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Put an End to Impunity for Detentions-Related Abuses in Context of the Armed Conflict in Ukraine

Impunity for detention-related abuses in the context of the armed conflict in eastern Ukraine continues by both Ukraine's government and on Russia-backed separatists in Donbass. Amnesty International and Human Rights Watch reiterate their call on both parties to put an end to this deplorable situation, stop all arbitrary and secret detentions and ill-treatment of detainees and ensure accountability for those responsible.

In July 2016, Amnesty International and Human Rights Watch released a joint report [You Don't Exist](#) which documented prolonged, arbitrary, and sometimes secret detention (enforced disappearances) as well as ill-treatment of detainees by both the Ukrainian authorities and Russia-backed separatists. Since the report's publication, 18 persons forcibly disappeared by Ukraine's Security Service (SBU) have been released from secret detention by SBU's Kharkiv branch. The last three of those secret detainees were released in December 2016 and, to the best of our knowledge, the Kharkiv Branch of SBU no longer holds any individuals in unofficial custody. However, the Ukrainian authorities have acknowledged neither the actual detentions nor the releases, and have not taken any effective steps to ensure accountability for these abuses.

Amnesty international and Human Rights Watch have not seen any positive developments in connection with detention-related abuses by Russia-backed separatists documented in their joint report.

People held by the warring sides in eastern Ukraine are protected under international human rights and international humanitarian law, which unequivocally ban arbitrary detention, torture, and other ill-treatment. International standards provide that allegations of torture and other ill-treatment should be investigated, and that, when the evidence warrants it, those responsible should be prosecuted. Detainees must be provided with adequate food, water, clothing, shelter, and medical care. Amnesty International and Human Rights Watch call on all parties to the conflict in eastern Ukraine to ensure that all forces under their control are aware of the consequences of abusing detainees under international law.

Lack of Accountability for Secret Detentions and Abuses against Detainees by Ukraine's Security Service

Whilst Amnesty International and Human Rights Watch welcome the fact that all the former detainees of the Kharkiv SBU branch are now free, we are concerned that the SBU's continued denial of enforced disappearances and the lack of effective investigation into them and other unlawful detentions and detention-related abuses by Ukraine's authorities serves to foster a climate of lawlessness and perpetuates impunity for grave human rights violations.

In July, at a meeting with Amnesty International and Human Rights Watch, the Chief Military Prosecutor of Ukraine pledged to carry out an investigation into the allegations of secret detentions by the SBU detailed in the report [You Don't Exist](#).

In August, Amnesty International and Human Rights Watch informed the Chief Military Prosecutor in a [letter](#) that we believed, based on extensive research, that some of the secret detainees had been released from the SBU facility in Kharkiv, but at least five individuals remained in unacknowledged detention. In the letter, the organizations reiterated their call for a prompt and effective investigation. At the time of writing, Amnesty International and Human Rights Watch are not aware of any tangible results of the investigation, or even any concrete steps taken or progress made.

Amnesty International and Human Rights Watch carried out further research between December 2016 and January 2017, including interviews with six people who were participants in or had direct knowledge of relevant events.

In the beginning of August, immediately after the release of most of the secret inmates from the Kharkiv SBU facility, guards moved the five remaining detainees from their cells to the basement of the same building. On August 20, the SBU released two of them, both residents of Kharkiv, warning them not to reveal any information about their secret detention. The two men eventually crossed the border into Russia. The other three men – two Russian nationals, Vladimir Bezobrazov and Vladislav Kondalov, and one Ukrainian national from separatist-controlled Torez, Sergei (last name withheld for privacy reasons) – remained in unofficial SBU custody until December 12.

Amnesty International and Human Rights Watch interviewed Bezobrazov and Kondalov after their release and return to their respective homes in Russia.

Vladimir Bezobrazov, whose case is detailed in the August letter to Ukraine's Chief Military Prosecutor by Amnesty International and Human Rights Watch, is a business manager from Moscow. He was arrested by Ukrainian authorities in May 2014 in a small town near Odessa where he was on vacation with his mother and his small son. Though Bezobrazov denies any involvement with the events in eastern Ukraine, Ukrainian law enforcement officials promised him that he would receive a suspended sentence and be released in a "prisoner exchange" between the warring sides, if he "confessed" to attempted recruitment of fighters for Russia-backed separatists, which he did. On March 6, 2015, a court in Ovidopol, Odessa region, found him guilty of actions aimed at changing Ukraine's territorial border, handed down a suspended sentence and ordered his release in the courtroom. However, SBU officials forcibly disappeared him immediately after his release and he then spent close to 21 months in unofficial custody of the Kharkiv SBU without any contact with the outside world.

