in particular by 'Aydar', 'Dnipro-1', 'Kyiv-1' and 'Kyiv-2'. This includes the enforced disappearance of a man detained at a checkpoint, whose whereabouts remained unknown, despite the battalion commanders maintaining that he was released after several days; the enforced disappearance and ill-treatment of a man who was suspected of being a 'separatist' because of his mobile phone records of calls around the Donetsk region; the killing of a driver who was passing by a column of Ukrainian military vehicles; the extortion of large sums of money from businessmen at checkpoints; and the enforced disappearance of relatives of suspected supporters of the 'Donetsk people's republic', as well as demands of ransom for their release.

43. On 13 September, the HRMMU interviewed a Donetsk resident who had been detained on 29 July in Starobesheve (Donetsk region) while passing a checkpoint manned by the National Guard. During the search a St. George's ribbon, an ID of a Communist Party member and a Communist Party newspaper were found in his car. For the first three to four days he was reportedly held in a pit in or near Starobesheve, and then transferred to a base allegedly shared by the 'Dnipro' and 'Donbas' battalions and the 'Right Sector' unit in Pokrovske district (Dnipropetrovsk region). He was reportedly held in a basement cell together with 19 persons, including three women. The detainees were urinated on; forced to carry each other naked, covered in foam; boiling water was poured over their legs; and logs were thrown at them, while his hands were cut with a knife. According to the victim, a superior officer noticed what his subordinates were doing and ordered them to stop the torture and cruel, inhuman and degrading treatment. At some point, the detainee interviewed received medical aid, allegedly ahead of the visit of a 'Right Sector' leader. The latter was reportedly appalled by the treatment of the detainees and ordered that the perpetrators be sent to the front. On 5 September, the victim was released. According to him, many other detainees were left on the base.

III. FREEDOMS OF EXPRESSION AND PEACEFUL ASSEMBLY

A. Freedom of expression

44. Foreign and domestic journalists continued to face threats and abductions, with an obvious impact on their work and freedom of expression. Journalists have an important role to play when reporting from conflict zones, as they disseminate information to which the general public would otherwise not have access. However, some unprofessional and biased media fuel the conflict, contributing to the division of society and exacerbating tensions.

Safety of journalists

45. Media professionals continued to risk their safety while working in the Donetsk and Luhansk regions. On 3 September, 'Russia Today' photographer Andrei Stenin, who went missing on 5 August near Snizhne, was confirmed dead[16]. He was allegedly traveling in a convoy of civilians fleeing the conflict zone when it came under heavy fire. The police opened a criminal investigation into his death. On 21 August, a Ukrainian photographer was wounded during the fighting in Ilovaisk. To limit casualties among media professionals, some NGOs continued to hold security training sessions for journalists[17].

46. As in previous months, journalists were detained by armed groups and the 'volunteer' battalions. A journalist and a cameraman from TV channel '112 Ukraine' were detained on 21 August by armed men of the 'Luhansk people's republic' while reporting on the exchange of hostages. Both were released two and a half weeks later, following an intervention by Russian journalists. A journalist of the media outlet 'Road control' and a cameraman of 'Espreso TV', upon their release on 2 September, reported that they were abducted by Russian servicemen on 25 August near Ilovaisk. Some media professionals have yet to be released, such as two Kharkiv journalists, who have been detained by the 'Luhansk people's republic' armed groups on 17 August and a journalist of 'Espreso TV' detained by the 'Donetsk people's republic' armed groups on 25 August[18].

47. On 25 August, the 'Aydar' territorial defence battalion detained a female editor-in-chief of a Luhansk-based newspaper near Shchastya, allegedly for "supporting terrorists, inciting war and serving the interests of the Party of the Regions". Her whereabouts remained unknown as of 16 September. That same day, two journalists (a man and a woman) of the weekly *Crimean Telegraph* went missing near Donetsk after being allegedly removed from a bus by representatives of the 'Right Sector'. At the time, one of them called her editorial office, but since then there has been no contact with either of the two. On 1 September, two Russian correspondents from TV 'Dozhd' and Forbes were abducted at a checkpoint by the 'Azov' battalion. They were held for several hours. After their release they reported being taken to a basement with bags on their heads, whilst their documents and accreditations were checked.

Disinformation / media regulation

48. As fighting intensified in August, the instances of media disinformation significantly increased. On 21 August, the Russian TV channel 'Zvezda' aired a report alleging shelling of Makiivka by the Ukrainian forces in order to liberate it by Independence Day on 24 August. The video was later removed from the channel's website. The same day, the National Security and Defence Council Information and Analysis Centre and the public initiative StopFake tracked

[16] This is the seventh registered death of a journalist since the beginning of 2014.

[17] Media professionals working in the security operation area often do not use personal safety equipment. Of concern are a number of instances where reporters are seen in their own recordings wearing camouflage and elements of military attire, beyond just protective helmets and body armour.

[18] According to the study of the NGO 'Institute of Mass Information' presented on 16 September, in the period from beginning of March to end of August 2014, 70 media professionals have been detained by 'self-defence' units and armed groups in Crimea and eastern regions of Ukraine respectively.

down the actual footage of the supposed rocket blast and established that it was filmed on 2 July 2013 in Baikonur (Kazakhstan).

49. On 28 August, the press services of the 'Donetsk and Luhansk people's republics' claimed that Osypenko settlement near Berdyansk, Zaporizhzhia Region, was seized by their armed units. However, Ukrainian journalists found out that the town was under the control of the Government. The mayor of Berdyansk stated that 'pro-Russian' supporters are reporting non-existent victories in order to sow panic among the population.

50. The Ukrainian authorities continued to take measures to regulate and, in some cases, to censor the media. On 19 August, an adviser to the MoIA confirmed that the police would monitor whether cable TV providers complied with an earlier ban on 12 Russian channels[19]. On 28 August, the National Council on TV and Radio Broadcasting stated that it had transmitted to the SBU a list of 49 Russian media professionals, who should be banned from entering Ukraine, allegedly for inciting hatred, violence and war propaganda. As of 11 September, 35 persons on the lists had been denied entry to Ukraine for three to five years. While such measures may be required, it is necessary to ensure that such steps are not arbitrary and in accordance with article 20 of the International Covenant on Civil and Political Rights.

51. On 11 September, the SBU searched the offices of *Vesti* newspaper, in Kyiv, and confiscated equipment, materials and journalists' personal belongings[20]. The SBU reportedly conducted the search as part of a criminal investigation into *Vesti* publications, which allegedly contained information infringing Ukraine's territorial integrity. After the search, the newspaper published pictures of the consequent damage to its property. On 11 September, the SBU searched the Mega-Polygraph printing house, where *Vesti* is printed. According to the printing house, the search resulted in delays in the printing of *Vesti* and other media publications.[21]

52. On 12 September, the leadership of the 'Donetsk people's republic' reportedly obliged all media outlets in the Donetsk region, including branch offices of all-Ukrainian channels, to register at the so-called 'ministry of information', threatening that their editorial offices would otherwise be forced to stop working.

53. The ongoing conflict continued to be accompanied by propaganda, disinformation, lack of objective, unbiased reporting, and use of charged terminology ('junta', 'fascist', 'terrorists') by all sides to the conflict. This has contributed to exacerbating tensions, fuelling a dual narrative of 'us versus them' which has led to polarising society and spreading intolerance among some communities.

Manifestation of intolerance

54. Two instances of humiliation and manifestation of intolerance through symbols occurred in Donetsk at the end of August, causing particular outrage. On Independence Day, armed group members forced some 50 of their detainees, believed to be Ukrainian servicemen, to march through the centre of Donetsk, exposing them to crowds who threw items at them and shouting insults. Afterwards, public road-cleaning vehicles washed the road behind the detainees while driving over Ukrainian flags[22].

55. On 26 August, armed supporters of the 'Donetsk people's republic' subjected a Ukrainian female activist from Yasynuvata, Donetsk region, to public humiliation. She was held

[19] See paragraph 68 of the OHCHR report on the human rights situation in Ukraine, 17 August 2014.

[20] This is not the first time *Vesti* has been searched. These offices were previously threatened by an MP and his supporters, demanding that it change its editorial policy. It was later vandalised by masked and armed demonstrators. In the past, 'Vesti's' management expressed to the HRMMU its concern that political pressure was being applied to prevent its criticism of Government policies.

[21] Following the incident, the OSCE Representative on Freedom of the Media called on the Ukrainian authorities to respect media. The full text is available at: http://www.osce.org/fom/12352.

[22] Such a practice was applied in the Soviet Union to German prisoners of war.

in captivity for a day, beaten and threatened with rape and death. After that she was forced onto the street, draped in a Ukrainian flag and with a sign reading 'she is killing our children'. The passers-by spat in her face, kicked and beat her with sticks, took pictures of her and verbally abused her. A Russian and foreign journalist witnessed and recorded this incident[23].

56. Such incidents, as well as a growing number of videos of torture of Ukrainian servicemen by armed groups, provoke anger. In this climate, those questioning or not supporting the security operation or a military solution are often viewed as supporting the 'Donetsk or Luhansk people's republics'. At the same time, there is a shrinking public space for people to express their dissatisfaction, frustration and views that may be different. Generally, incidents of intolerance have become more frequent.

57. The HRMMU noticed an increased use of hate speech and incitement to violence in social networks by 'pro-Unity' supporters in Odesa, particularly targeting high ranking officials and parliamentarians connected to the Party of Regions[24]. There has also been an increased use of hate speech during 'pro-Federalism' assemblies, with some participants calling for the death of active 'pro-Unity' supporters, and labelling them as 'fascists' and 'Nazis'. In general, the use of hate speech has fostered an antagonistic and aggressive environment, limiting space for dialogue and reconciliation.

