



To: **Chief Military Prosecutor, Anatoly Matios**
Prosecutor General's Office of Ukraine, Riznitska St, 13/15, Kyiv,
Ukraine

Cc: **Chief of SBU, President's Office, Ombudsperson for Ukraine**

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Dear Mr. Matios,

We would like to thank you once again for meeting with us on July 21, 2016, to discuss the findings of our joint report, "You Don't Exist. Arbitrary Detentions, Enforced Disappearances and Torture in Eastern Ukraine." We greatly value the dialogue we have with you and the seriousness with which you considered our concerns.

As you may recall, one of the key issues we discussed were grave allegations of secret detentions in the premises of the Kharkiv branch of the Security Service of Ukraine (SBU). The day after we met, we sent you a list of 16 individuals who, based on information from a range of sources, we concluded had been held at the SBU compound in Kharkiv at least as of early spring this year and who, we believed, were likely to still be in custody there. We were pleased that you pledged to look into the issue.

We would like to update you on the status of these individuals, based on information we have gathered since our meeting, and to again urge your office to further investigate the situation with the Kharkiv SBU facility as well as the possible use of other SBU facilities as unofficial detention sites.

We have learned that since July 25, 13 people—12 men and one woman—were released from the Kharkiv SBU facility, most of whom were among the 16 on the list we sent you. We very much welcome their releases. But we remain deeply concerned that there has been no official acknowledgement of their detention or release, just as

to date there has been no official acknowledgement of the problem of secret detention in general. This continued denial of enforced disappearance and secret detention fosters a climate of lawlessness and perpetuates impunity for grave human rights violations.

We have also learned of at least five people—whose details are provided below—who are still being held in secret detention in the Kharkiv facility, two of whom were not included in the original list we sent you. We urge you to take immediate steps to secure their release and to bring the perpetrators to account.

This letter, which we will shortly make public (without the personal details and names of those individuals who have not given us their consent to do so), summarizes our findings from interviews we conducted with five of the individuals who were recently released from the Kharkiv SBU. We interviewed these individuals separately, which allowed us to compare and corroborate their testimonies. Their accounts of detention and treatment in custody further confirmed the findings in our report “You Don’t Exist” and brought to light the following developments that were not reflected in the report.

First, one of the 16 persons on the list we shared with you was released by mid-March, and on April 20, three more unofficial detainees were brought to the facility, bringing, we believe, the total number people held in secret detention at the Kharkiv SBU at that time to 18.

Second, on July 25 officials at the Kharkiv SBU released six of these people and on August 2 they released seven more. We interviewed people from both groups and they all told us SBU officials covered the detainees’ heads with black bags and drove them out of Kharkiv in the back of an armoured mini-bus, letting some off the bus on the outskirts of Kramatorsk and others on the outskirts of Druzhkyvka. The detainees were released from the bus at short intervals, one after the other, or in pairs. Before letting them go, their captors returned their passports (except in one case where the detainee had been originally disappeared without any documents – see below for Koroliov’s case summary) and gave them from 50 to 200 hryvnia “for transportation costs.” The captors warned the detainees to keep silent about their secret detention at the SBU and threatened them with severe repercussions for divulging information about it to any official or private actors.

Third, they told us that five individuals were still being held at the Kharkiv facility, three of whom have been held there for more than 17 months. The names of four of the five are provided in an annex to this letter. Details regarding the fifth, *Vladimir Alekseevich Bezobrazov*, whose family we have been in touch with, are provided below.

Further confirmation of information in “You Don’t Exist”

The accounts the five recently released individuals shared with us are consistent with the accounts of the four former Kharkiv SBU detainees we interviewed earlier this year for “You Don’t Exist.” They provided consistent descriptions of the facility, the routine, the guards, the other inmates, the inadequate medical assistance, the failed prisoner exchanges, and the efforts by the SBU staff to hide them from Ukrainian and international officials, including by means of removing them from their cells

temporarily and using pseudonyms to register those who required emergency medical assistance at a hospital. These accounts, taken together, form a comprehensive picture of secret detention by the SBU.

