



ISOLATION

VOICES FROM THE BASEMENT



**Torture of civilians in Donbas by Russians and Russian-backed separatists.
Testimonies of former prisoners of war.**



Author of graphic illustration: former prisoner, Serhii Zakharov

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“They brought me to a state of clinical death and then resuscitated me. They did not let me die, but forced me to ask to be shot because I could no longer tolerate torture.” Victim C1

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During the armed conflict in the Donbas that has been going on since 2014 almost 4,000 Ukrainian citizens were taken prisoners by Russian-backed separatists.

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This report describes human rights violations under international law committed by the Russians, and so-called separatists in the so-called *Donetsk People's Republic*.

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Testimonies of former prisoners do not contain personal data of victims in order to protect their privacy and safety. Individual victims are indicated by numbers and the letter C ("civilian"). Illegal armed formations in areas that are not under the control of Ukraine are referred to in the testimonies as "militia", "separatists," "members of DNR" and "militants" of the so-called Donetsk People's Republic ("DPR:", "DNR") – the language of the source is preserved.

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The main focus is on the events on the territory of the Donetsk Plant of Insulation Materials, which is used as a pre-trial detention centre, because the scale of human rights violations in this place is a global phenomenon. The testimonies of sixteen prisoners held there in 2016-2019 were collected.

The authors hope that the report will be used to reveal the crimes committed there and punish the perpetrators.

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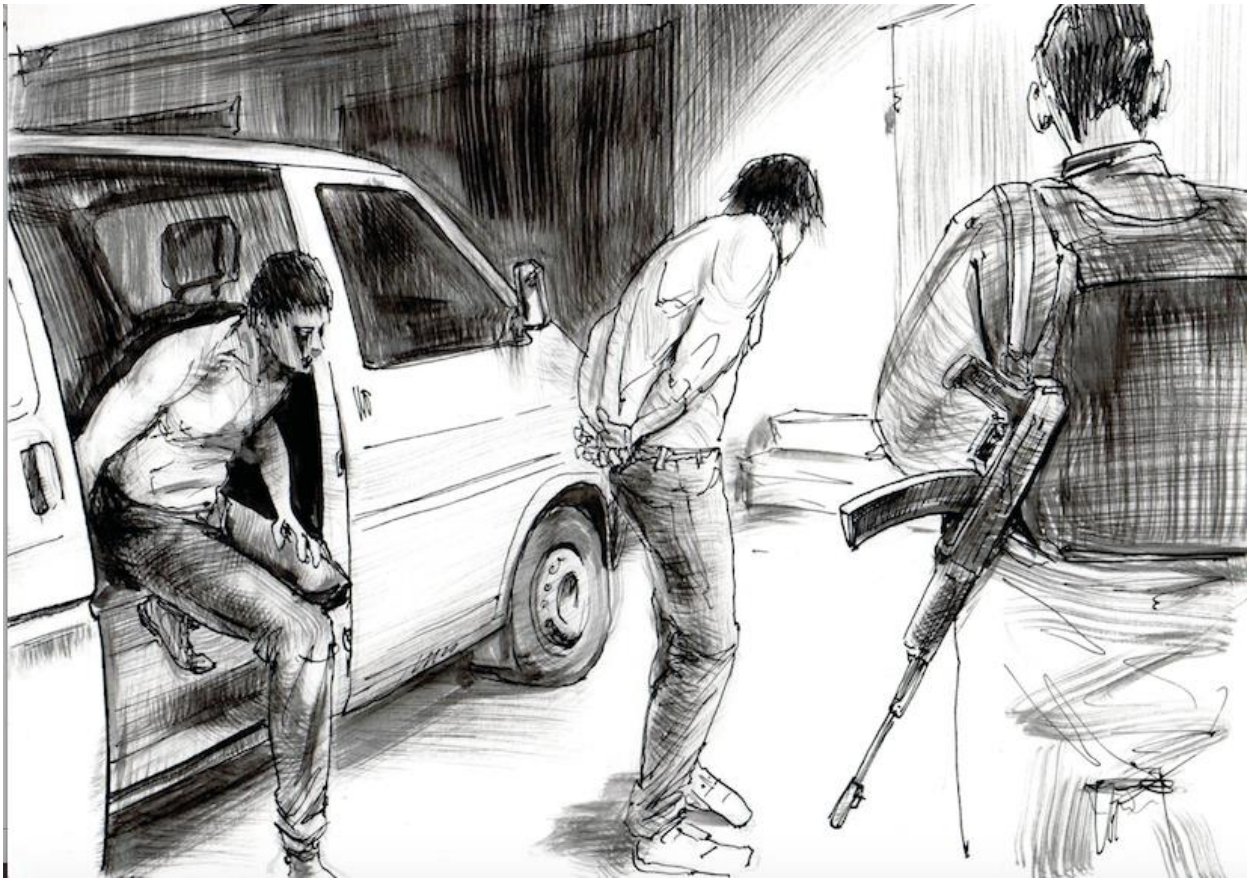
The material was prepared by **Monika Andruszewska** and **Vitalii Khekalo** at the request of MEP Anna Fotyga from the Group of European Conservatives and Reformists in the European Parliament.

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Author of graphic illustration: former prisoner Serhii Zakharov

1.1 Status and conditions of prisoners in the occupied territory of Donbas and international standards

International humanitarian law

At the national level, special Ukrainian legislation defines conflict in the Donbas as “the armed aggression of the Russian Federation” and “temporary occupation of territories”ⁱ, at the same time the law of peacetime is applied. Meanwhile the Office of the Prosecutor of International Criminal Court (the ICC Office of the Prosecutor) provisionally qualifies the situation in the Donbas as a combination of the international armed conflict (confrontation between the armed forces of the Russian Federation and Ukraine) and armed conflict not of an international character (confrontation with armed groups operating in the East of Ukraine, the so-called “DNR” and “LNR”)ⁱⁱ.

If we consider the confrontation between armed formations in the East of Ukraine from the position of international legal regulation, the mere fact of the armed conflict, regardless of whether its parties recognize such conflict as a war, is sufficient to apply to it the rules of international humanitarian law (IHL).ⁱⁱⁱ

The rules of the Geneva Conventions define the term *prisoner of war* (in the context of the international armed conflict^{iv}) and *persons deprived of their liberty* (in relation to non-international armed conflict^v).

According to the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, a person in the power of an adverse Party or a person clearly expresses an intention to surrender

should be recognized to be 'hors de combat'^{vi}. The status of 'hors de combat' in the armed conflict of non-international character is defined in the Article 3 of Geneva Convention (III) relative to the Treatment of Prisoners of War, 12 August 1949, stating that persons taking no active part in the hostilities... who have laid down their arms... shall in all circumstances be treated humanely. In particular, cruel treatment and torture, outrages upon personal dignity, taking of hostages are prohibited with respect to the above-mentioned persons^{vii}.