B. Freedom of peaceful assembly

58. During the reporting period, the right to peaceful assembly was generally exercised without restrictions in most of Ukraine, with the exception of eastern Ukraine and the Autonomous Republic of Crimea. The number of peaceful protests increased, while the number of police officials who attend such events declined compared to previous months. However, there was an increase of prohibitions of protests by courts or local authorities in the name of public order and safety, In particular, rallies were prohibited in Kyiv and Odesa on the grounds of preventing rival protests that could potentially turn violent,[25] on Independence Day.

59. Public calls for lustration gained momentum throughout Ukraine. In Kyiv, people gathered near the Parliament buildings to demand the adoption of the lustration law. A number of rallies took place in western Ukraine expressing dissatisfaction with local institutions or regional state officials and demanding lustration and the dismissal of heads of local institutions. In most cases, local authorities demonstrated openness to dialogue with protesters and no violent incidents were reported. In some cases, protesters blocked major roads.

60. Protests over the reporting period generally pertained to issues connected to the conflict, particularly demanding peace or protesting against the deployment of military units to the east, or the conditions of deployment, or rallies demanding that IDPs residing in western Ukraine do not evade mobilisation. Many also related to social and economic concerns, and support to either 'pro-Unity' or 'pro-Federalism' positions.

IV. ACCOUNTABILITY FOR HUMAN RIGHTS VIOLATIONS

[23] The Russian journalist contacted the local brigade commander who expressed outrage at the incident and ordered the activists to be released. He guaranteed her free passage and she has since reached Ukrainian controlled territory.

[24] For example, on 9 August, a Facebook group posted the following – 'Lustration may start by itself, it is enough just to shoot Efremov, cut the throat of Lena Bondarenko, chop off Chechetov's hands, hang Kivalov, announce a hunt for Liovochkin, publicly hang three brothers Litvinov, burn alive Shufrych and I assure you, they will run, they will leave Ukraine the next day'.

[25] This increase for now may be viewed in the context of the larger numbers of public manifestations marking Independence Day, which fell in the reporting period.

A. Accountability for human rights violations in the east

Command responsibility

61. With the increasing number of reports of grave violations of international humanitarian and human rights law committed in the conflict area it is crucial to establish accountability, including command responsibility. Command responsibility is applicable to both the military and political leadership. No matter who the perpetrators or the victims are, efforts must be made to ensure that anyone who has committed any serious violation of international law is brought to justice, and appropriate remedies provided for victims.

Reprisals

62. With the shift in control of territory during the reporting period between Government forces and the armed groups the risks of reprisals against individuals for collaborating with 'the enemy' or for such perceived collaboration has increased.

63. The escalation of hostilities after 24 August resulted in armed groups recapturing some territories they had previously lost to Ukrainian forces. People with expressly 'pro-Ukrainian' views are thus at risk of reprisals. On 7 September, the HRMMU learned that several officials of the Telmanove district administration (Donetsk region) were abducted by armed supporters of the 'Donetsk people's republic' on 3 September.

64. There have been allegations of reprisals against people who collaborated with the armed groups of the 'Donetsk and Luhansk people's republics' who now find themselves in territory under the control of the Ukrainian armed forces. On 4 September, 33 legislators of the Artemivsk city council and three members of the Donetsk regional council signed an appeal to the President, the Prosecutor-General and the MoIA, asking for a legal assessment of the actions of the 'Artemivsk' battalion. Concerns remained regarding the continued detention of the former mayor of Slovyansk, Ms. Nelya Shtepa. On 9 September, the HRMMU observed the court hearing in Chervonozavodsky, Kharkiv, on the prolongation of the measure of restraint imposed on Ms. Shtepa. The court extended this measure for a further 60 days, until 12 November. The defence announced that they would appeal the decision of the court.

Accountability for human rights abuses and violations

65. Point 6 of the Minsk Tripartite Protocol requires adoption of a "law on prevention of persecution and punishment of individuals in connection with events which took place in certain select areas of Donetsk and Luhansk regions". It will be critical that such legislation does not result in impunity from prosecution, including for grave crimes and most severe human rights violations (see section V on legislative developments and institutional reforms).

66. On 2 September, the Chief Military Prosecutor of Ukraine[26] announced that the overall number of criminal proceedings opened by the military prosecutors had reached 1,700 for the entire period of the security operation. The Office of the Military Prosecutor may only conduct investigations into crimes committed by servicemen of the armed forces, as well as voluntary battalions of territorial defence under the Ministry of Defence, but not those committed by the voluntary battalions subordinated to the MoIA. Most of the criminal proceedings opened concern disobedience and insubordination. The office of the military prosecutors initiated investigations into 82 crimes committed by 881 servicemen under article 402 of the Criminal Code (insubordination), 350 crimes committed by 514 servicemen under article 407 of the Criminal Code (absence without leave from a military unit or place of service), and 109 crimes committed by 2,605 servicemen under article 408 of the Criminal Code (desertion). So far more

[26] The Office of the Military Prosecutor was introduced into the system of the Office of the Prosecutor General by a new law amending 'the Law on the Office of the Prosecutor general', which came into force on 23 September 2014.

than 380 indictments were submitted to courts, and some 30 individuals have already been subjected to sanction.

67. The SBU, which is the competent body to conduct investigations into crimes aimed at State security, reported that up until 25 August, it was investigating more than 1,000 criminal proceedings into trespass against the territorial integrity of Ukraine, actions aimed at forceful change or overthrow of the constitutional order or take-over of Government, acts of terrorism, high treason, and other unnamed crimes. SBU investigators have submitted 49 indictments against 52 people, and 10 individuals have so far been sentenced to different terms of deprivation of liberty.

68. At the same time, the HRMMU has been receiving complaints from people who were abducted by the armed groups both in the Luhansk and Donetsk regions. In a number of cases people submitted applications with the SBU or MoIA, which were not duly considered but were transferred to the local MoIA departments where the abductions took place (see section II on rights to life, liberty, security and physical integrity).

69. Three people who were allegedly abducted and tortured by the armed groups in the Luhansk and Donetsk regions, filed applications with the MoIA but were denied the opening of criminal proceeding due to lack of territorial jurisdiction. The case was forwarded to the respective local MoIA where the alleged crimes occurred, irrespective of the fact that these crimes were committed with either the direct involvement of, or with failure of local police officers to prevent the crime.

Introduction of the death penalty in the 'Donetsk people's republic'

70. A 'criminal code' adopted by the 'presidium of the council of ministers of the 'Donetsk people's republic' entered into force on 18 August. It is modelled after the Russian Federation criminal code, and includes the establishment of military tribunals to implement the death penalty. According to the 'Prosecutor General' of the 'Donetsk people's republic', the 'death sentences' would be applied to cases of aggravated murder; such as the murder of two or more persons, with particular cruelty; of a minor, or a pregnant woman; and to a number of other crimes; as well as for certain military offences committed in time of war or in a combat situation, such as the transfer of technology or means of warfare to the enemy, desertion, and other crimes, such as those related to violations of the laws or customs of war. The current 'prime minister' of the 'Donetsk people's republic' claimed that death sentences would be an exceptional measure. The 'Donetsk people's republic' would make its legislation "more humane", once the war would be over. The HRMMU has no confirmed information on the implementation of 'death sentences' implemented after 17 August.

B. Investigation into the 2 May violence in Odesa

71. The MoIA and the Office of the General Prosecutor continued their investigations into the 2 May violence in Odesa. No new official elements have been presented. The measures of restraint (custody or house arrest) have been prolonged for an additional 60 days for all suspects in connection with 2 May violence. Until now there is no will among the law enforcement agencies (MoIA, Office of the General Prosecutor and SBU) to cooperate with each other. Furthermore, the HRMMU received direct evidence that the judicial system and law enforcement agencies have been facing great political pressure to not cooperate regarding the investigation. The incident continues to divide the Odesa, with each political side accusing the other of initiating the mass disorder.

72. On 12 September, the deputies of the Odesa Regional Council dissolved the "Temporary Oversight Commission of the Odesa Regional Council" upon an initiative by members of this Commission due to lack of authority and competence to oversee the official investigation

process. All the materials gathered by the 'Temporary Oversight Commission' have since been transmitted to the 'Interim Parliamentary Commission investigating the facts of citizens' deaths in Odesa, Mariupol and other cities in the Donetsk and Luhansk regions of Ukraine.

73. The 'Interim Parliamentary Commission' registered its final report on 5 September. However, the secretary of the Commission withdrew her signature from the report due to discrepancies in the text submitted to the members of the Commission and the final version. These differences were confirmed by the head of the 'Interim Parliamentary Commission'. Indeed, it appears that some of the Commission members altered the final draft by removing names of Kyiv and Odesa high ranking officials (including 'pro-Unity' leaders), reducing their level of responsibility in the 2 May violence. Furthermore, the work of the 'Interim Parliamentary Commission' was impeded by the limited cooperation from the MoIA, the SBU and the Prosecution Office, allegedly due to the confidentiality of the official investigation.

74. The 'Interim Parliamentary Commission' final report highlights some new elements: the use of chloroform in the Trade Union Building; the delay in putting out the fire due to the interference of protesters; the visit of the Secretary of the National Security and Defence Council to Odesa a few days before the 2 May, and his alleged involvement in the violence.

75. As of 16 September, the report was under consideration in the Parliament. The 'Interim Parliamentary Commission' members recommended that the Parliament widely distribute the report and invite all relevant law enforcement agencies for hearings on it. They also recommended that all law enforcement agencies present their comments on the report to the Parliament within two weeks.

76. The MoIA Special Investigation Unit (based in Odesa) also continued its investigation. It underlined having little experience in investigating mass riots involving various political groups, and large numbers of suspects (114). The 'pro-Unity' movement has reportedly attempted on several occasions to interfere in the investigation, for example by proposing to assist in arresting people. There is evidence that changes of measures of restraint (from custody to house arrest) were introduced following pressure on judges by 'pro-Unity' activists. So far, only one person has been arrested under article 115 of the Criminal Code (murder) and placed under house arrest. The Head of the Investigation Unit, however, has reasserted that all perpetrators, regardless of their political affiliation, would be brought to justice.