Taken together, our interviews with three former detainees of the Kharkiv SBU facility for the report “You Don’t Exist” and the five new interviews also point to two recurring features in how the SBU have carried out enforced disappearances: the kidnapping of individuals ordered to be released from custody by a judge from either a courtroom or a remand prison; and abduction-style detentions of individuals from their homes by armed officials. In neither scenario has the SBU acknowledged the detentions. Police authorities eventually open “missing persons” cases, which remain open with no effective investigation carried out until the individuals are unofficially released by the SBU.

The need for investigation

Two of the five recently released individuals whom we interviewed were reluctant for us to publicly disclose their identities or publish details of their cases for fear of reprisals against them and their family members. We include case summaries and (separately) the contact details of the other three – Vyctor Olekeevych Ashykhin resident of Ukrainsk, Dmytro Serheevych Koroliiov (resident of Zaporizhia), and Mykola Mykolaevych Vakaruk (resident of Ukrainsk) – with a view to facilitating your investigations into the crimes alleged.

Ashykhin, 59, alleges that he was subjected to enforced disappearance from his home in Ukrainsk on December 7, 2014. The officials took him to the SBU facility in Kramatorsk, where he was tortured and forced to confess to being an informant for armed separatists. Four days later, Ashykhin was transferred to the Kharkiv SBU and remained a victim of an enforced disappearance held in secret detention until his release on July 25, 2016.

Vakaruk, 34, alleges his enforced disappearance by unidentified armed servicemen in face masks who took him from his home in Ukrainsk on December 9, 2014 to a facility in Chervonoarmyisk (now Pokrovsk) where interrogators with insignia of the Dnipro-1 and Donbass battalions viciously beat and kicked him while handcuffed for six hours and forced him to confess to being an informant for armed separatists. On December 11 Vakaruk was transferred to the SBU facility in Kramatorsk and four days later to the SBU compound in Kharkiv. According to Vakaruk, at the end of October 2015, while in SBU custody in Kharkiv, he developed a serious kidney problem and his captors took him to Hospital #17 in Kharkiv, registering him under the name of Serhey Ivanov. At the hospital surgeons removed one of his kidneys. After the surgery, he spent 10 days in the intensive care unit and then around 20 days in a single room hand-cuffed to the bed with a guard watching him around the clock. On November 27 SBU officials returned him to the Kharkiv SBU, where he stayed until July 25, 2016 when the SBU, which never acknowledged his detention, released him along with Ashykhin and four other victims of enforced disappeared. One other former detainee we interviewed, but who asked to remain anonymous, said that he too had fallen seriously ill (in July 2015) while in secret custody at the Kharkiv SBU. Like Vakaruk, he said the SBU staff eventually took him to a medical facility, registering him under a pseudonym.

Koroliiov, 37, who had been given a five-year suspended prison sentence for running an unlawful armed group, said SBU officials took him from the Dnipro pre-trial detention facility on August 3, 2015, the day he was to be released from there by court decision. Based on the guarantees he had received earlier, he thought he was on his way to a prisoner exchange, but his captors took him directly to the SBU compound in Kharkiv where he then spent almost a year in secret detention in Kharkiv until August 2, 2016.

Soon after their release, Ashykhin, Koroliiov, and Vakaruk were invited by the police in their respective hometowns to explain the circumstances of their enforced disappearance. In each case, however, the written police reports reflected only that they were no longer missing and the missing person cases on each of them had been closed. The police did not open investigations into their enforced disappearance by the SBU and did not encourage them to file complaints.

As these crimes fall under the jurisdiction of your office, we call on you to prioritize and personally oversee an independent and effective investigation into these cases. All those criminally responsible for crimes under international law must be held to account through fair trials. We are also concerned about the safety of these three individuals and kindly request your office to ensure their safety and protect them from harassment and intimidation from representatives of other Ukrainian law enforcement agencies.

We also believe that the information provided in this letter may be useful for your investigation into the case of Kostyantyn Beskorovaynyi, which we discussed with you in detail during our July meeting, and other investigations by the military prosecutor's office into allegations of enforced disappearances and secret incommunicado detentions by the SBU, particularly in their premises in Kharkiv and Kramatorsk.

We call on you to put an end to impunity for enforced disappearances and incommunicado detentions and look forward to hearing from you about any progress in the official investigation into relevant allegations.

We thank you for your attention to the concerns in this letter.