The definition of captivity as a category within an armed conflict is directly linked to the human right to life^{viii}. The specified norms are the collection of established customary practice regarding treatment of the victims of war. Above all, they guarantee respect for the physical and psychological integrity of the individual. The norms adopted in 1949 do not meet the conditions of modern armed conflicts and the requirements of the time.^{ix}

With regard to the immediate conditions of detention of prisoners, the state responsible for them is obliged to provide them with favourable conditions that will not harm their health. The requirements for premises and their arrangement should be the same as the requirements for the area of the premises and its equipment that the state implements in relation to the personnel of its own units.^x

The premises shall be fully protected from dampness, adequately heated and lighted, in particular between dusk and lights out^{xi}. It is emphasised that men and women should be kept in separate sleeping quarters.

The basic daily food rations shall be sufficient in quantity, quality and variety to keep prisoners of war in good health and to prevent loss of weight or the development of nutritional deficiencies. Sufficient drinking water shall be supplied to prisoners of war. Prisoners of war shall, as far as possible, be associated with the preparation of their meals; they may be employed for that purpose in the kitchens. Furthermore, they shall be given the means of preparing, themselves, the additional food in their possession^{xii}.

The Detaining Power shall supply them with clothing and footwear, account being taken of the climate. The clothing shall be supplied in necessary quantities, its timely replacement and repair shall be provided. Prisoners that work shall receive suitable working outfits whenever the nature of their work so requires. Proper sanitation and hygiene conditions shall be granted: sanitary conveniences which conform to the rules of hygiene, and are constantly maintained in a state of cleanliness; showers and baths shall be provided with sufficient water and soap; separate rooms for washing their personal laundry.^{xiii}

Prisoners may not be prevented from presenting themselves to the medical authorities for examination. Medical inspections of prisoners shall be made at least once a month. Such inspections shall include, in particular, the checking and recording of weight of each prisoner. Their purpose shall be, in particular, to supervise the general state of health, nutrition and cleanliness of individuals, and to detect infectious and viral diseases^{xiv}.

In terms of international humanitarian law, civilians cannot be regarded as parties to the conflict, provided that they do not have weapons or support any of the warring parties. Taking of civilian hostages should be treated as a gross violation of international humanitarian law, in accordance with Article 34 of Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, 12 August 1949^{xv}. However, international humanitarian law recognizes that at a time of an armed conflict temporary detention of civilians is possible for the purpose of guaranteeing security. Nevertheless, unjustified detention is strictly prohibited^{xvi}.

**Convention (IV) relative to the Protection of Civilian Persons in Time of War.
Geneva, 12 August 1949^{xvii}**

Article 16

The wounded and sick, as well as the infirm, and expectant mothers, shall be the object of particular protection and respect...

Article 27

Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity...

Article 29

The Party to the conflict in whose hands protected persons may be, is responsible for the treatment accorded to them by its agents, irrespective of any individual responsibility which may be incurred.

Article 31

No physical or moral coercion shall be exercised against protected persons, in particular to obtain information from them or from third parties.

Article 32

The High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering or extermination of protected persons in their hands. This prohibition applies not only to murder, torture, corporal punishments, mutilation and medical or scientific experiments not necessitated by the medical treatment of a protected person, but also to any other measures of brutality whether applied by civilian or military agents.^{xviii}

The grounds for detention must be reasonable and non-discriminatory. The parties to an armed conflict must have a regulatory framework for the arrest of civilians. Torture and the use of slave labour are also prohibited; meanwhile the provision of medical care and appropriate conditions of detention are guaranteed, which must be demanded from the enemy in relation to its citizens. If the enemy fails to comply with these guarantees, the other party has the right to appeal to international courts in order to bring to justice either the offending State or particular individuals, depending on the court^{xix}.

Along with the categories of prisoners of war and civilian hostages, the issue of political prisoners in the context of the events in the Crimea and the East of Ukraine also arose for Ukraine^{xx}. International practice (in particular, the decisions of the European Court of Human Rights) allow us to define criteria that indicate political persecution of a person:

- the true purpose of the detention of the person by the authorities did not correspond to the officially stated one and was conditioned, in particular, by the person's exercise of their right to freedom of expression^{xxi};
- the actions of the authorities against the person are caused by improper reasons – the facts used against the person could not legally lead to serious criminal charges, and the initiated case does not have a "healthy core"^{xxii};

- the circumstances of the person's case, the existence of reasonable suspicions about the motives of state bodies, the perception of the fact of detention of a person by civil society give reason to doubt the legality of the person's imprisonment^{xxiii}.

At the same time, the objects of persecution themselves (because of their beliefs or belonging to a certain group) may not always be a target of political persecution of certain persons. Sometimes detainees/convicts may not have an articulated socio-political position at all. This category of cases has become, in fact, one of the features of the current armed conflict^{xxiv}.

Regarding political prisoners and prisoners for political reasons, the question arises as to whether their persecution is linked to the armed conflict in Ukraine and the rules of international humanitarian law regarding their protection. The main task is to prove that there is a sufficient link between the armed conflict and the situation concerning the detainees^{xxv}.

As the detention of these people is not directly related to active hostilities, they are subject to protection as civilians, in accordance with the general principles of the 1949 Geneva Conventions, as stipulated in Article 3, which is common to all four conventions^{xxvi}. They are also protected by **international human rights law, the provisions of which must be interpreted in the context of international humanitarian law.**

Rome Statute of the International Criminal Court

The specific elements of war crimes that violate IHL under the Geneva Conventions, Protocols and customary IHL are stipulated in the Rome Statute of the International Criminal Court (ICC). Types of war crimes are listed in Article 8 of the Statute. They are divided into four groups and subdivided into two groups of crimes that can be committed in international and non-international armed conflicts^{xxvii}.

Article 8(2)(a) and 8(2)(b) list war crimes that may be committed exclusively in the context of an international armed conflict. Article 8(2)(c) and Article 8(2)(e) propose a list of war crimes committed within a non-international armed conflict^{xxviii}.

Convention for the Protection of Human Rights and Fundamental Freedoms

In addition to international humanitarian law, persons that are in non-government controlled territory are protected by the rules of the Convention for the Protection of Human Rights and Fundamental Freedoms (1950). Article 3 of the Convention protects persons from torture, inhuman or degrading treatment^{xxix}. The case-law of the European Court of Human Rights (ECHR) emphasises that in determining whether a form of ill-treatment can be classified as torture, account should be taken of the difference between this concept and the concept of “inhuman or degrading treatment” as stipulated in Article 3. In addition to violent treatment, torture is characterized as having the objective for such treatment, as recognized in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 1 of which defines torture as an act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person.^{xxx} Article 4 of the Convention for the Protection of Human Rights and Fundamental Freedoms provides that no one shall be held in slavery; no one may be forced to perform forced or compulsory labour^{xxxi}. In the case *Van der Musselle v. Belgium* the Court referred to the Convention Concerning Forced or Compulsory Labour, 1930 (No.29) of the of the International Labour Organization. For the purposes of this Convention the term *forced or compulsory labour* shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily^{xxxii}.