77. On 12 September, the Ukrainian Parliament Commissioner for Human Rights submitted an updated report to the Office of the General Prosecutor, highlighting human rights violations by law enforcement agencies during the 2 May violence.

78. The Office of the General Prosecutor has not yet transmitted the criminal investigation materials to the court concerning the four police officers accused of the illegal "release" of detainees on 4 May[27].

79. The SBU has so far, appeared reluctant to share any information regarding 2 May violence with other law enforcement agencies and the Parliamentary Commission.

80. On 16 September, the Independent Commission held a press-conference on the 2 May violence in Odesa. It noted reliable information that there might be four additional deaths during the 2 May violence: two people were allegedly shot at the Trade Union Building (one in and one near); and two died from heavy burns at the Odesa Military Hospital. The MoIA is examining these allegations. The Independent Commission continued to underline that the authorities have been reluctant to conduct an objective and impartial investigation. It stressed that most of the evidence was destroyed very soon after the 2 May violence. Finally, it noted that following the

[27] On 4 May, pro-federalism protesters massively gathered in front of the Odesa Police Station in order to claim the release of those arrested on 2 May. They stormed the police station and, following the decision of the Deputy Head of the Regional MoIA, together with other high ranking MoIA officials, 63 detainees were illegally released.

leak of personal data, some witnesses and activists had been intimidated by opponents, and some had to leave the region or the country.

C. Investigations into human rights violations committed during the Maidan protests

Investigations into mass killings of protesters (January and February 2014)

81. The Office of the Prosecutor General continued its criminal investigations into the killings of four protesters on 19 and 21 January, and of at least 98 people between 18 and 20 February. These are combined into a single proceeding under which three former servicemen of the 'Berkut' special police unit, out of 26 suspects, are currently being held in custody since 4 April.

82. According to the Office of the General Prosecutor, the pre-trial investigation into the mass killings of peaceful protesters has been completed, and files of the proceedings were disclosed to the three former 'Berkut' officers. This marks a shift in the criminal proceedings to the trial stage. This is the first time all case files will be disclosed for familiarization, not just to the three suspects, but to all parties. This should clarify whether all required procedural inquiries were made and if this was in accordance with the law. Some lawyers consider that certain inquiries are yet to be done and that the case will not go to trial soon.

Investigations into killings of law enforcement officers on 18 and 20 February

83. Investigations into the killings of police officers between 18 and 20 February have not significantly progressed. The latest official development was the release of the report of the Provisional Investigating Commission of the Ukrainian Parliament on Maidan events (PIC Report), on 7 July 2014. This document reports that 196 officers and servicemen of the MoIA received gunshot wounds from 18 to 20 February, and that 17 of them (10 police officers and 7 servicemen of MoIA interior troops) died. Reportedly, none of them were carrying service weapons.

84. According to the PIC Report, for unknown reasons, the initial investigative group did not visit the hospitals where the wounded police officers were brought, as required by standard procedure. Bullets removed from the victims were not preserved according to regular procedure, but were stored in a single container, which made it impossible to identify which bullet hit which particular victim.

85. The Office of the Prosecutor General of Ukraine transferred all materials relating to gunshot wounds suffered by the MoIA staff to the MoIA. The PIC report found the MoIA negligent in undertaking any investigation into the killings, and furthermore the Commission has distanced itself from such an investigation.

D. Administration of justice

86. On 2 September, the High Specialized Court of Ukraine for Civil and Criminal Cases pursuant to the law passed a regulation changing the venue for cases to be heard, in cases where a court was located on the territory controlled by the armed groups. According to the regulation, all civil, administrative and criminal cases subject to trial in the Luhansk Regional Court of Appeals are to be considered in the Kharkiv Regional Court of Appeals, and cases of the Donetsk Regional Court of Appeals, are to be considered in the Zaporizhzhia Regional Court of Appeals[28]. The regulation also changes the venue for cases considered in the first instance courts located in territory controlled by the armed groups. Cases are now heard in other courts located within the Donetsk and Luhansk regions, which are under control of the Government.

[28] Except for those previous criminal cases at the Donetsk Regional Court of Appeals that remained with this court when it was temporarily relocated to Mariupol.

87. Activists who mostly support a 'pro-Unity' position have been placing significant pressure on judges during the trial of a 'pro-Unity' activist who was detained in Odesa on 20 August for beating people who had jumped from the windows of the burning Trade Union building on 2 May. He was then transferred to Kherson (in order to avoid mass protests during the court trial) where the court placed him into custody for two months. On 29 August, during the trial at the Court of Appeals of Kherson Region, a rally took place protesting against his pre-trial detention.

V. LEGISLATIVE DEVELOPMENTS AND INSTITUTIONAL REFORMS

88. During the reporting period, draft legislation on IDP rights and corruption was submitted to Parliament. In addition, before the Tripartite Contact Group talks, which led to a ceasefire, draft laws were registered or adopted in the context of the security operation. Policy areas for reform were also outlined by the authorities. There have been no new developments in the sphere of constitutional reform.

A. Changes to the legislative framework

Draft legislation in follow up to the Minsk Protocol of 5 September

89. On 16 September, Parliament passed two draft laws pursuant to the Minsk protocol of 5 September. The draft law on the 'special status' of certain areas of the Donetsk and Luhansk regions was submitted by the President of Ukraine by 16 September. The status is envisaged for a period of three years. The document provides for local authorities to facilitate the use of Russian and other languages in public life. It rules out criminal or administrative responsibility for those who took part in the events on the territory of the Luhansk and Donetsk regions, where the law applies. The law provides that local elections would take place on 7 December 2014.

90. The powers of the local authorities will be greater than those enjoyed by other local authorities in Ukraine. In particular, they will have the right to take part in the appointment of heads of courts and of prosecution offices. The special status allows for the creation of voluntary people's police, accountable to the local authorities. The draft law provides for specific financing to be allocated to these areas, without the possibility to diminish this financing, even in case of amendments to the State budget. The territory enjoying special status will be able to establish closer cooperation with the Russian Federation. The law will enter into force once signed by the President and published in the 'Official Gazette'.

91. The implementation of this law requires one legal clarification. In particular, the competencies of the new local authorities would have to be defined, as well as the areas where those competencies would be shared with the central Government, and those that would be exclusively attributed to the local authorities.

92. The draft law on 'the prevention or punishment of participants in events on the territory of Donetsk and Luhansk regions' cancels criminal and administrative liability for people who took part in the activities of the 'Donetsk people's republic' and the 'Luhansk people's republic' from 22 February until the moment the law enters into force. However, certain conditions must be met for the cancellation to take place: all hostages must be released within a month and weapons and ammunition must be surrendered. Responsibility, however, will not be waived in a wide range of cases. These include: "crimes against life and health (murders and infliction of serious bodily harm); sexual crimes; hostage taking; human trafficking; banditry; smuggling; acts of terrorism; violation of graves, burial places, or corpses; attacks against the life of a law enforcement officer, a judge, an official or a citizen performing his/her public duty, a defence attorney, or a foreign State representative; threats or violence against a public official or a citizen

who performs his/her public duty, internationally protected persons and institutions in connection with their activity related to the administration of justice; genocide; and persons who committed a crime connected with the crash of the 'Malaysia Airlines' flight MH17".

93. All newly adopted legislation needs to be undertaken in accordance with international norms and standards and be implemented in consultation with civil society and local communities; guarantees for due process must also be ensured, including through the involvement of relevant organisations. Strategies for their implementation need to be developed with the participation of victims and civil society more broadly. These should be designed to enable implementation of the legislation to be in accordance with international norms and standards, including UN General Assembly resolution 68/262, through the assistance and guidance of relevant international organisations, and with a view to guaranteeing due process.

Draft law on ensuring rights and freedoms of internally displaced persons

94. On 28 August, Parliament registered a draft law regarding IDPs. The draft was elaborated in cooperation with the United Nations, the OSCE, the State Migration Service and representatives of NGOs on the basis of a draft by the Ukrainian Helsinki Human Rights Union, following amendment by the Ministry of Justice. The document simplifies the procedure of temporary registration of IDPs; reduces the deadlines for registration; prolongs social benefits for IDPs; and guarantees their access to social and medical services. It also aims at establishing legal grounds to develop special government programmes for IDPs; a unified register and database; information on available accommodation and employment opportunities in the regions; and provide for the application of the state system on social security, pensions and financing of expenses connected with temporary settlement of IDP families in State and municipal institutions. On 2 September, the Human Rights Committee of the Ukrainian Parliament voted to recommend that Parliament adopt the draft with an accelerated procedure of seven days between the first and second readings. The first preliminary reading of the draft law was scheduled for 16 September, but was postponed to 16 October.

Draft law countering corruption[29]

95. On 4 September, President Poroshenko submitted a draft law to Parliament on the establishment of a national anti-corruption bureau[30]. The bureau would have the status of a law enforcement body and would carry out pre-trial investigations, and conduct operative and search measures. With an envisaged staff of up to 700 employees, it would cover cases of alleged corruption crimes involving UAH 500,000 (USD 37,000-38,000) or more, and implicating high-level officials, at presidential and cabinet level, including judges and senior officials within the MoIA, the Army, and the customs. The anti-corruption bureau would be competent to investigate new cases, as well as relevant crimes committed under the mandate of former President Yanukovych.

96. A special commission for the selection of the bureau director and employees will be established, as well as a procedure envisaging 'monitoring of lifestyle' and 'virtuousness checks' of State authorities and the bureau itself, which is not line with international norms and standards. The draft law provides for the use of controversial methods, including polygraph examination and 'provocation of bribe', which should be applied to the employees of the bureau. Registering of the draft and its adoption by the end of October was one of the conditions set by the International Monetary Fund (IMF) of the reform process in Ukraine. On 16 September, Parliament did not adopt the draft law.