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Case Summaries

Vyktor Olekseevych Ashykhin, Ukrainsk

Vyktor Ashykhin was a member of the local legislature in Ukrainsk and worked at the “Ukrayina” mine as an underground train driver.

At around 1:20 p.m. on 7 December 2014, three men in military uniform without insignia knocked on Vyktor Ashykhin’s door and asked whether he was home. When his wife opened the door, they forced their way in and, without introducing themselves or presenting a warrant, carried out a search and led Ashykhin away.

Ashykhin told Amnesty International and Human Rights Watch: “One of them went through my computer. The others found my phone and badge from the [May 11, 2014 separatist] referendum I had kept. Then, without giving any explanation or producing any papers, they put a black plastic bag over my head, tightened it with scotch tape at eye level, and led me outside into a white VW van.” The men warned Ashykhin’s wife not to contact any authorities for the next two days, unless she wanted her husband to come to harm.

After a two-hour drive, the car arrived at a base which later on, when comparing detention accounts with other inmates in the Kharkiv SBU compound, Ashykhin was able to identify as the SBU base in Kramatorsk. Ashykhin said his captors in Kramatorsk subjected him to cruel and degrading treatment and tortured him to coerce a confession: “They handcuffed me to some sort of sports equipment, the room was like a gym. For the next three hours I heard a woman screaming in the room next to me... In another few days, they put me in the same car with her and I found out she was also from Ukrainsk and got detained shortly after me. When her screams finally stopped, some servicemen came for me and took me to a narrow and tall room where I couldn’t turn around or sleep. They left me there for the night and did not give me any water, though I was thirsty.”

The next morning, a man in a mask moved Ashykhin to a larger room and gave him some tea. After Ashykhin drank the tea, he started hallucinating yellow and pink images on the walls. Then, the man came back and took Ashykhin to the gym.

There were baseball bats there and some kind of a machine with electricity. First, they hit me with a baseball bat through my clothes, which wasn’t that bad, because it was winter and I wore layers. Then, they told me to undress and to supplicate myself with my knees bent under me, my palms and feet stretched out. They started beating me on my soles with a pipe, asking questions about my participation in the [separatist] referendum.

After torturing him for two days, Ashykhin’s captors forced him to sign a confession of being a separatist collaborator and to read it on camera.

On December 11, his fourth day in unofficial custody, Ashykhin’s captors put him in a car with a plastic bag over his head. The woman he had heard screaming on his first day of detention was also in the car. The drive took several hours. Upon arrival at a bloc of buildings, Ashykhin was put in a cell with 13 other people who told him he was at the Kharkiv SBU facility. On December 15, his acquaintance and former colleague from Ukrainsk, Mykola Vakaruk, was also brought there.

On December 23, 2014 an investigator from the SBU asked Ashykhin a few questions and told him they “don’t have a case against him” and he should prepare to be handed over to separatists in Donetsk as part of a prisoner exchange. On December 26 Ashykhin and several dozens of other inmates were put on a bus, but the exchange fell through and their captors returned them to the Kharkiv facility several hours later.

On February 10, 2015 the guards handcuffed Ashykhin and the other inmates, took them from their cells to investigators’ offices, and then returned them to their cells several hours later. On April 20, 2016 the guards told the men to board a bus with their belongings, but returned them later at night to the facility, after waiting for six hours in a courtyard in an unidentified location in Kharkiv.

In mid-October 2015 the guards gave Ashykhin a cell phone and told him to call his wife and ask her to request the DNR authorities to put his name on prisoner exchange lists. He complied.

On May 20, 2016 the inmates were ordered into the basement of the facility and stayed there for several hours before returning to their respective cells. Based on snippets of the guards’ conversations by the guards that Ashykhin and the other inmates overheard, they concluded that their captors had temporarily moved them in order to hide them from visiting Ukrainian and/or international officials.

On July 25, 2016 the guards took Ashykhin and five other inmates one by one to the fourth floor of the building in which they were held. There an SBU investigator made them sign confessions of past collaboration with armed separatists and statements expressing their consent to work as informants for the SBU. He also had them read the two papers on camera and warned them the SBU will leak the statement of consent in case they “cross to the other side. Then, at around 5 p.m., the guards put all the six men on a mini-bus with bags over their heads. After a three-hour drive, the guards released some of the men on the outskirts of Kramatorsk and the rest of them, including Ashykhin and Vakaruk, on the outskirts of Druzhkivka, giving each one between 50 and 200 hryvnia of “transportation money” and telling them not to talk to anyone about their secret detention.