Thus, the norms of international humanitarian law contain clear and strict requirements concerning the treatment of prisoners and the conditions of their detention. In this regard, the

provisions of the Geneva Conventions are closely intertwined with fundamental human rights that protect life, health, honour and dignity of a person.

2. Main violations

If the media do not report on the detention of military personnel, this does not mean that the number of detainees does not increase at the expense of civilians. Peaceful civilian citizens of Ukraine on the territory of Donetsk and Luhansk oblasts do not directly participate in combat actions, do not have weapons and yet suffer persecutions. The main reasons of their detention are the personal position of civilians and their support for one of the warring parties.

On August 8, 2014, “the DNR Council of Ministers” issued Order No. 34 “On Urgent Measures to Protect the Population from Banditry and Other Manifestations of Organized Crime”^{xxxiii}. According to this document, the “Ministry of State Security of the DNR” (“MGB of the DNR”) and the “Ministry of Internal Affairs of the DNR” (“MVD of the DNR”) are authorized to “preventively detain” local residents and arrest them for up to 30 days without presenting them a suspicion pressing charges. The order fully correlates with the Decree of the President of the Russian Federation No. 1226 that had the same title and was in force in Russia in 1994-1997.^{xxxiv} This Order introduced a mechanism of arbitrary detention in the “DNR”. In this way, under the pretext of possible participation in organised crime, anyone can be detained and demanded to confess. In addition, since August 24, 2018, “prosecutors” in the “DNR”-controlled territory can make decision on pre-trial detention without “court” orders or judicial review.^{xxxv}

In “LNR” activity of state security bodies is regulated by “laws” “On the Martial Law” of April 24, 2015^{xxxvi}, “On the Ministry of State Security” of October 8, 2018^{xxxvii}, “Provisional Procedure of Work of the State Security Bodies of the LNR” of January 31, 2015^{xxxviii} that give the “Ministry of State Security of the LNR” the authority to detain persons for up to 30 days, without presenting them a suspicion pressing charges.

The internal system of self-proclaimed republics has its own law enforcement agencies carry out prosecution.^{xxxix} On the one hand, as “DNR” and “LNR” are not recognized by the international community as full subjects of international law, there can be no discussion about recognition of law enforcement or judicial system of these entities. On the other hand, there is virtually no possibility to influence their actions concerning prisoners held in detention centres of the self-proclaimed republics against whom criminal cases are opened. For such persons, one of the release options is a prisoner exchange.^{xl}

The legal basis for the bringing an action in the self- proclaimed “DNR” is the Criminal Code of the Republic, which is based on the provisions of the 1960 Criminal Code of the USSR. The situation is similar in the self-proclaimed “LNR”.^{xli} The case-law of the European Court of Human Rights states that “legality” is the determination of whether “the procedure established by law” has been observed^{xlii}. This means that detention must comply with established national norms and, as the case may be, with international law^{xliii}. Recognition of the legal force of decisions of judicial bodies of the self-proclaimed republics in relation to foreign citizens depends on the recognition of the sovereignty of the state at the international level. Then the entity may act as an independent subject of international law, join international organizations and accede to international treaties. Otherwise, the decisions of the judicial bodies of the self-proclaimed republics regarding foreign citizens should be considered illegitimate.

According to the “laws” of self-proclaimed “L/DNR”, individuals may be detained under administrative procedure to check their involvement in “crimes against national security”. This term is used to obtain from detainees a confession in committing a crime under their criminal law.^{xliv} The released hostages state that during the so-called “preventive detention” they are kept in isolation from the outside world, in inhumane conditions, subjected to torture, including electric shock, denied access to a lawyer; and their relatives have no information about their whereabouts.^{xlv}

The Monitoring conducted by the UN Human Rights Monitoring Mission in Ukraine. showed that administrative detention is widely used as a substitute for pre-trial detention in criminal cases.^{xlvi} Torture and intimidation of persons detained in connection with the conflict usually occurred during the administrative detention when persons were held without communication with the outside world. The personnel of the “ministries of state security”, “police” and members of armed groups of the self-proclaimed republics resorted to these violations. Office of the High Commissioner for Human Rights (OHCHR) has documented cases when detainees were beaten, strangled, deprived of food, water, sleep or right to use the toilet, and subjected to electric shock, stress position, mock executions and other forms of torture^{xlvii}. Documented forms of intimidation included threats of execution, torture, and sexual violence, often against relatives of detainees, and threats of additional "charges" for serious crimes.^{xlviii} OHCHR found that forced confessions obtained during administrative detention were recorded in writing or on video, after which they were recorded as "interrogation records" following the start of "criminal proceedings". The detainees signed these protocols and did not withdraw their testimony for fear of further torture or ill-treatment, or threats received earlier.^{xlix} The separatists thus gather evidence and testimony from detainees, which is ultimately used to bring charges.¹ International human rights standards prohibit the use of administrative detention instead of pre-trial detention as a precautionary measure in criminal proceedings.^{li}

In order to obtain a confession to the incriminated actions, the special services of the self-proclaimed republics apply measures of physical and psychological violence to persons who have been detained and suspected of collaborating with the Ukrainian authorities. For example, since 2014, the “DNR” separatists have been using the former Plant of insulation materials in Donetsk as a military base (3 Svitloho Shliakhu Str., Donetsk) and a detention centre for detainees. Around 2015 the so-called “MGB of the DNR” set up a detention centre in the basement and administrative building of the former industrial enterprise to detain people accused of espionage, terrorism, extremism, sabotage and similar charges by the separatist secret service. The UN Human Rights Monitoring Mission in Ukraine documented cases when detainees were beaten, strangled, deprived of food, water, sleep or right to use the toilet, and subjected to electric shock, torture, mock executions and other forms of torture^{lii}. Evidence of the use of torture, physical force, and psychological pressure in captivity by “DNR” separatists at the former “Isolation” - “Izolyatsia” Plant is constantly shared by released hostages in interviews and articles for the media, journalists, and their own memoirs.^{liii}

According to the report on the human rights situation in Ukraine, November 16, 2019 – February 15, 2020, by the Office of the United Nations High Commissioner for Human Rights, in most cases, “the investigative actions” mostly consisted of interrogations conducted either at “the ministry of state security” or at the place of detention “Izolyatsia” (in Donetsk). The separatists immediately threatened the detainees with violence, menaced their families if the hostages refused to confess or cooperate with the “investigation”. Most often, after the detainees agreed to confess, they were appointed an “investigator”^{liv} and then the case was sent to court.

Testimonies of victims of the conflict in the East of Ukraine also indicate cases of hostages being involved in work of various kinds, ranging from cleaning the area, garbage removal, to heavy repairs^{lv}.