[29] Law on the system of special authorised bodies in the field of countering corruption.

[30] The draft was submitted as part of a package of anti-corruption measures adopted by the Cabinet of Ministers on 2 July 2014.

97. On 16 September, Parliament passed an amended version of the draft law 'on cleaning up the State authorities', which had been adopted on its first reading on 14 August. The law seeks to create the legal framework for a comprehensive lustration or vetting of State officials of all levels who held office during the period of the administration under former President Yanukovych, including parliamentarians, ministers and judges of the Constitutional Court of Ukraine, as well as officials of other state agencies and local self-government. The first draft adopted in August had been criticized by civil society groups as opening the way to arbitrary dismissals[31]. A parliamentary working group prepared a new draft with civil society, which includes approximately 400 amendments. According to a parliamentarian who co-authored the new draft, the latest version excludes lustration for certain elected positions (members of Parliament, the ombudsman, and constitutional court judges). At the time of writing, the text of the law was not available. The HRMMU will be able to properly assess it once it is published[32].

Legislation in the context of the security operation

98. On 19 August, Parliament registered a draft law aimed at ensuring the equal mobilization of citizens from all regions in the context of the security operation, including those areas formerly under the control of armed groups. The law aims at meeting concerns about the lack of mobilization of IDPs and others from the east.

99. On 2 September, Parliament adopted in a first reading a draft law on 'amendments to certain legislative acts regarding ensuring mobilisation and guarantees to citizens who serve in the army during mobilisation'. The draft law proposes to set up criminal liability (imprisonment for two-five years) for company directors who do not provide company vehicles if requested by the military commissariats. It envisages the preservation of jobs and an average salary for employees who are mobilised, as well as exemption from taxes and fees for entrepreneurs who are also mobilised. Such measures come after strong public requests.

B. Judicial and governance reform

100. On 10 September, the interim special commission, established on 4 June 2014 according to the Law on the Restoration of Confidence in the Judiciary in Ukraine, published its second monthly report. This body is mandated to assess the decisions and conduct of general court judges who considered civil, administrative or criminal cases related to the 'Maidan' mass protests held throughout Ukraine from November 2013 and until the law entered into force on 11 April 2014. The Commission had reviewed 579 complaints, of which 504 were dismissed and 75 were declared admissible. The commission can also review the decisions and conduct of judges who ruled on cases which were assessed by the European Court of Human Rights as having violated the European Convention on the Protection of Human Rights and Fundamental Freedoms. Any person or legal entity can request a judge to be assessed by the Commission. The HRMMU will attend the first public hearing of judges against whom complaints were accepted, tentatively scheduled for 24 September 2014.

101. Another initiative to strengthen public confidence in the courts was a countrywide campaign launched in September by the Ukrainian Council of Judges, the State Judicial

[31] In the 5th monthly report, the HRMMU had highlighted a number of shortcomings: the draft law did not create a single independent lustration body; responsibility for carrying out lustration was given to the heads of each body concerned. It proposed to dismiss virtually all state officials occupying leading posts in previous years, thus entailing wholesale dismissal within certain departments. There was no mechanism for ensuring that those removed would be replaced by qualitatively different persons.

[32] It is believed to contain an 'improved' formulation of the provision regarding lustration of the ex-President of Ukraine, the President's administration, the Prime-Minister and his deputies, heads and deputy heads of the state regional administrations, officials connected with the Maidan events as well as judges and prosecutors who adopted illegal decisions in regard of Maidan activists.

Administration and the Centre of Judicial Studies. Visitors to each court will be asked to complete an anonymous form, containing questions on the organizational and procedural activity of the court. Simultaneously, judges, lawyers, prosecutors, scientists, representatives of NGOs and the mass media will be questioned on the level of judicial independence in Ukraine.

Effective State administration

102. The Government of Ukraine has started to reduce the number of State institutions as part of an institutional reform package aimed at decreasing the cost and size of State administration, under reforms required by the IMF. On 2 September, President Poroshenko thus issued a decree terminating the functions of 22 state bodies in an advisory or supporting role[33]. These bodies were largely ineffective or duplicating other existing functions. Besides, they did not have a clear role and impact on the protection of human rights.

103. On 10 September, the Cabinet of Ministers adopted a decree 'On the Optimisation of the System of Central Executive Bodies' that reduces supervisory State authorities by approximately 50 per cent, either by completely terminating them or by merging their functions and reducing the number of control functions performed by these bodies by 34 per cent.

VI. POLITICAL RIGHTS

Right to vote and to be elected

104. On 27 August, a Presidential Decree[34] dissolving Parliament and announcing extraordinary elections for 26 October entered into force. The current Parliament is to function until the new members of Parliament take oath.

105. According to current legislation, voters cast ballots both for a member of parliament (MP) elected under the majority system, and for one elected under the proportional system[35]. Voting under the majority system is dependent on a voter having a permanent or temporary residence. Due to this, some groups of people may face difficulties in realizing their right to vote. For example, IDPs registered at their places of temporary residence will be able to vote for candidates under both systems; however those who are not registered at their temporary residence can vote only for the candidates on the party lists under the proportional system[36].

106. According to the Law on Temporary Occupied Territory[37], elections cannot be administered on the territory of the Autonomous Republic of Crimea. Thus, those who currently reside in Crimea and who wish to vote, will only be able to do so if they travel to mainland Ukraine. However, they will not be able to vote for candidates under the majority system, as explained above. The May Presidential elections showed that many people hesitated or did not

[33] It affects the committee of economic reforms, the committee on reforming state enforcement bodies, the interagency working group on the analysis of observance of legislation on freedom of expression and protection of freedom of the media, the council of regions, the expert council on questions of Ukrainian and Russian relations, the working group on implementing the concept of criminal justice for under 16-s in Ukraine and the working group on criminal justice reform.

[34] Decree of the President № 690/2014, as of 27 August, on Dissolving Parliament and announcing early Parliamentary elections.

[35] On 12 August, three draft laws related to the electoral process were proposed, but none were adopted. One aimed at establishing a proportional system with open lists of candidates, another proposed to introduce a proportional system and a third one with partial modernization of current mixed electoral system.

[36] The Human Rights Committee stated in its General Comment No. 25 on article 25 that 'Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed. If residence requirements apply to registration, they must be reasonable […]' (para 11).

[37] Law on Ensuring Rights and Freedoms of Citizens on the Temporary Occupied Territory of Ukraine No. 1207-VII, dated 15 April 2014.

have the possibility to travel to electoral districts on the mainland. Thus, under the current legal framework, theoretically only 438 of 450 national parliamentarians can be elected, considering that 12 electoral districts are located in Crimea.

107. In case the ceasefire is maintained and a peace agreement is reached, a procedure would be required to ensure the security of residents in the eastern regions occupied by the armed groups so that they can safely and freely exercise their right to vote. This would be important to avoid situations as witnessed in the context of the Presidential elections.

108. Court hearings to ban the Communist Party of Ukraine based on a lawsuit from the Government are pending, as the scheduled hearings were postponed. If the court has to adopt a decision banning the Communist Party before the elections, this will prevent its candidates' participation in elections. This comes alongside State officials continuing to accuse Communist Party representatives of supporting 'Crimean annexation' and the 'Luhansk and Donetsk people's republics'.

109. Regarding ethnic minorities, the Hungarian community in the Zakarpattia region has concerns over the limited feasibility to elect its own ethnic representatives. According to article 18(2) of the Law on the Elections, boundaries of single-mandate election districts are established taking into account, inter alia, the interests of national minorities. Thus, bordering administrative entities, where ethnic minorities reside shall be included in the same electoral district; whereas in the Zakarpattia region, the Central Election Committee has so far divided the territory of the compact residence of Hungarians between separate electoral districts.[38] The Hungarian community addressed the administrative court of appeal in Kyiv with a request for the decision of the Central Election Committee to be reviewed.

110. Within civil society, concern has been raised about the need for women to be properly represented in the new parliament, as the gender quota legislation was not passed[39] and no systematic efforts have been made to encourage women's participation in political life.

VII. ECONOMIC AND SOCIAL RIGHTS

111. The security situation in the east seriously affects the right of over five million residents in those areas directly affected by violence[40]. More, generally budget resources across the whole country are being depleted, which is impacting on various groups in other regions of Ukraine.

A. Right to an adequate standard of living (including food, clothing and housing)

112. In spite of the ceasefire declared on 5 September, local administrations continued to report about the further destruction of houses and infrastructure caused by shelling. According to preliminary estimates from the Ministry of Regional Development, 4,501 residential buildings and 4,733 energy and water systems facilities and structures have been damaged as a result of fighting or destroyed deliberately by armed groups. Despite efforts made to restore damaged infrastructure, as of 12 September, there was still no running water in at least 22 settlements of the Donetsk region, nor electricity in 93 settlements. The HRMMU has received first-hand reports about the illegal seizure of movable and immovable property in the eastern regions. The majority of reports suggest that the property (apartments, businesses and cars) was expropriated

[38] As stated by the Human Right Committee, the "drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group and should not exclude or restrict unreasonably the right of citizens to choose their representatives freely."

[39] The draft law to establish a 35 per cent quota for women was registered in Parliament in October 2013, but never adopted. Currently women hold approximately 9.8 per cent of the 450 seats in Parliament.

[40] Estimate provided by OCHA, situation report No.11, as of 12 September 2014.

by armed groups. In some cases, when residents refused to give their property away, they were reportedly immediately shot or detained. On 12 September, it was reported that the leadership of 'Donetsk people's republic' planned to nationalize the property of those who had fled the area, based on lists received of those who had requested refugee status in the Russian Federation. On 16 September, the National Security and Defence of Ukraine reported that 'Luhansk people's republic' created a special commission to keep record of all abandoned apartments, which further would be nationalized for the needs of the 'republic'.