Mykola Mykolaevych Vakaruk, Ukrainsk

Mykola Vakaruk worked together with Vyktor Ashykhin in the “Ukrayina” mine until a serious work-related accident in 2010 which left him disabled.

On December 9, 2014 at around 6 p.m. Vakaruk was at home with his two sons when someone knocked on their door. One of the boys opened the door, and four uniformed men in masks with guns entered the apartment without introducing themselves or showing any documents. Vakaruk asked what they wanted but they did not respond, except by saying, “You know what this is about.” Despite having no warrant, they carried out a brief search, seizing two cell phones, some documents, and US\$3,000 in cash.

The men forced Vakaruk into a white VW van, put a bag over his head, and started hitting him in the kidney area while asking questions about a woman from Ukrainsk

he was acquainted with. After a short drive, they took Vakaruk into a building and handcuffed him to a chair, with him facing the back of the chair. Based on the length of the drive and the turns announced by the GPS navigator, Vakaruk, who is a driver, believes that the building was the SBU base in Chervonoarmyisk (now Pokrovsk). His captors left Vakaruk alone in the room for the night. In the morning, interrogators showed up.

Vakaruk said:

There was one person who was only asking questions, he was in front of me. Behind me, different men were kicking me viciously in the back. They were doing it in pairs: when two men got tired from kicking me, another two replaced them. This continued for about six hours. I saw their insignias. They were the Dnipro-1 and Donbass battalions. I also heard a woman screaming – and I recognized the voice. It was that woman from our town they kept asking me about. At some point they said, ‘Do you hear this? Would you want your wife to be next in line?’

After six hours of interrogation and beating, Vakaruk agreed to sign the confession his interrogators wanted, admitting to having been supposedly recruited as a spotter by armed separatists. On December 11, his captors put a plastic bag over his head and drove him to a base which later on, when comparing detention accounts with other inmates in the Kharkiv SBU compound, Vakaruk identified as the SBU base in Kramatorsk. There, he spent four days in a cold cell sleeping on the cement floor until his transfer to the SBU Kharkiv facility on December 15.

The guards drove Vakaruk and two other detainees to the SBU compound in Kharkiv. Once inside, Vakaruk recognised Ashykhin, who told him where they were. Over the next 19 months, Vakaruk witnessed and participated in several failed prisoner exchanges and apparent attempts by SBU staff to hide their secret detainees from visiting Ukrainian and international officials. His account corroborates the testimonies provided to Amnesty International and Human Rights Watch by other individuals held in the premises of the Kharkiv SBU.

In mid-October 2015, the guards gave Vakaruk a cell phone and told him to call his wife and ask her to request DNR to put his name on a prisoner exchange lists. He complied.

Towards the end of October 2015, Vakaruk developed serious kidney problems. After he had had been running a very high fever for 72 hours, his captors took him to the former Hospital #17 in Kharkiv, registering him under the name of Serhey Ivanov to conceal his true identity. At the hospital, he had one of his kidneys removed, spent 10 days in the intensive care unit after the surgery, and then around 20 days in a room with no other patients, handcuffed to the bed with a guard watching him around the clock. “I remember very few details because I was mostly out of it, unconscious, sleeping,” Vakaruk said.

On November 27, SBU officials returned Vakaruk to the Kharkiv SBU, where he stayed until his unofficial release on July 25, 2016. Two weeks before his release, on

July 10, SBU personnel took Vakarak to the former Hospital #17 for a check-up, again registering him as Serhey Ivanov.

On 25 July 2016, the guards took Vakarak, Ashykhin and four other inmates one by one to the fourth floor of the building in which they were held. There, an SBU investigator made them sign confessions of past collaboration with armed separatist and statements expressing their consent to work as informants for the SBU. He also had them read the two papers on camera and threatened to leak the statement of consent in case they “cross to the other side”. Then, at around 5 p.m., the guards put all the six men on a mini-bus with bags over their heads. As described above, after a three-hour drive, the guards released some of the men on the outskirts of Kramatorsk and the rest of them, including Vakarak and Ashykhin, in the outskirts of Druzhkyvka, giving each one between 50 and 200 hryvnia as “transportation money” and telling them not to talk to anyone about their secret detention.