According to the UN Human Rights Monitoring Mission, in the territory controlled by the two self-proclaimed “republics”, “criminal cases” related to the conflict were considered mainly in closed “sittings”.^{lvi} The judges “justified the holding of “sittings” behind closed doors by the need to protect “state secrets”, but such decisions were made almost automatically, without a careful assessment of the weight of the grounds for such a decision in each case.^{lvii}

Office of the United Nations High Commissioner for Human Rights stresses that “judicial” structure of the two self-proclaimed “republics” does not guarantee review of “conviction” and “sentence” by a higher court, in violation of the right to revise the sentence guaranteed by international human rights law. On the territory controlled by the self-proclaimed “republics”, OHCHR documented systemic violations of the right to trial by an independent and impartial

court as a result of the military jurisdiction "courts" operation. These structures temporarily considered "criminal cases" of all persons accused of serious crimes, including those related to the conflict, in the absence of other "courts" that would have jurisdiction over such cases. OHCHR notes that the military jurisdiction "courts" of both "republics" did not provide guarantees of fair trial and did not meet the requirements of independence and impartiality.^{lviii}

After the "pre-trial investigation", the separatists of the self-proclaimed republics transfer most civilians detained on "political" charges from internal departmental detention centres (for example, the building of the former plant "Izolyatsia" in Donetsk) to remand centres^{lix}. Conditions of detention in remand centres are unsatisfactory. For example, all detainees accused of "crimes against the national security of the DNR" (espionage, treason, terrorism, sabotage) in the Donetsk remand centre are held in basement and semi-basement cells (posts 6 and 10). The cells hold 2-3 people, the cell size is about 2 by 2 m; correspondence, telephone communication, visits are prohibited.^{lx}

Following the "sentences" of hostages, they are sent to serve "punishment" to the penal colony. For example, in 2016, in order to hold prisoners of war and civilian hostages, "DNR" separatists converted one of the buildings of the Makiivka Colony No. 32 into a barrack with enhanced guarding measures for convicted "spies", "terrorists" and prisoners of war. The released hostages note that the conditions in the barracks are unsatisfactory. In one room 15 (as of summer 2018) to 50 prisoners (as of autumn 2019) are held, which is not designed for such a large number of people. The barrack is fenced with a concrete and metal fence 5-6 m high; there is a net on top; the barracks are two-storeyed, measuring approximately 7 m by 7 m. Telephone communication is permitted in the presence of colony staff and prisoners.^{lxi}

3. "Izolyatsia" prison in the testimony of former prisoners



The Plant of Insulating Materials in Donetsk is used as "Izolyatsia" pre-trial detention centre, 3 Svitloho Shliakhu Str., Donetsk, source: https://t.me/traktorist_dn

1.1 Plant of Insulating Materials in Donetsk - pre-trial detention centre "Izolyatsia", general data

Address: 3, Svitloho Shliakhu Street, Donetsk, Donetsk oblast, the Donbas territory not controlled by Ukraine.

Victim C1: “The company where I worked was located next to (about 10 m) the former insulation materials plant in Donetsk (3 Svitloho Shlyakhu Str., Budionivskyi district, Donetsk, near the spoil tip, the plant area is about 1 km by 1 km).

The factory buildings were built in the middle of the 20th century. with anti-nuclear protection system – strong thick walls, large basements. The plant had been producing insulating materials for electrical equipment for several decades – polyfoam, glass wool, etc. There were 4 workshops with the top equipment for that time. The plant has not worked since the 1990s-2000s. Under the Ukrainian government, buildings were rented out. Namely, part of the plant was occupied by the "Izolyatsia" cultural space where exhibitions, performances etc. were held.



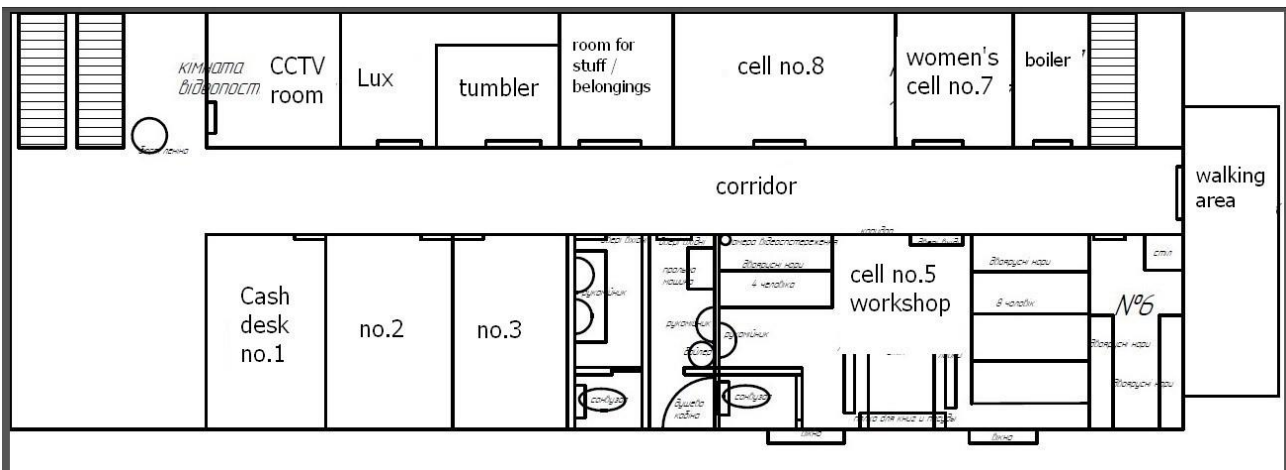
The Plant of Insulating Materials in Donetsk used to function as an art space. Source: fotofact.net

Victim C1: “After the DNR authority was established in Donetsk, I started hearing screams from the plant. They were often screams seemingly of pain, fear, despair. Our company was located just across the street from the plant (73 Livoberezhna Street, Donetsk). It was hard to see what was happening on the territory of the plant, since there was a solid high fence. It was known that with the beginning of the conflict, the territory of the plant was seized by one of the “DNR” groups – militants of one of the “DNR” leaders in 2014, Roman Liagin, and a military base was set up there.”



The Plant of Insulating Materials in Donetsk is used as "Izolyatsia" pre-trial detention centre, 3 Svitloho Shliakhu Str., Donetsk, source: https://t.me/traktorist_dn

Victim C1: “Around 2015, the territory of the plant came under control of the “Ministry of State Security of the DNR” (hereinafter – “MGB of the DNR”. There was also information that prisoners were being held on the territory of the former plant. In addition, I received information that prisoners were tortured in the basement on the territory of the plant. I started watching “Izolyatsia” (insulation materials plant) at the end of May 2016, and I was detained on November 12, 2016. In fact, I was arrested for taking a photo of a “subbotnik” (community work day) organised by our company to clean up the surrounding area, and the “Izolyatsia” fence happened to be in the photo.”



“Izolyatsia” – layout from the memories of prisoners

3.1 The moment of detention

Victim C12: “I was coming home from work. On the way home, I was attacked in the building hall by four men dressed in plain clothes. I was handcuffed. I did not understand what was going on. They pushed me into a car. They said I was to face 15 years in prison. They threatened that my child would be sent to be raised in an orphanage. Confess! – they said. I had no idea what they wanted me to confess to. I didn't understand what it was about, what was going on.”