113. On 9 September, the HRMMU received a complaint that on 4 August, Ukrainian soldiers evicted inhabitants from a number of houses in Mariinka (Donetsk region) near a Ukrainian controlled checkpoint. A complaint about this was recently filed with the Office of the Military Prosecutor.[41] All incidents of illegal seizure of property must be promptly investigated; clear procedures should be developed to return the property to the lawful owners.

114. Uninterrupted food supply and access to potable water remained priorities. Local administrations in the regions of Donetsk and Luhansk reported that the delivery of basic commodities was complicated due to fighting; but a minimum choice of products was available thanks to the efforts of the Government, private entrepreneurs and volunteers, as well as humanitarian aid, which reached the region in August. The situation slightly improved in these areas following the ceasefire. At the same time, on 15 September, the HRMMU was informed that there had been no food delivery to Yenakievo prison No.52 in Olenivka, Donetsk region, for almost two months, leaving 450 inmates at the point of starvation.

B. Right to work

115. The Government estimates that 39,985 small and medium businesses in the Donetsk and Luhansk regions have ceased activity due to fighting. This has directly affected 54 per cent of entrepreneurs in these regions, leaving many of their employees without income. Due to the destruction of industrial companies and mines[42], more than 30,000 residents of Donbas are currently without jobs. Even if the fighting stops, many will not be able to immediately return to work, as the re-launch of many technological processes in some of these companies requires significant time and resources.

116. Many of those who have left the region may not receive unemployment benefits, as their work contracts have not been officially terminated, which is a main requirement for registering as unemployed. Also, according to existing legislation, those who terminated their contracts unilaterally (even due to personal safety concerns) may not apply for benefits for three months. Additionally, some may lack motivation to search for new work, especially in areas such as Kyiv where newly received unemployment benefits are higher than the minimum wage being offered to most IDPs. The influx of IDPs has been increasing the rate of unemployment in host communities. In some regions the unemployment rate has increased by 1 per cent monthly and has led to tensions.

117. The Prosecutor's Offices in Ternopil reported about the case of the unlawful dismissal of a mobilized soldier from his workplace. The man was mobilized in March and due to his absence from the work place, was unlawfully fired as a manager of a local store. The Prosecutor filed a request to the employer to reinstate him in his position and pay his wage arrears starting from the time of his dismissal. The Military South Region Prosecution Office has reported

[41] Other allegations of theft and expropriation of property by members of the 'volunteer' Aydar battalion, from earlier in the summer, have become more prominent recently, following the 8 September release of an Amnesty International report into range of alleged human rights violations by members of this battalion.

[42] On 12 September, the Donetsk State Regional Administration stated that at least 14 state-owned mines have completely ceased working, with coal production now reduced by almost 50 per cent.

similar violations of labour rights in Kherson region. Measures were taken to reinstate the servicemen in their posts.

C. Social rights

118. On 23 August, the State Treasury in Luhansk region resumed its work, enabling 232 regional state institutions covering healthcare, education, culture and social protection to fund salaries and expenditures, along with the payment of social benefits, budget allocations and subsidies from the state budget. As of 11 September, funds were transferred for social benefit payments for the months of July and August. These are for families in poverty, families with children, adults and children with disabilities living in Donetsk city. Pensions are being paid in 21 and 13 districts/towns of Donetsk and Luhansk regions.

119. As the number of wounded and killed soldiers increased, the regional authorities have had to allocate more resources to respond to the needs of service personnel and their families. For example, over the reporting period, regional councils in Lviv, Volyn, Chernivtsi, Ternopil, and Ivano-Frankivsk regions have developed special social programmes for these groups. These foresee one-time social benefits, provision of land, social and rehabilitation services and exemption from certain utility payments, etc.

120. In Mykolaiv, officers' wives have established an NGO aimed at protecting servicemen's rights. In particular, it will help soldiers to overcome the bureaucratic procedures required to receive social benefits, land and housing; and for the adjustment of housing for the special needs of wounded soldiers.

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

121. Lack of security and safety affected access to, and the provision of, health services in part of Donbas controlled by the armed groups. Health care in Donetsk, Horlivka, Makiivka, Torez and Luhansk was reported to be limited. According to NGOs, in some of these areas, ambulances refuse to respond, as they lack fuel. At least, 32 hospitals are no longer functioning, whilst 45 medical buildings have been damaged or destroyed. It is estimated that the restoration of these would require UAH 467 million[43] (USD 36 million).

122. People with HIV/AIDS, tuberculosis and drug users have faced interrupted treatment. In Luhansk region, the delivery of required treatment has been relocated from Luhansk to Siverodonetsk, from where it is distributed to towns controlled by the Ukrainian authorities. Antiretroviral therapy (ART) treatment has not been delivered to penitentiary institutions on the territory controlled by the 'Donetsk people's republic'. Overall, in the two regions there is a critical deficit of children's ART formulas and test systems for virus load, including for pregnant women. This poses a serious risk for the life and health of people who are living with HIV/AIDS and those infected with TB. In addition, this increases the risk of an uncontrolled spread of infection, especially considering the reported rapid growth of the heroin market in these regions since the spring.

123. In addition, the Government delayed[44] the launching of tenders for procurement of ART and other live-saving medicines. Some tuberculosis treatments and vaccines have not been available since the end of spring 2014. Besides, due to the national currency's devaluation, the Ministry of Health may not be able to procure sufficient amounts of the required medicines.

[43] Preliminary estimates of the Ministry of Regional Development.

[44] These tenders are normally announced in April. This year, the proposal was opened only in August. Only three tenders for ART have been accepted, the other 20 were denied due to high prices. The tenders were re-opened and will be considered by the Ministry on 19 September.

124. As the number of servicemen wounded in the east has been increasing, hospitals across Ukraine have found growing difficulties in providing quality healthcare. In many regions, the military hospitals are understaffed and do not have sufficient experience and resources, often relying on volunteer help. NGOs have reported a lack of psychological services, needed mostly for non-professional servicemen. There have been reports of doctors refusing to document serious wounds properly, to reduce future state benefit payments[45].

125. The situation of people in institutional care is very difficult in all regions of Ukraine. On 25 August, the Civil Commission on Human Rights published the results of an assessment of one psycho-neurological nursing home, which revealed a range of human rights violations[46]: lack of proper treatment, usage of punitive measures and punishment, forced labour for 9-12 hours a day, and unjustified usage of strong psychotropic drugs, which often cause physical suffering. It was also established that many patients who did not appear to have any pathology had been placed in the institution without their consent or with gross violations of their procedural rights. Consequently they had been recognised as incapable by the court and cannot appeal their 'treatment'. Such conditions do not only violate the right to health, but also raise concerns for protection against inhuman and degrading treatment. Following the findings, a special medical commission was established by the Regional State Administration to further study the conditions in the nursing home. The examination of all patients showed that 80 per cent should not have been placed in this nursing home, but rather treated without any isolation. Similar conditions are believed to be observable in most psycho-neurological homes under the Ministry of Social Policy. This illustrates the need for an in depth reform of the institutional care system in Ukraine.

E. Right to education

126. According to the Ministry of Education, on 1 September, only 547 (out of 1,091) schools in the Donetsk region and 250 (out of 690) in the Luhansk region were opened, allowing 196,300 children[47] to resume their studies at the start of the school year. The remaining 984 schools in both regions could not be opened either due to substantial damage as a result of fighting or due to the security situation. This prevented access to education for approximately 270,000 children, mainly on the territory controlled by the armed groups.

127. A preliminary assessment of the Ministry of Regional Development[48] suggests that at least 217 educational buildings have been damaged, reconstruction of which requires at least UAH 103 million (approximately USD 8 million). In settlements which are controlled by armed groups, the Ministry of Education tentatively postponed the commencement of the school year until 1 October or until the situation stabilizes so as to ensure the safety of children. Alternatively, distance-learning courses have been offered for children in grades 5-11 in these regions. The security situation also limited the right to education for school graduates. Only 20,000 of 36,000 graduates could pass the 'external independent assessment' which is required to enter university.

128. On 1 September, the 'ministry of education' of the 'Donetsk people's republic' issued an order on the re-subordination of the educational institutions located on the territory of the

[45] The Decree of the Cabinet Ministers N413, adopted on 20 August 2014, foresees the procedure of obtaining the status 'of a military action participant', which also enables application for certain social benefits.

[46] The results of the study of the Velykobrulskyi Psycho-neurological Nursing Home, initiated by Odesa State Administration, are available at: http://cchr.org.ua/

[47] According to the State Statistics Service, in 2013/2014 school year, there were 509,100 school children in Donetsk and Luhansk regions.

[48] Information provided by UNDP, on 4 September, during the meeting of the UN Sector Group on Early Recovery and Livelihood.

'Donetsk people's republic'. The teachers were forced to sign a statement about being 'aware of the order' and were threatened to be otherwise fired. Additionally, teachers were asked to provide their personal data in order to allow the 'Donetsk people's republic' to pay out wages. The Ministry of Education of Ukraine made a public statement on 1 September stressing that 'the participation of teaching staff in such provocative actions (coming to work, giving classes, educational activities and others) is unacceptable and will have legal consequences.' This is potentially putting local educators in an impossible position of facing either sanction from the leadership of the 'Donetsk people's republic' or from the Ukrainian authorities, whilst all the time having balance their duty of care to their pupils.

129. On 10 September, the representatives of armed groups seized the building of the Donetsk National University, fired the rector for his "unconstructive position" and appointed a new one. They also reminded the staff about the 'Donetsk people's republic's decrees on re-subordination of educational institutions.