Vladislav Kondalov from Samara region of Russia fought on the side of Russia-backed separatists in eastern Ukraine. Ukrainian government forces captured him in March 2016 near the town of Schastye in Luhansk region of Ukraine. According to him, his captors kept him in a sewer for a few days, beat him severely and threatened to cut his arm off with a chainsaw. Then, he was taken into official custody and the authorities transferred him to a pre-trial detention facility in Kyiv where he, like many others detained in connection with the armed conflict, received an offer from the authorities to become part of the "prisoner exchange" process between the warring sides. A court in Severodonesk, Luhansk region, found him guilty of "participation in a terrorist group" but handed down a suspended sentence and ordered his release. As he was leaving the pre-trial detention facility in Kyiv on May 21 Kondalov was forcibly disappeared by SBU officials and moved to the SBU facility in Kharkiv. He spent the next seven months in unofficial custody of the Kharkiv SBU without any contact with the outside world.

On August 21 SBU officials transferred the three men who remained in their custody, Bezobrazov, Kondalov, and Sergei, to another SBU facility just outside the city. Bezobrazov and Kondalov told Amnesty International and Human Rights Watch that it was "a small base" in a one-storey building where they spent another month, locked in a tiny room with three iron beds and a boarded up window. They had no contact with the outside world, but their captors kept reassuring them they would be released soon through "prisoner exchange" with Russia-backed separatists. The room had neither a toilet nor water tap. The detainees had to yell for guards to take them to the toilet and urinate in plastic bottles when the guards failed to answer their calls. The guards provided them with just enough

drinking water and some food. “They’d bring a big bucket of cereal porridge – and that would last us three days. It was enough to survive,” Bezobrazov said.

After about a month, SBU officials moved the three secret detainees to another unofficial place of detention, apparently a former resort outside of Kharkiv. Bezobrazov and Kondalov told Amnesty International and Human Rights Watch they stayed there, in the same room with Sergei, until December 12, 2016. According to them, it was a “typical Soviet-style resort” room with conveniences, including adequate sanitary facilities, but the windows were boarded. “They [the guards] kept saying, don’t worry, you’ll be out soon, the negotiations are in progress, the exchange is coming up, but I no longer believed them – after more than one and a half years of imprisonment without any contact with the outside world you just lose hope,” Bezobrazov said.

On December 12, SBU officials hand-cuffed Bezobrazov, Kondalov, and Sergei, put black bags over their heads and led them to a vehicle parked outside the building. The back of the vehicle had a compartment designed for transporting detainees, separated by a grill from the driver’s cabin. According to Bezobrazov and Kondalov, they drove all day. Then, the vehicle stopped, armed officials entered their compartment, un-cuffed them, took the bags off their heads, gave them some “travel money” in Russian roubles and US dollars, and ordered them out. The detainees asked about their passports but the officials said they did not have them. The officials then told the three men to lie in the snow with their faces pressed to the ground and stay put for 10 to 20 minutes after they heard the car drive away. “It was getting dark. We had no idea where they had dropped us off. We had no identification documents. We did not know what would happen to us. I really had my doubts – we could step on a mine in that field... Or someone could’ve been waiting there with an assignment to shoot us – and then take the money they had given us by way of payment,” Kondalov said.

After a short walk, the three men saw a road sign for the town of Novoluhanske. At the time, Novoluhanske, which is located in the Donetsk region of Ukraine and is presently under government control, was contested by the warring parties and had both a Ukrainian and a pro-Russian separatist checkpoint on different sides of it. After arriving to Novoluhanske, Sergei immediately left his companions saying that he would look for the separatist check-point and ask them to help him make his way to Torez. He was subsequently detained by Russia-backed separatists who held him for questioning for several days, and is currently undergoing treatment in a hospital in Donetsk, the capital city of self-proclaimed Donetsk People’s Republic (DNR).