Dmytro Serheevych Koroliov, Zaporizhia

A former policeman in Zaporizhia, Dmytro Koroliov joined the armed separatists in Donetsk in early June 2014 but returned home in less than two months and resumed civilian life. On 5 January, 2015 a group of SBU officials detained Koroliov on his way home from work. Three days later a local court approved two-months of pre-trial detention for Koroliov on charges of running an “unlawful armed group.” His mother knew that prisoner exchanges were on-going between Ukrainian authorities and the separatists. She found several prisoner exchange mediators and managed to put her son’s name on the exchange lists.

On 2 July a court handed Koroliov a suspended five-year sentence for organizing an unlawful armed group. The verdict was to come into force 30 days later and the authorities transferred Koroliov to a remand prison in Dnipro for the interim. The exchange mediators told Koroliov’s mother that he would be released on 3 August and then immediately be sent to Donetsk. They said the family could have a quick meeting with him by the prison gates to say good-bye and pass on some clothes and other basic necessities.

When Koroliov exited from the gates of the Dnipro pre-trial detention facility with his release papers in the early afternoon of August 3, two men immediately blocked his path. Koroliov told Amnesty International and Human Rights Watch:

One was the SBU investigator in my case, so I knew him well. The other one I did not know. They had guns. The one I knew told me that they are gathering a group to take to Kharkiv and then proceed with the exchange. So, they put me in their car and we drove for several hours. Then, they led me into the Kharkiv facility and introduced me to the guards there by saying ‘this one is meant for exchange.’ They did not give me any documents and did not tell me when the exchange was supposed to happen.

Koroliov learned from his cellmates that there were about 40 others on the premises and they were all supposedly to be exchanged.

As with other detainees, in mid-October 2015, the guards gave Koroliiov a cell phone and told him to call his family and ask them to request the DNR authorities to put his name on the prisoner exchange lists. He complied.

During his year in secret confinement, Koroliiov witnessed several apparently successful exchanges when some of the inmates left the compound for good and several failed exchanges when inmates were returned to the facility after a short time. He also witnessed some efforts by the staff to hide the detainees from visiting Ukrainian and international officials. He said:

On April 20 [2016] at around noon, the guards told everyone to pack their belongings. They put us on a bus that was parked next to the building we were in. The bus drove around the city for a little while and then stopped in some kind of a courtyard. We stayed there for hours and then returned to the compound at around 11 pm back to the compound. We later learned some officials were visiting. From then on, the guards kept telling us we should get ready to pick up and leave at any moment. They became very apprehensive.

On the afternoon of August 2, 2016 Koroliiov heard the guards order six other inmates to collect their belongings and follow them. Around 6 p.m. the guards also came for Koroliiov and told him to get ready. They put a bag over his head, led him out, and without answering his questions or providing any explanations told him to board a mini-bus in front of the building. Several hours later the bus made its first stop. The guards started releasing the detainees one by one or in pairs in the outskirts of first Kramatorsk and then Druzhkyvka.

Koroliiov was released in Druzhkyvka together with two other people. The guards gave him 50 hryvnia for “transportation.” He did not have his passport because his mother kept it during his official pre-trial detention in 2015. As one of the detainees released with him was a resident of Druzhkyvka, Koroliiov spent the night at his place and eventually rejoined his mother the next day in Sloviansk. She brought him his passport and the two travelled to their family in Zaporizhia.

Vladimir Alekseevich Bezobrazov (currently in secret detention)

Bezobrazov, a Russian national from Moscow, has been in secret detention, allegedly on the premises of the Kharkiv SBU, since March 2015.

Following the death of Bezobrazov’s wife in 2012, his mother, Lyudmilla Korobova, who had been living in Kharkiv since 1998, returned to Moscow to help Bezobrazov take care of his small son. She eventually convinced him to let her take the child to live with her in Ukraine. Towards the end of 2013 Bezobrazov quit his job in Moscow, where he worked as a manager in a small automobile parts trading company, and joined his mother and son in Kharkiv with a view to possible permanent relocation. On May 16, 2014 the three of them arrived in Karolino-Bugaz, in Odessa region, for a family seaside holiday.