130. Schoolchildren of some rural parts of Kherson, Mykolaiv, Volyn and Rivne regions have limited access to schools, as their school busses were transferred to the army according to mobilization plans. The distance between some villages and the nearest school is significant and requires such transport. The regional authorities are trying to resolve h this by hiring private carriers.

VIII. SITUATION OF INTERNALLY DISPLACED PERSONS

131. The number of IDPs increased in the last month to 275,489[49], reflecting a rise in displacement, including from new regions like Novoazovsk in the south of Donetsk region, and an increase in registration of previously displaced persons, possibly due to the need to enrol children into schools and State support. Nevertheless, the absence of a uniform, State-wide registration procedure and of a clear system of benefits associated with registration, many IDPs have still not registered.

132. According to the State Emergency Service, as of 8 September, 32 per cent of IDPs were children and 14 per cent were elderly persons or persons with disabilities. The average family consists of three persons; and two-thirds of adult IDPs were women. Such a composition implies specific needs, as most IDP families include elderly and unaccompanied women with children.

133. The protracted crisis is taking an increasing psychological toll on IDPs. Many had hoped to return to their homes by the end of the summer, but since early September have realized that they need to make plans for a longer period of displacement.

Right to education

134. Despite concerns as described in paragraph 135, the process of enrolment of IDP children in schools went smoothly, with education authorities showing flexibility regarding the procedures. According to the Ministry of Education, the number of IDP children attending school and pre-school facilities in all regions is approximately 49,195 (as of 8 September). Local authorities and civil society groups are aware of families who have not yet enrolled their children in school, hoping to return home in the near future, especially after the ceasefire was declared. The actual number of out-of-school children is not yet available. There have also been reports that IDP children are traumatised and have difficulties adapting to new schools; while pupils coming from host communities also reportedly hesitate to engage actively with children from the Donetsk and Luhansk regions. On 4 September, the Ministry of Education issued a

[49] State Emergency Service, 18 September 2014.

special instruction to remind school administration and teachers to be particularly sensitive and tolerant towards IDP children.

Separated children

135. Some IDP children from the Donbas region are unaccompanied and separated from their families. Many of them were sent by their families for "summer" retreats to avoid danger and violence in the affected regions. Initial plans were that children would return after the holidays, but with escalating violence, the situation changed. Ministries, international and local organisations are trying to join their efforts to locate such children and ensure that they are united with their families.

Returnees

136. Returns to the Donetsk and Luhansk regions started taking place during July, mainly to areas that are under the control of the Ukrainian Government. Returns to the areas controlled by the armed groups started in August, and significantly increased after the 5 September ceasefire. UNHCR witnessed long lines of cars passing a checkpoint entering Slovyansk on the weekend preceding the start of the school year. With winter approaching and recent reports about seizures of property by armed groups, some people are returning for short periods, even to areas where the conflict is ongoing, in order to get warm clothing, blankets or other possessions and to check on their property.

Social benefits

137. Many IDPs have experienced significant delays in receiving benefits, thus having been deprived of any money for weeks or months. It will continue to be difficult for IDPs to receive back-pay for missed payments, since there is no electronic registry of past payments and the records must be checked manually. The Ministry of Social Policy is adapting procedures that would allow for prompt solutions. The issue of social benefits is critical, considering the proportion of women, children, elderly and persons without disabilities, and lack of employment opportunities.

138. Access to Government services is particularly difficult for Roma IDPs. A legal aid organization in Dnipropetrovsk reports that over 60 per cent of Roma that it assists lack identity documentation, and therefore cannot register and receive support.

Accommodation

139. The State Emergency Services reported that 20 per cent of IDPs were living in state-sponsored collective centres, while the rest were hosted in private apartments or centres. Financing of the state-run centres remains problematic, since the central authorities have not yet allocated resources for payment of utilities at collective centres hosting IDPs from Donetsk and Luhansk. According to Government data as of 12 September, at least 25,500 IDPs were living in State-supported collective centres that are not suitable for residence in winter.

140. Several NGOs reported instances of violence among IDPs living in collective centres, attributing such behaviour to post-traumatic stress disorder, poor living conditions and uncertainty about the future. Healthcare professionals are concerned that where population density is high, there is a heightened risk of epidemics of tuberculosis or infectious diseases.

Civil society response

141. In the absence of a predictable State assistance programme, most IDPs have been seeking assistance from grassroots civic or religious groups. The response from these groups has been tremendous, supported by private donations, active use of social media and civic spirit. However, many of the volunteers were students and teachers who are no longer available since the start of the school year; the remaining appear to be at the edge of exhaustion, squeezed between the increasing number of IDPs and the dwindling levels of support.

IX. WOMEN'S HUMAN RIGHTS

142. Although women constitute 53.8 per cent of the population, inequalities between women and men in Ukraine have generally been significant. It has been manifested through their low participation and representation in political life, in particular at high-level positions, salary discrepancies, and disproportionate levels of poverty suffered by women[50]. Prevalent societal stereotypes about female roles within the family and in society foster to a large extent these manifestations of discrimination and gender inequality against women.

143. The Maidan protests showcased women as equal, active participants, able to coordinate and lead in fighting for their rights. Many civil society representatives believed that it created a momentum to address pre-existing power imbalances based on gender and review the gender policies, promote the effective participation of women in public and political life and to empower them. However, the five months of the conflict have led to a major set-back in this regard. As the HRMMU pointed out in s previous reports, the budget cuts have disproportionally affected women and two-thirds of IDPs are women with children, living in precarious conditions.

Sexual and gender-based violence

144. The HRMMU has received allegations of incidents of sexual and gender-based violence in the east. An NGO reported that women who remained in the area are forced to clean, cook and wash clothes for the members of armed groups. Groups of volunteers helping to evacuate people received first-hand reports of rape or detention of women at check-points. There have also been incidents of abductions of women, by armed groups, whose whereabouts remain unknown.

145. During a filmed interrogation, the member of an armed group detained by the Security Service of Ukraine mentioned that at the checkpoint where he served, local women were subjected to gang rape and then killed. The NGO La Strada has received several calls on its hotline from victims of rape or their relatives and provided psychological help to them. On 15 September, one of the regional NGOs working with IDPs informed the HRMMU about two reported cases of rape by members of the 'Donetsk people's republic' armed groups, allegedly from the Caucasus. Credible allegations of rape by members of the territorial defence battalions were also reported.

146. Details about such incidents are limited and difficult to verify. The lack of reports can be attributed to the difficulties of speaking about rape and other forms of sexual abuse, fear of reprisals and the stigma attached to rape. The Ukrainian Foundation for Public Health and NGO Health Right International, which voluntarily provides services to IDPs, reported that women were often reluctant to request any psychological support until their basic needs (shelter, clothing, and food) were met, while work with victims of sexual violence requires at least several psychological consultations before women can 'open up'. There are also difficulties in gathering information in the context of the ongoing conflict in the east, where police presence is limited and experienced civil society organisations have either been forced to leave or have been unable to effectively carry out their tasks. Considering the situation, La Strada runs a campaign to prevent sexual exploitation and trafficking in human beings. Information materials were sent to Slovyansk for further distribution in the eastern region.

Domestic violence

[50] Please see the fourth and fifth OHCHR reports on the human rights situation in Ukraine. Available at: http://un.org.ua/en/information-centre/news/1870.

147. According to NGOs, women coming from eastern regions mentioned that conflicts regularly occurred in their families due to 'ideological' differences. La Strada received calls from women complaining that their husbands, active supporters of 'Donetsk or Luhansk people's republics', tried to prevent them from fleeing the region, including in cases when they had young children.

148. Women are at heightened risk of domestic violence due to the return of soldiers from the security operation area. Doctors treating wounded Ukrainian servicemen reported that many have resorted to alcohol to cope with psychological trauma. Volunteers in hospitals also reported about the need for professional and experienced psychologists. NGOs providing social and psychological services for women mentioned that some have requested assistance due to the acts of violence committed against them by their husbands, who were fighting in the east and have now returned; at the same time these women generally justify the behaviour of their partners, on the grounds of post-traumatic stress. Ukrainian Foundation for Public Health and Health Right International noted that women themselves do not always perceive violence as such; battering and psychological pressure are considered 'normal'.

149. In addition, the constant exposure of violence in the media appears to be raising the threshold for tolerating cruelty and aggressiveness. Women's NGOs expect a rise of domestic violence across Ukraine. This requires the Government to ensure that necessary mechanisms are in place to prevent domestic violence, raise awareness about the problem and provide support and assistance to victims. Ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) represents an important step to be taken in this regard.

X. HUMAN RIGHTS IN THE AUTONOMOUS REPUBLIC OF CRIMEA

150. On 14 September, 'local elections' were held in the Autonomous Republic of Crimea and the City of Sevastopol, reportedly without incident. These were carried out as part of local elections held across 14 areas of the Russian Federation. Ukraine declared that those elections were unlawful and the results would not have any legal impact on the status of the Autonomous Republic. The Central Election Commission of the Russian Federation published preliminary results showing a turnout of 52.69 per cent in Crimea and 48.03 per cent, in the city of Sevastopol. The Mejlis of the Crimean Tatar People had called for a boycott of these elections. On 9 September, the press service of the Office of the Prosecutor General of Ukraine qualified the conduct of the election as an attempt to form illegal government authorities, and stated that criminal proceedings would be opened against its organizers.

151. In the lead up to the elections, an all-Crimean conference 'On the status of the Crimean Tatar people in the modern period' was held in Simferopol on 6 September, attended by the leadership of the Crimean de facto authorities. The conference created a working group to "neutralize political confrontation, interethnic and interreligious tensions". According to the head of the working group one of the main objectives of the conference was to encourage Crimean Tatars to participate in the elections. Crimean 'prime minister' Sergey Aksyonov stressed that the conference should mark a new stage in the relations between Crimean Tatars and the de facto authorities. The 'Representative of the President of the Russian Federation in Crimea', at the conference, informed that Crimean Tatars would be offered posts in his office. The Crimean Tatar community, however, ignored the event. According to the leadership of the Crimean Tatars, this conference was organised to split the Tatar community. The head of the Crimean Tatar Mejlis, Refat Chubarov, issued a statement criticizing the conference at which his deputy head was not allowed to speak at the conference. He also highlighted that among the

Crimean Tatars who attended this event were Tatar state officials who had been reportedly forced to do so.