Victim C14 “In the street, near the hotel entrance, two men in military uniform approached me. They had handguns, assault rifles, knives and magazines for Kalashnikov rifles. The military men were wearing masks and military uniforms. One of them asked for my documents, I presented them my passport of the citizen of Ukraine. He asked: “Are you a citizen of Ukraine?” I replied: “Yes, I am a citizen of Ukraine.” He replied: "Wait. Some people will come and talk to you shortly.” Then, in about five minutes, 5 more men in military uniform approached me without introducing themselves. They wore spotted camo uniforms and masks, one of them had a machine gun and weapons: two handguns and a knife. The rest had assault rifles as well as handguns and magazines for them. They had the “DNR” chevron insignia and flag. Seven people in military uniforms took part in my detention, then in the street near the hotel a car drove up to me from behind, 10-15 more masked people in military uniforms with assault rifles came out, yelled at me to lie face down on the ground and to put my hands behind my head, which I did. Afterwards, they searched me and told me to stand up. When I started to get up, I was hit in the head (back of the head) with a wooden butt, and I lost consciousness”.



Author of graphic illustration: former prisoner, Serhii Zakharov

Victim C10: I was at home, the whole family were watching TV (me, my wife and daughter), suddenly my wife noticed that someone was walking around the yard with a flashlight (it was

visible through the curtains). I got dressed to see who it was, went out into the corridor, as soon as I came to the door, someone knocked, I asked who was there, they answered that they were the police. I told them to come back in the morning, but they said that if I didn't open the door, they would break it down. Then I realised that they came for a reason, they came for me. I thought they would take me anyway. And if they broke down the door, then my wife and child would be left without a house door, and I decided to open it.



Author of graphic illustration: former prisoner, Serhii Zakharov

Victim C10: “About eight masked people in camouflage and with machine guns ran into the house and immediately spread around the rooms. Some wore bulletproof vests with stripe insignia that I couldn't make out at first. Then, while in captivity, I learned that it was an operative group of the “DNR Ministry of State Security”. Their headquarters are located at 26 Shevchenka Blvd., (formerly an institute), where they take people for interrogation and where their administrative officials work.”

Victim C7: “I was detained at work, it was Wednesday. I was called to my office by the Head of Donetsk Academy of Automobile Transport, where two men in military uniforms were already sitting, they didn't introduce them to me. They wore the typical camouflage uniforms, which however differed from the military camouflage. They had no insignia or shoulder straps. The head of the academy said that those people had some questions to me. I thought that the questions could be related to the work of the admissions committee and admission to our university. I, along with the aforementioned men in uniforms, left the head office and they invited me to a separate room (a classroom)”.



Author of graphic illustration: former prisoner, Serhii Zakharov

Victim C7: “They claimed that they knew what I was writing on the Internet on Twitter. After that, these men made me go to my office. Immediately they demanded that I name all my passwords for access to online pages, Internet correspondence, Internet addresses, e-mails. Their demands were accompanied by moral pressure on me and threats of physical violence if I refused to comply. Besides those two men, an investigator from the DNR Ministry of State Security was present in the office along with witnesses (two young women from Donetsk Law Academy unfamiliar to me), and about 5-6 “MGB of the DNR” officers including an information technology specialist. They were dressed in plain clothes. I could see PM handguns in open holsters on their belts”.

Victim C9: “I was detained right next to the entrance to the house where I lived. At first, someone knocked me off my feet by kicking me, and after I fell down, they immediately pulled my arms behind my back and handcuffed me. At the moment of the fall, I hit my nose on the asphalt and skinned it, causing the wound to bleed. They shouted at me not to raise my head, and I was hit several times in the back. The people who detained me did not introduce themselves in any way and said nothing about which body of power they represented. (..) They immediately put a dark plastic bag on my head, which was wrapped in Scotch tape around my head, making it difficult for me to breathe”.



Author of graphic illustration: former prisoner, Serhii Zakharov

Victim C14: “I woke up in the car in hellish pain, I felt that I was being beaten, I think it was those who ran out of the car and detain me before. I lay on the floor of the car, they leaned over me and kicked me, hit me etc. on the face, legs, arms, ribs, head, abdomen. I could not see their faces, because they wore masks, I covered my face with my hands. I don't know how long the car ride was, because I was unconscious for a while, and then in a semi-conscious state.”

3.2 Prisoners held in "Izolyatsia"



Author of graphic illustration: former prisoner, Serhii Zakharov

Victim C3: “Different people were detained, such as pro-Ukrainian citizens living on the territory of the “DNR”, who did not hide their political stance; citizens who cooperated with the special services of Ukraine, reported, did some tasks; also, there were locals who were detained for ransom or other benefits (property, business, etc.). There were also those who cooperated or worked with the “DNR” – militia men, government officials. Some of them may have cooperated with the Ukrainian authorities, some may have done something to displease the militants. All detainees were charged with treason, espionage, terrorism or sabotage.

Victim C5: “Ukrainians are not the only ones imprisoned there. They also have their militiamen, who were blamed for something. They can even be kept together. Yes, it was a thing. Someone did something not to one’s liking here, someone killed someone there. It is akin to a military base, not specifically for Ukrainian spies or Ukrainian saboteurs – it is also for their military. About the guy who was beaten: “Palych, I’m not guilty of anything, I didn’t betray anyone!..” – “Oh, stop telling tales! ..” Dirty curses, and the beating resumed. It sounded as if the kidneys were torn off from the blow, because there was such a sound (!), like something is torn off from the blow... “Get up, bark!”

№ п/п	Дата и время посещения	№ документа посетителя	ФИО посетителя	ФИО посещаемого задержанного	Дата, время ухода посетителя и подпись того, кто его вывел	№ п/п	Дата и время посещения	документа посетителя	ФИО посетителя	ФИО посещаемого задержанного	Дата, время ухода посетителя и подпись того, кто его вывел
162	15.05.16	002100	Зубовцев А.В.	Сидорова В.А.	15.05.16 12:00	171	17.09.16	002106	Зубовцев А.В.	Сидорова В.А.	17.09.16 10:00
163	15.05.16	002102	Зубовцев А.В.	Сидорова В.А.	15.05.16 12:00	172	17.09.16	001476	Зубовцев А.В.	Сидорова В.А.	17.09.16 14:00
164	15.09.16	001476	Зубовцев А.В.	Сидорова В.А.	15.09.16 14:00	173	17.09.16	001476	Зубовцев А.В.	Сидорова В.А.	17.09.16 16:00
165	15.09.16	001476	Зубовцев А.В.	Сидорова В.А.	15.09.16 19:50	174	17.09.16	001281	Зубовцев А.В.	Сидорова В.А.	17.09.16 19:50
167	16.09.16	000686	Зубовцев А.В.	Сидорова В.А.	16.09.16 09:40	175	18.09	001281	Зубовцев А.В.	Сидорова В.А.	18.09.16 18:00
168	16.09.16	001476	Зубовцев А.В.	Сидорова В.А.	16.09.16 09:41	176	18.09	001281	Зубовцев А.В.	Сидорова В.А.	18.09.16 18:00
169	16.09.16	001653	Зубовцев А.В.	Сидорова В.А.	16.09.16 18:15	177	19.09	001476	Зубовцев А.В.	Сидорова В.А.	19.09.16 18:00
170	16.09.16	001106	Зубовцев А.В.	Сидорова В.А.	16.09.16 18:10						