The following evening, the family went to a local café for dinner. Korobova left the café with her grandson right after the meal but Bezobrazov stayed. As she later learned from café staff, Bezobrazov engaged in a conversation with a waiter, discussing the situation in eastern Ukraine and the then recent tragic events in Odessa and expressing strong anti-government views. One of the patrons at in the café was the head of the locally-based border guard unit. He called in reinforcements and detained Bezobrazov on the spot. Korobova learned about her son's detention only the next morning when two border guards came to her hotel room and told her they had taken Bezobrazov into custody as a suspected agent of armed separatists. Then several SBU officials arrived. Together with the border guards, they searched the hotel room, despite having no search warrant, and seized Bezobrazov's cell phone, tablet, and passport.

Bezobrazov spent two days at the border guards' base in Karolino-Bugaz before his transfer to a remand prison in Odessa. He was charged with attempted violation of Ukraine's territorial integrity (art. 101 of Ukraine's Criminal Code) based on his own confession, which he had signed in Karolino-Bugaz. Soon after his transfer to the remand prison, Bezobrazov, with the help of a lawyer hired by his mother, retracted the confession, alleging that his interrogators had coerced it from him under duress.

When Korobova visited her son in the remand prison in August 2014, he explained to her that the SBU officials who interrogated him in Karolino-Bugaz demanded that he confess to having arrived there to recruit fighters for armed separatists. When he refused, they threatened to have him killed by the Right Sector. He persevered but one of the interrogators led him to the window and allegedly said, "See your mother and son on that bench in the court-yard waiting for you? Tomorrow, they will drown in the sea." Following on that threat, Bezobrazov immediately signed the confession.

On March 2, 2015 Bezobrazov's lawyer called Korobova saying that he had been contacted by prisoner exchange mediators who told him about a tentative agreement to have Bezobrazov exchanged for a fighter from Luhansk captured by Ukrainian forces. In order for the exchange to go ahead, Bezobrazov needed to confirm his old confession in a court of law and a suspended sentence would be handed down promptly. Bezobrazov agreed.

On March 6, the Ovidiopol court in Ukraine's Odessa region found him guilty under part 1 article 110 of Ukraine's Criminal Code (actions aimed at changing Ukraine's territorial border and public calls to such actions) and gave him a suspended sentence of three years and two months.

According to Korobova, Bezobrazov was freed in the court room but as he was leaving the court building, a mini-bus drove up to the entrance. Several people stepped out of the vehicle, pushed him inside, and drove off. Bezobrazov's lawyer and Korobova thought that was part of the planned exchange and expected him to contact them from Luhansk in a few days. When it did not happen, they got in touch with the mediators, who said the exchange had not taken place. Korobova filed a missing person report, and in May 2015 Ukrainian police authorities opened a criminal case into Bezobrazov's disappearance. At the time of writing, the investigation has yielded no tangible results despite the fact that Bezobrazov's mother

and lawyer received and shared with the authorities numerous credible reports that Bezobrazov was being held in secret detention by the SBU in Kharkiv.

In May 2015, two months into Bezobrazov's disappearance, a man who had just arrived in Donetsk as a result of prisoner exchange, communicated to Bezobrazov's lawyer that he had been held in the premises of the SBU in Kharkiv together with Bezobrazov. In October, Bezobrazov called his mother personally from an unknown number saying that he was held by Ukrainian authorities and asking her to plead with the DNR de facto authorities to put his name on the immediate exchange lists. In the next three weeks, Korobova made numerous calls to the DNR ombudsperson's office and finally, one of the staff told her to stop calling.

According to Korobova, she said, "Why should we get your son exchanged? What has he done for our republic? We carry out the exchanges to get our militia guys back. What does your son have to do with us?"

Since then, Korobova and/or the lawyer have received several phone calls from individuals who said they had been just exchanged or released from the Kharkiv facility and that Bezobrazov was still there at the time of their release. The calls were made in February, and also in July and August 2016 – around the time when groups of secret detainees were released from detention by the Kharkiv SBU. The five individuals we interviewed in the past three weeks who were recently released from the Kharkiv SBU facility confirmed to us that Bezobrazov was among the five remaining secret detainees in the facility.