152. During the reporting period, there have been numerous human rights violations committed in the Autonomous Republic of Crimea by representatives of the de facto authorities.

A. Rule of law

153. Crimean law enforcement bodies continued and intensified their searches, particularly for so-called 'extremist' literature and activity, mainly among the Crimean Tatar population. On 19 August, the Russian Federal Security Service (FSB) conducted a house search of a Crimean Tatar family (practising Muslims) in Bakhchisaray. 'Extremist literature' and a gun were allegedly found. On 26 August, the director of the Dzhankoi madrassa was fined 2,000 RUB (approximately 50 USD) under the Code on Administrative Offences of the Russian Federation for alleged storage and distribution of extremist literature. On 28 August, several policemen as well as people in camouflage and in civilian clothes entered the house of a Crimean Tatar family in Bakhchisaray. Upon showing a court decision, they searched the house illegally for drugs and weapons, but instead confiscated books listed under the so-called 'list of extremist literature', prohibited under Russian anti-extremism legislation.

154. A group of Crimean human rights activists and the local media confirmed that, on 9 September, the Crimean gymnasium in Tankove (Bakhchysarai district) was searched by people in civilian clothes. They searched the library and classes, looking for 'extremist literature'. Two Turkish language teachers were taken for questioning after 'prohibited literature' was found. Other teachers alleged such books had never been in the library and were planted as fake evidence by the FSB. Similarly, on 11 September, five officers of Crimean Prosecutor's office searched the library of Crimean Engineering and Pedagogical University (CEPU) for banned literature.

155. On 10 September, the houses of two Crimean Tatars were searched in the village Kamenka (Leninskiy district). As in earlier cases, armed men broke into the houses in the early morning, showed a warrant, but refused to invite independent witnesses. The men searched for weapons, drugs and 'extremist literature'. Two notebooks, a mobile phone and two religious books from a list of 'extremist literature' were confiscated. The home-owners were taken to Simferopol for interrogation and later released after 18 hours. They were forced to sign a statement stating that 'there was no moral or physical harm'; however their notebooks were not returned.

156. On 4 and 5 September, at least 10 Crimean Tatar houses were searched by police officers and FSB officials in Simferopol, Nizhnegorsk, Krasnoperekopsk and Bakhchisaray. The homes searched belonged both to ordinary people and to Mejlis (the Crimean Tatar Assembly) members, including regional Mejlis heads. The police, who had warrants, found no weapons and drugs, but confiscated religious literature. On 16 September, FSB officers and the police searched the building of the Mejlis in Simferopol and seized documents, religious books, computers, hard discs, and some personal belongings of Mustafa Jemiliev, the former head of the Mejlis, including money and a 'non-lethal pistol'. The editorial office of the Crimean Tatar *Avdet* newspaper was also searched. The same day, FSB officers searched two houses of Crimean Tatars, including the head of the Belohorsk office of the Mejlis.

157. On 8 September, the house of a well-known ethnic Ukrainian activist was searched by law enforcement officers. Electronic items were confiscated for further examination, whilst she was detained at the Department for Countering Extremism for six hours before being released. She was questioned about her involvement in protests during May, against the entry-ban imposed on Mustafa Jemiliev. She was also questioned about her 'anti-Russian' publications on

the Internet, which were suggested to be "extremism and inciting people to inter-ethnic enmity". She has since left Crimea, fearing the fabrication of terrorism charges that may lead to her arrest as an 'extremist'. There are also reports of Crimean Tatars having been summoned to police stations and interrogated for their reported involvement in the May protests.

158. On 1 September, the Ukrainian Ombudsperson received information from the Office of the Prosecutor General of the Russian Federation regarding the detention conditions and the alleged use of torture against Ukrainian citizens Oleg Sentsov, a Crimean filmmaker, and A. Kolchenko. Both, along with two others, were previously detained in Crimea on terrorism charges and transferred to an FSB detention facility in Moscow. According to the Prosecutor of the Russian Federation, the detention conditions of A. Kolchenko meet the standards under Russian legislation, and there is no basis for the torture allegations. The reports of torture against Oleg Sentsov are still to be investigated.

B. Freedoms of peaceful assembly, expression, religion and movement

Freedom of peaceful assembly

159. Limitations to the exercise of the right to freedom of assembly continued to be observed. The authorities in Simferopol refused to grant permission for a Crimean Tatar assembly planned by the NGO Kardashlyk for 23 August near the memorial complex for the victims of the World War Two Crimean Tatar deportation. The official reason for this refusal was that the extremely high temperatures could negatively affect the health of participants. Other outdoor events went ahead as planned. On 24 and 25 August, Crimean local authorities, law enforcement agencies and the FSB took actions to prevent or limit participation in the Ukrainian Flag and Independence Day events in Sevastopol and Simferopol. This included banning rallies, and detentions and summons for 'preventive talks'. On 26 August, the police in Sevastopol prohibited the conduct of an anti-corruption meeting in the main square.

Freedom of expression

160. On 10 September, the Institute of Mass Information released its August monthly analysis of freedom of expression by the de facto authorities in Crimea, finding that violations to freedom of expression had increased from one case in July to nine cases in August.

161. On 12 September, the 'Broadcasting Centre of Crimea' refused to return the equipment of Chornomorska TV Company, which it had previously confiscated despite the decision of the Commercial Court of Crimea. The confiscation of equipment had disabled the work of the channel. The OSCE Representative on Freedom of the Media, Dunja Mijatović, stated that this was "an attempt to pressure independent media in Crimea, which provides space for critical voices and this was a "clear sign of censorship".

Freedom of religion or belief

162. On 12 September, in an interview with Hrmodaske.TV, Metropolitan Kliment of the Ukrainian Orthodox Church of the Kyiv Patriarchate stated that the FSB was exerting moral coercion against its priests who remained in Crimea. They were reportedly forced to sign papers on cooperation with the FSB and asked to report about various anti-Russian actions, as well as everything connected with Metropolitan Kliment himself. The HRMMU earlier reported about acts of violence and intimidation targeting priests, believers and the property of the Orthodox Church of Kyiv Patriarchate. Since the March 'referendum' in the Autonomous Republic of Crimea, six out of 15 priests of the Orthodox Church of the Kyiv Patriarchate have left the peninsula and four out of 12 churches have closed.

163. Religious communities faced challenges related to the de facto application of Russian law in Crimea. It is not clear whether religious communities' previous registration under Ukrainian law remains valid in the eyes of the de facto authorities. The Russian authorities are

requiring all religious communities which register under Russian law. In August, all but five of 23 Turkish imams and religious teachers invited by the Crimean Muftiyat, under a 20-year-old programme, were forced to leave Crimea as Russia's Federal Migration Service refused to extend their residence permits. The residence permits of the remaining five are to expire in the next three months.[51] According to sources in the Russian Migration Service, lack of registration of the Muftiyat implies that they cannot invite foreign guests. On 22 August, an Islamic group in Crimea supported by the Religious Administration of Muslims in Russia established a Tavrida Muftiyat religious leadership body. Its leader, Ruslan Saitvaliev, said in an interview to a Russian newspaper, that the majority of mosques in Crimea were led by supporters of "non-traditional Islam", specifically 'wahhabites' or members of the Hizb-ut-Tahrir group, which is banned in Russia. The establishment of the Tavrida Muftiyat is viewed by the leadership of the Crimean Tatar Mejlis as an attempt by Russian authorities to weaken the Crimean Muftiyat, which is supported by the Mejlis, who had opposed the March 2014 'referendum'. Already, the Khan-Cami mosque in Evpatoria, previously subordinated to Crimea's Muftiyat, has been included in the new Tavrida Muftiyat.

C. Rights of indigenous peoples

164. On 20 August, an institute of the President's Commissioner on Crimean Tatars was established in Kyiv with the aim of preserving and developing the ethnic, cultural, linguistic and religious identity of the Crimean Tatar people within Ukraine. This is a new body with an advisory function. Ukraine has no law on indigenous peoples. Mr. Mustafa Jemilev was appointed to the position. He has since urged Crimean Tatars to report human rights violations to Ukrainian state bodies and to apply to local Mejlis offices in Crimea for legal aid. He also called on victims to collect evidence, including official correspondence and witness reports. According to the Head of the Mejlis of the Crimean Tatar people, Refat Chubarov, FSB officers are examining Crimean bookshops and removing books about Crimean Tatars, including the book of Crimean historian Gulnara Bekirova *Mustafa Jemilev: Crimean Tatar voice was not heard for decades*.

D. Economic and social rights

165. The process of 'nationalization' and illegal seizure of property has been ongoing for several months. On 24 August, the 'people's militia' entered Zaliv shipbuilders in Crimea and prevented the company management entering its working places. Then a new administration was introduced to the firm, from Zelenodolsk (Tatarstan), one of the biggest Russian shipbuilders. On 27 August, members of the 'people's militia' entered the headquarters of Ukrainian gas company Krymgas and expropriated all documents and stamps. The entrances were blocked and the employees were advised either to quit or to sign applications for transfer of their jobs to a newly created gas company. On 3 September, the 'state council' of Crimea passed a decree nationalising 82 (mainly PrivatBank) objects owned by Ihor Kolomoiskyi and 28 Crimean markets owned by others. Mr. Kolomoiskyi is the current governor of Dnipropetrovsk region who actively finances some battalions of the security operation. Instances of illegal seizure and transfer of property were also reported before the adoption of the decree.