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The plant of insulating materials in Donetsk is used as "Izolyatsia" pre-trial detention centre, 3 Svitloho Shliakhu Str., Donetsk, 2016 register containing the prisoners' details, source: https://t.me/traktorist_dn

3.3 Torture on the territory of "Izolyatsia", testimony of victims



Author of graphic illustration: former prisoner, Serhii Zakharov

Victim C1 “In the basement of “Izolyatsia”, the militants immediately started torturing me. They removed my handcuffs and stripped me naked. Initially, the plastic bag was not removed from my head. Additionally, the bag was rewound wrapped with scotch tape to make it harder for me to breathe. I don't remember well what happened next, because I was in a state of shock, I lost consciousness several times. I can't state the exact number of people in the basement, and they could go in and out during the day when I was tortured.”

Victim C2 “I and other prisoners constantly heard screams - someone was tortured, and we heard someone screaming. It went on all the time. And at any moment a drunken employee could come in at night and start beating us just for his own amusement. There were a few people out there who liked doing it.”

Victim C12 “I heard women and men being tormented upstairs on the second floor. Women's screams, moans and cries were heard. A woman was brought to our cell twice, then another one. They were severely beaten. There was no spot unharmed on them. One woman spent a day in our cell. We helped her. This woman could not even lie on her back. She was lying on her stomach. She had diabetes and a bunch of diseases. She was 48 years old. She was very intimidated and scared. She asked not to talk to her. She was afraid that by talking to her, we were putting ourselves in danger. She was taken away afterwards.”



The plant of insulating materials in Donetsk is used as "Izolyatsia" pre-trial detention centre, 3 Svitloho Shliakhu Str., Donetsk, source: https://t.me/traktorist_dn The photo shows a military field telephone TAP-1M which is used for electric shock torture.

Victim C1: “I was placed on a metal table and my torso and limbs were taped to this table. Next, I was tortured with electric shocks. They shocked me with a “tapik” – “army field telephone, TAP-1M” – metal terminals were fixed on different parts of my body: limbs, fingers and toes, head, ears, genitals, etc. They turned the dynamo machine and the electric voltage was regulated. The electric shocks lasted from a few seconds to several minutes. At this point, the militants were asking questions. The questions were strange. The first thing they asked was, “Where is the money?” Then they wanted me to confess to killing “Motorola” (Arseniy Pavlov, one of the field commanders of the “DNR People's Militia”, the leader of the “Sparta” battalion, who was killed on October 16, 2016 in the entrance hall of his house in Donetsk).”

Victim C1: “I fainted several times. Coming to my senses, I heard talk that I experienced clinical death. In order to bring me to consciousness, the militants stuffed my nostrils with cotton wool soaked in ammonia. Therefore, in addition to the effects of electric shock, I had burns of the nasal cavity and respiratory organs from ammonia. I could not breathe through my nose for several months.”

Victim C1: “In addition to the “tapik”, another instrument for electric shock torture was a catheter, which they injected into my carotid artery and turned on the current. And it seemed to be going through my heart. My lungs swelled up and I couldn't breathe, I passed out. The catheter was also inserted into the anus and the electric current was passed into the rectum. A stun gun or prod was also used as a tool for executions. They pressed it to different parts of the body and gave me electric shocks.”

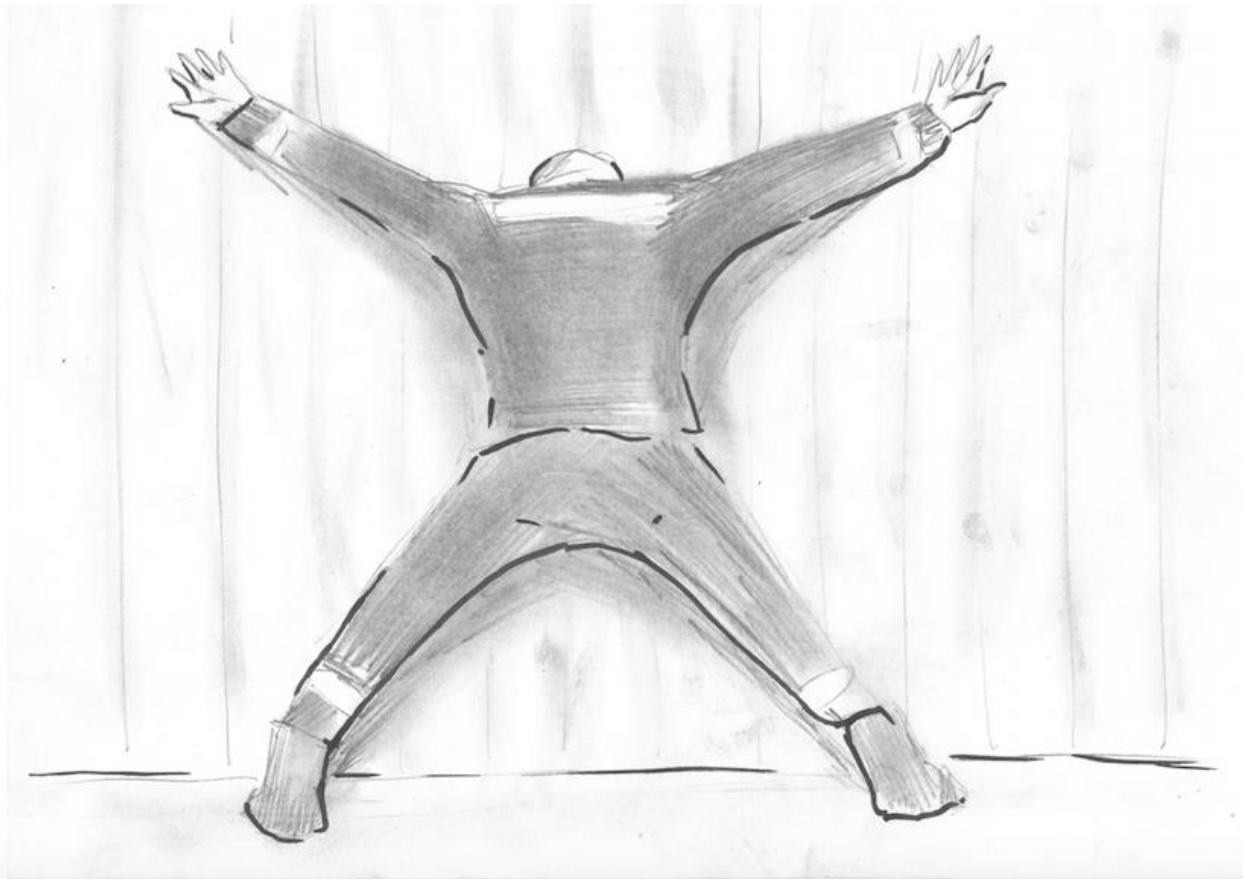
Victim C1: “I was allowed to get off the table. After that, I received several blows to the chest, felt severe pain. The blows were inflicted by two militants standing next to me. As a result, it turned out that I had two ribs broken. Overcoming the pain, I got dressed, and the militants took me to a cell, moving me from the basement to the room where the detainees were being held. I had a plastic bag on my head and I was in very poor condition, so I do not remember all the details. Later, during my captivity, I was able to recognise and identify those who tortured me in the basement, they were from Voronezh, Russian Federation.”