Bezobrazov and Kondalov found shelter for the night in the stairwell of an apartment building damaged by shelling. The next day, they met a local resident who offered them his hospitality and let them use a phone and contact their families. Their family members then called another former detainee of the Kharkiv SBU facility who had been released earlier and was in contact with them. The former detainee told Amnesty International and Human Rights Watch that he got in touch with an international humanitarian organisation, which contacted Bezobrazov and Kondalov and sorted out identification documents for Bezobrazov and Kondalov. With assistance from the organization, Bezobrazov and Kondalov arrived in Donetsk on December 18. Bezobrazov returned to Moscow on December 23. Kondalov was home in Russia’s Samara region by December 29.

The prolonged secret detentions irreversibly altered the lives of the former detainees and their family members. “When I returned [after close to 21 months of secret detention], my son was no longer five, practically a baby, but already seven, a school kid. It’s hard to come to terms with this. He is also so worried I’d disappear again. He calls me on my cell phone several times a day just to check. He wakes up late at night and if I’m not home wakes his grandmother saying daddy’s gone,” Bezobrazov told Amnesty International and Human Rights Watch.

Both Bezobrazov and Kondalov told Amnesty International and Human Rights Watch that they are experiencing health issues as a result of their prolonged detention, including problems with their digestive tract and dental problems. “During the first six months they held me in Kharkiv they would not even give me a tooth brush or toothpaste. Seemingly a small thing... But when you cannot brush

your teeth for half-a-year, it proves to be so awful, like torture, really, and eventually your teeth just fall apart. Since my return, I've been spending loads of time at the dentist's," Bezobrazov said.

The SBU has consistently denied the practice of secret detentions and has not acknowledged any of the detentions and releases documented by Amnesty International and Human Rights Watch, including those set out in this statement. In September, the SBU authorities organized [a press tour](#) of the SBU compound in Kharkiv in an attempt to dismiss the allegations of secret detentions by Amnesty International and Human Rights Watch. This move appears particularly cynical in the context of the now confirmed information about the secret transfer of all the remaining detainees to another unofficially facility in the second half of August.

Amnesty International and Human Rights Watch reiterate their call on Ukraine's Military Prosecutor's Office to conduct a prompt, impartial and effective investigation into secret detentions by the SBU and hold perpetrators to account.

Individuals Held in Custody by Russia-Backed Separatists Remain Without Recourse to Any Effective Remedies

Amnesty International and Human Rights Watch also reiterate their concern regarding prolonged incommunicado detentions and ill-treatment of detainees by Russia-backed separatists and the total lack of progress in addressing this issue. In the self-proclaimed Donetsk People's Republic (DNR) and Luhansk People's Republic (LNR) local security services continue to hold civilians in their custody without any contact with the outside world, including with their lawyers or families. Local security services operate with no checks and balances; the overall absence of the rule of law in separatist-controlled areas deprives individuals held in custody of their rights and leaves them without recourse to any effective remedies.

While researching for the report [You Don't Exist](#), Amnesty International and Human Rights Watch documented nine cases in which Russia-backed separatists held civilians incommunicado for weeks or months without charge and, in most cases, subjected them to ill-treatment. The efforts by Amnesty International and Human Rights Watch to engage on the issue with the Russia-backed separatists and to convince Russia to exercise its leverage over the de-facto authorities in the DNR and the LNR have yielded no tangible results.

Amnesty International and Human Rights Watch are particularly concerned about Igor Kozlovsky, a university professor from Donetsk, and Volodymyr Fomychev, a pro-Ukrainian blogger originally from Makiivka, who have been in custody of Russia-backed separatists since January 2016 on fabricated charges of weapon possession. The cases of Kozlovsky and Fomychev are detailed in [the joint report](#) by Amnesty International and Human Rights Watch. In the report Fomychev was assigned the pseudonym "Yuri" as a security measure to lower risk of retaliation occurring against him while he was awaiting trial. Kozlovsky is currently in a remand prison in Donetsk pending trial. On August 16 a court in Donetsk found Fomychev "guilty" of weapon possession and handed down a two-year prison sentence. The DNR de facto authorities then sent him to a penal colony in Makiivka, a small town near Donetsk. As documented in the report, the circumstances of Fomychev's arrest, his conditions of detention and the indications of clearly fabricated evidence and a coerced confession, render his "conviction" void of any credibility and his continued detention a serious violation of both international human rights and humanitarian law.

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