Right to an adequate standard of living

[51] There is also uncertainty about the ability of the priest of the Catholic parish in Simferopol to stay. His residence permit expires on 25 October 2014. In the second half of August, he lodged an application to the Crimean branch of Russia's Federal Migration Service in Simferopol in order to extend his residence permit. In a reply obtained on 3 September, the priest was recommended to apply later. Under Ukrainian law, residence permits were often automatically renewed. Under Russian law, there is no automatic renewal.

166. The Ukrainian National energy company officially informed Crimean and Sevastopol authorities about the restriction of energy supplies (with new quotas) for the Crimean peninsula starting on the week of 1 September. It threatened to cut power altogether if these quotas were breached by consumers. 80 per cent of the electric power in Crimea comes from the mainland. The same preventive cuts are expected across the rest of Ukraine. Fighting in the east, however, has disrupted supplies to thermal power plants, which provide around 40 per cent of Ukraine's electricity. The looming winter and energy crisis are increasingly coming to the fore in domestic political social discourse.

Right to education

167. The HRMMU is in the process of collecting information on the new school year in the Autonomous Republic of Crimea. According to preliminary information obtained in Yalta, Russian is the only language of instruction in that city. This is also true of the 'Ukrainian gymnasium' in Yalta, which used Ukrainian as the language of instruction before the March 'referendum'. Ukrainian language can still be taught as an option twice a week, although such optional teaching still violates the right of Ukrainians to study in their native language. The director of this school was dismissed from her post on 9 September.

168. On 9 September, students of the Crimean State Medical University (CSMU), among them foreigners, protested against their institute joining the Crimean Federal University, following a decree of Russian Prime Minister Dmitry Medvedev issued on 13 August. There is concern that if this occurs CSMU's international status will be lost[52] and graduates will no longer receive an international certificate admissible for employment opportunities in other countries. Reportedly, more than 300 national students have transferred to medical schools in mainland Ukraine.

E. Situation of internally displaced persons and other groups in a position of vulnerability

IDPs

169. The number of registered IDPs from Crimea continued to grow with officially 17,794 Crimean IDPs registered on mainland Ukraine[53]. This constitutes an increase of almost 7 per cent in less than a month. According to sources in the Ukrainian Government, this could be partly attributed to unregistered IDPs on the mainland having registered; to some Crimean entrepreneurs leaving the peninsula after having sold their property; and to the arrival of families who object to their children attending school under the education system of the Russian Federation.

170. According to the so-called Crimean authorities, there were more than 7,000 "refugees" from eastern Ukraine in special temporary accommodation facilities throughout the peninsula. These facilities were closed on 1 September and the "refugees" were to be resettled in Russia's central and eastern regions. The HRMMU is verifying claims that some were resettled against their wishes.

LGBTI

171. On 2 September, during a meeting of the de facto authorities in Crimea, while discussing the demographic development of Crimea, the Crimean 'prime minister' Sergey Aksyonov stressed that representatives of the LGBTI community will not receive support from authorities. Moreover, according to him, if they try to conduct any street actions, they will be prosecuted.

[52] According to the Ukrainian Health Ministry, the transformation of the CSMU as a structural subdivision of the Crimean Federal University will ruin its educational process and technical base.
[53] State Emergency Services, 18 September 2014.

Domestic violence

172. On 10 September, the NGO La Strada informed the HRMMU that in the first six months of this year, 3.1 per cent of phone calls received on domestic violence and gender discrimination issues came from the Autonomous Republic of Crimea. While the Criminal Code of the Russian Federation foresees liability for intentional crimes against the life, health and sexual integrity of citizens, Russia, unlike Ukraine, has no domestic violence law. In view of the general reluctance of the police to react to complaints of domestic violence, the absence of a specific law makes it even more difficult for family members to secure an intervention from law enforcement officials.

XI. CONCLUSIONS AND RECOMMENDATIONS

173. The sharp increase in civilian casualties towards the end of August is largely due to the intensified fighting, including the use of heavy weaponry and indiscriminate shelling in densely populated areas, as a result of the influx of an increasing number of foreign fighters, including citizens of the Russian Federation, as well as former or current servicemen 'on leave', in support of the armed groups of the self-proclaimed 'Donetsk people's republic' and 'Luhansk people's republic. In this context, the principles of international humanitarian law on the conduct of hostilities should be recalled and respected, including the principles of military necessity, distinction, proportionality and precaution in order to ensure the protection of civilians. There needs to be accountability for crimes committed. No matter who the perpetrators or the victims are, efforts must be made to ensure that anyone who has committed a serious violation of international law is brought to justice. This is essential to overcome divisions and pave the way for national reconciliation.

174. The situation remains fragile and while all efforts should be made to support a ceasefire that will have a direct positive effect on the human rights situation, it is equally important to support the Government in preparing for the social effects of a possible escalation in the hostilities. Legislation adopted on 16 September pursuant to the Minsk Protocol furthering the points on the immediate release of all hostages and detainee and an amnesty, as well as with regard to an offer of the special status to parts of the Donetsk and Luhansk regions is to be welcomed. Respect for human rights, good governance and the rule of law are key to peace and security, and economic and social development. An environment conducive to the promotion and protection of human rights in Ukraine depends on respect for General Assembly resolution 68/262 on the sovereignty and territorial integrity of Ukraine, the absence of armed conflict, and the effective control of the State borders between Ukraine and the Russian Federation.

175. As OHCHR has consistently highlighted in its reports, the Government of Ukraine should prioritise addressing systemic and structural issues affecting human rights through institutional reform, with the aim of establishing governance and justice systems that are effective and accountable, promote and protect human rights for all in line with international standards.

176. OHCHR continued to appreciate the good cooperation extended by the Government of Ukraine to the HRMMU, and welcomed the some initial steps taken to implement some previously issued recommendations. The HRMMU will continue to monitor and report on the evolving situation, with a view to contributing towards the establishment of an objective assessment of the human rights situation and a stronger and more effective national human rights protection system.

177. All recommendations contained in the OHCHR reports issued since 15 April remain valid. In addition, OHCHR calls upon all those involved in the situation in Ukraine to implement the following recommendations:

a) Maintain the ceasefire and ultimately seek a sustainable peaceful solution for the Donbas region, to end the loss of life and avoid a large scale humanitarian disaster.

b) Ensure that all those involved in the situation in Ukraine adhere to norms and principles of international humanitarian law and provide free and safe passage for civilians and humanitarian relief in strict compliance with existing international standards, and in any situation refrain from indiscriminate shelling of populated areas or positioning in areas that put civilians in danger.

c) All violations of international law, including war crimes, must be fully investigated and accountability guaranteed, including for command responsibility; perpetrators must be promptly brought to justice and victims provided with remedies and reparations.

d) Adopt effective prosecutorial strategies to bring to justice the perpetrators of violations of human rights and humanitarian law. All allegations of sexual violence, which under some circumstances constitute international crimes (war crimes, crimes against humanity), must be fully investigated, with regard to the needs of victims and specific methodologies (e.g. the International Protocol on the Documentation and Investigation of Sexual Violence in Conflict).

e) All incidents of illegal seizure of property must be promptly investigated; clear procedures should be developed to return the property to the lawful owners.

f) Treat all detainees humanely and in accordance with international human rights standards and international humanitarian law to ensure their rights, including access to legal aid.

g) Ensure informed consent of detainees who are to be exchanged as a result of the Minsk protocol of 5 September and ensure that these exchanges are monitored and are in accordance with international norms and standards.

h) Establish a transparent and accessible mechanism for families seeking to find missing persons, including military personnel.

i) Ensure that all those living in Ukraine are provided with basic assistance, services and shelter/heating needs in accordance with international norms and standards and that the necessary legal institutional framework to support this is enacted.

j) Ensure the equal provision of services and utilities, as well as humanitarian and social assistance where needed, for both those who have remained and returnees.

k) Collect and make publicly available comprehensive and reliable gender-disaggregated statistics concerning IDPs and other people affected by the conflict (including those killed and wounded).

l) Conduct national consultations, with the involvement of civil society, to develop a national action plan in accordance with Security Council resolution 1325 to promote women's equal and full participation as active agents in the prevention and resolution of conflicts, peace-building and peacekeeping, as well as incorporate gender perspective in all areas of peace building.

m) Encourage adoption of temporary measures to ensure greater participation of women in public life, including in Parliament.

n) Ensure freedom of the media and regulatory monitoring of media professionalism, disinformation, and advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

o) Take immediate action to facilitate access to, and the provision of, treatment for HIV/AIDS and Tuberculosis, as well as of essential medicines, particularly in conflict-affected areas, in order to prevent the interruption of treatment.

178. With regard to the situation in the Autonomous Republic of Crimea, OHCHR notes with concern the continued human rights violations that are generated by the introduction of Russian Federation legislation, in contravention of General Assembly resolution 68/262. Recommendations from previous report remain unimplemented. To the authorities in Crimea and the de facto governing authority of the Russian Federation, OHCHR makes the following recommendations:

p) End pressure and intimidation against the Crimean Tatars linked to the Mejlis, including the multiplication of searches of private property under the pretext of combatting extremism.

q) Strengthen the security of Crimean residents by acting to curb human rights violations committed by the "Crimean self-defence" groups.

r) Guarantee all fundamental rights to all persons in the Autonomous Republic of Crimea, including freedoms of peaceful assembly and association, expression, religion and movement, as well as right to education and guarantees of economic and social rights. Investigate the cases of alleged killing and enforced disappearances of Crimean civil activists (Reshat Ametov, Timur Shaimardanov, Seiran Zinedin, Leonid Korzh, Vasyl Chernysh) and hold accountable the perpetrators.

s) Ensure that citizens of Ukraine who fled the conflict in the east of the country and go to Crimea are not forcefully resettled in the Russian Federation.

t) Ensure monitoring of the human rights situation in Crimea by the UN HRMMU.