Author of graphic illustration: former prisoner, Serhii Zakharov

Victim C1: “In “Izolyatsia”, everyone went through a so-called “tumbler” – a room in the basement 1 by 1.5 m, with a minimum of comfort, where one can only stand or half-squat, for example, when your knees push against the wall. In the “glass” the newcomer could be kept for up to a month.”

Victim C1: “The militants may have been concerned that they had gone too far with me and that I might die. I had a bad heart, and nine hours of torture just don't go away, even for a healthy person. That's why I was taken to a regular cell.”



“Stretch” position – source <https://theins.ru/obshestvo/114526?fbclid=IwAR1X4-PT5xjseYF0fwCJ93iPM1eNOcuCMmcT2ReoF1c5Us8wpbVo09dt-IY>

Victim C1: “I was put in a so-called “stretch” position. This is a well-known in law enforcement agencies form of torture and obtaining confession. “Stretch” is also referred to as “swallow”. My arms were lifted up to the pipe, which was mounted to the wall above the height of a man, my legs spread to the left and right. I was standing in this position for three days. I was not allowed to eat, drink or urinate/defecate. Convoys and “MGB of the DNR” militants could enter the cell and beat me and kick me. When I fell down exhausted, I was raised and put in a position again. Other detainees were forbidden from helping or communicating with me.”

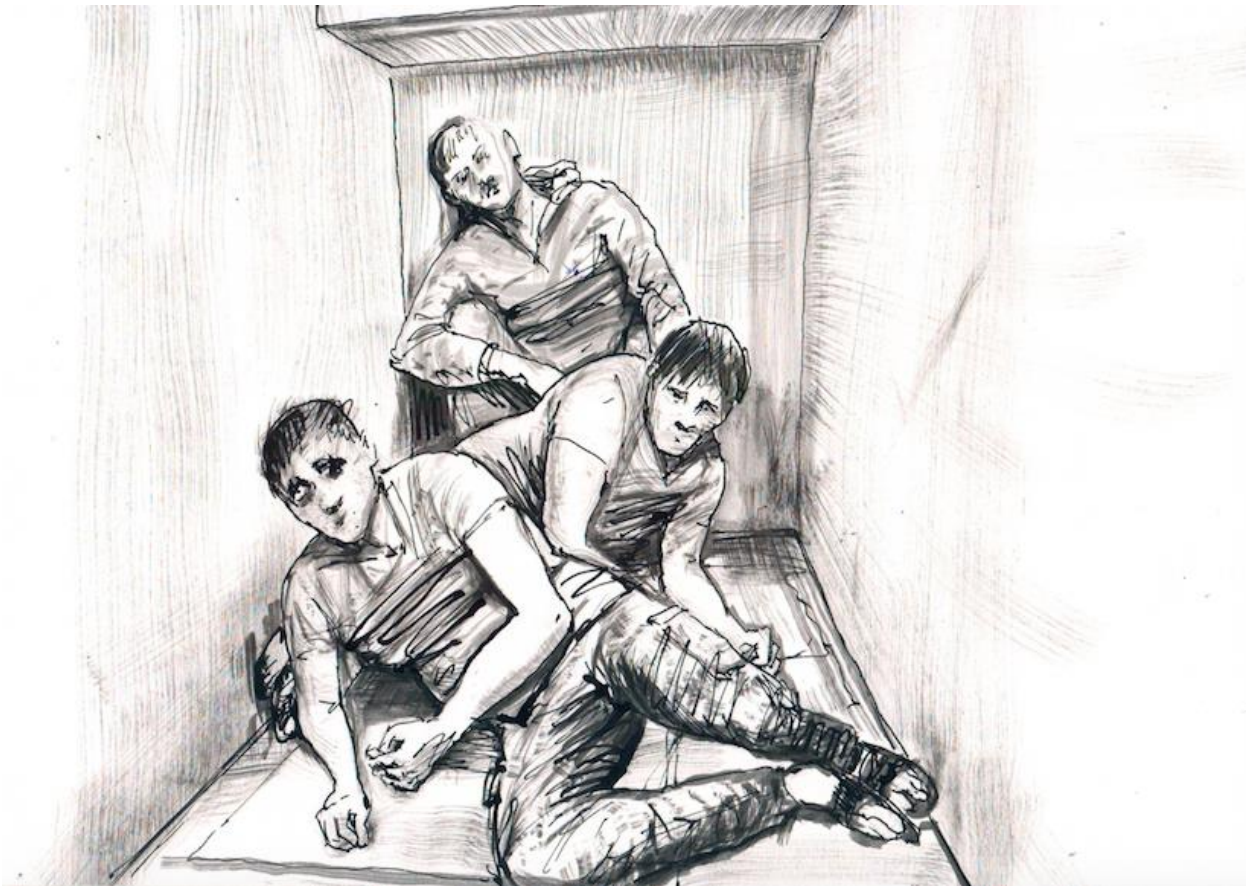
Victim C1: “I started to lose consciousness and get delirious. I already saw my wife before my eyes and yelled: “I love you.” I endured two nights of such torture, after which I said I was ready to confess to whatever they wanted.”

Victim C1: “I was forced to stand with a bag on my head at all times - I was only allowed to use the toilet but not sit down. My ribs were broken, I was walking like an orangutan.

Torture lasted for about 1-2 months - until the mid-winter of 2016-2017. I would be taken to the basement, I had a bag on my head, was handcuffed. There I was undressed, put on a table, tied up and tortured with electric shock. They tortured me with “tapik”, stun gun, catheter with electric current. A catheter was inserted into my anus and a current was passed – it was a “classic” for them. I was brought to a state of clinical death, then resuscitated. When I was dragged to the cell, half-dead, my legs were skinned, my bones were bruised (knee caps, heels), and for the militants it was an additional method of execution.”

Victim C2 “During all this time, I counted five fractures of the ribs: every two or three months, my ribs were broken from the blow.”

Victim C2 “An “Izolyatsia” militant approached me from behind, put a canvas bag on my head, pulled one of my arms behind my back, as the police do, and took me somewhere. I was led down into some underground premise, a basement, and sat on a chair. I realised that there was going to be some kind of torture and so I started to get nervous, to breathe very deeply, it was purely an instinct; militants from “Izolyatsia” took off my socks; tied my hands behind my back with Scotch tape, tied me to a chair with a back so that I could neither get up nor twitch, in any case – I was held down by the shoulders and arms. Next, since I had the bag on and could not see, but could feel that some metal wires fastened to my toes. As he began asking questions, they started passing electric current through the wires that were fastened to my toes. I started to get hit with the electric shock. During interrogation the militant would ask me questions, the electric shock stopped, I would answer, then they would start shocking me again. This probably lasted for 10-15 minutes. When they heard the answers to all their questions, they handed me my socks, helped me put on my slippers, untied my legs, which had been tied to a chair so that I could not move them, removed everything from me, all the tape, and brought me back to the cell.”



Author of graphic illustration: former prisoner, Serhii Zakharov

Victim C3: “Everyone who was held in “Izolyatsia” was always aware that the door could open at any moment, one of the militants would come in and a beating could begin. We had to quickly turn to face the wall, put the bag/plastic bag on the head and put our hands behind our backs in time

while the door to the cell was opening. Everyone was afraid of it. Militants would come constantly to train on prisoners, that is they beat us. They hit us with rubber, plastic and iron pipes, sticks.”

Victim C4: “At first they tried “tapik” (electric shock torture using a TAP-1M field phone), used it 3 or 4 times, but decided against continuing because I lost consciousness too quickly. Then they attached my legs, arms and genitals to the electrodes. And I lost consciousness again, in a minute, maybe even less. So, they decided to switch to the good old methods: they beat me with a PFP-73 rubber stick, a butt, a handgun. Of the total time spent there, interrogations and beatings probably took about 40% of the time.”



Author of graphic illustration: former prisoner, Serhii Zakharov

Victim C10: “Everyone knew where to hit, because all traces of the beatings later disappeared, for example, my thigh was completely black and blue, then it went away. I had no fractures. Several times after severe beatings I fainted, then militants would bring ammonia to my nose. I said I would sign whatever they wanted, just for the torture to end.”

Victim C1: “During interrogations in the basement, between electric shock tortures sessions, the militants openly threatened me, saying that they would take me to the battalion of the late “Motorola” – called “Sparta”, militants of which were furious about the death of their commander. “MGB” people threatened me that in the battalion “Sparta” I would be raped by men. Moreover, the officers of the “MGB of the DNR” wanted to accuse me of killing Motorola. Threatening me with the wrath of “Sparta”, they said that the militants would be happy to “meet” their commander’s killer, and would do whatever they want to me.”

Victim C1: “My legs were swollen, they were black, all bruised and swollen, all the skin came off them, my tendons were bare, there were just pieces of meat. After the torture in the basement, they dragged me on the ground, I physically could not walk on my own, and the militants did not want to carry me”.

Victim C14: “While suffocating me, the militants asked me questions. I was threatened that if I did not confess, they would make it worse. After a few minutes, I began to wheeze and suffocate. They stopped strangling me. They lowered my pants and briefs to my knees. They splashed my face with cold water from the basin and began pouring water all over my body, from head to toe. They attached metal clamps or staples to the foreskin of my penis and scrotum, limbs (toes and fingers), hands. They also connected a metal wire to my temples. And then they began passing electric discharges through. I did not know, could not see what they were torturing me with, what device. Discharges were passed several times. I don't remember how long it was going on, because the pain was hellish, I was out of my mind. At the same time, they asked me who I was, who I worked for, and what my call sign was. I held it for 2-3 minutes and then I would lose consciousness. At times, someone brought ammonia to my face, then I regained consciousness and the torture continued. Torture felt like an eternity, I don't know how much time had passed.

When they finished torturing me on the table, they completely removed my pants. I was left only in my underwear. I was lifted up and put on an iron chair. My legs were taped to the legs of the chair, my arms were pulled back behind the back of the chair and taped as well. They attached wires to one of my ears, penis and scrotum. The other end of the wires was inserted into the electric socket. The discharge lasted for two or three seconds. Then they repeated it again and again and it was like that about three or four times. Then they detached the terminals from my genitals and attached to my other ear and in the same way the other end of the wire was inserted into the socket. At some point, I completely passed out. I came to my senses from the sharp smell of ammonia when someone stuck cotton wool with ammonia in my nostrils. I found out it was a doctor from “Izolyatsia”. I heard him say - For today, that's enough for him, we will continue tomorrow.”

3.4 Threats, psychological torture and harassment of prisoners' families



Author of graphic illustration: former prisoner, Serhii Zakharov

Victim C7: “My wife was interrogated at the same time as me, only in a different office. Physical violence was not used against her, but they put a lot of mental pressure on her. She was told that she would never see her children, that she would never see me, that she would rot in prison and that a horrific future awaited her.”

Victim C4: “In addition, they put mental pressure on me, threatened my relatives, that my mother would be thrown in jail next to me and friends too, that they would confiscate my property, there were threats towards my then-girlfriend: “we will bring your broad and pass her around while you watch or she will get the “tapik”.

Victim C1: “Besides physical violence, the guards constantly tormented us mentally. For example, they forced us to sing the “DNR anthem” and to make a show out of it, concerts. The cells had to compete with each other in choral singing. The militants promised three cans of condensed milk for the winning cell. We were forced to sing from nine PM until three AM. “Izolyatsia” militants also forced us to beat each other.”

Victim C1: “Besides, obscene language, threats, shouts and ridicule were constantly directed at us. They called us “Ukry”, “ukropy”, “Nazis”, “fascists”, “traitors” and the like.”

Victim C3: The “DNR” people made us go to “protests”, that is they made us walk as if protesting and then they would themselves forcefully disperse us. It was a way to intimidate and scare off the locals, while also beating us. Zakharchenko’s body guards would come and train on us. The blows were extremely strong, one could hear cracking of the fractured ribs.”

Victim C1: “Militants started threatening me with rape of my minor daughter before my eyes and torture of my wife, for instance they said that they would gouge her eyes out. I realised that they are

really capable of doing it. Since I could not let it happen, I decided to confess to anything that they charged me with. The militants told me the following, word for word: “you do realise where you are, we already decided to break you. But you’ve got a daughter and wife in the city. We will bring them here. The daughter we will rape and gouge both of your wife’s eyes out.”

Victim C3: “also the mental pressure was constant, as a consequence, I still suffer – when somebody is taking to me in a high tone of voice, I keep thinking that they are going o harm me.”

Victim C10: “My physical and emotional state in the first months of torture was so poor, that I genuinely thought that I would not live to see 2018. Every time the cell door opened, my heart would start hurting – it was out of my control. Every time I thought that the operatives came for me and that they would take me to the “MGB of the DNR” where they would continue torturing me.”

3.5 Mock executions by firing squad



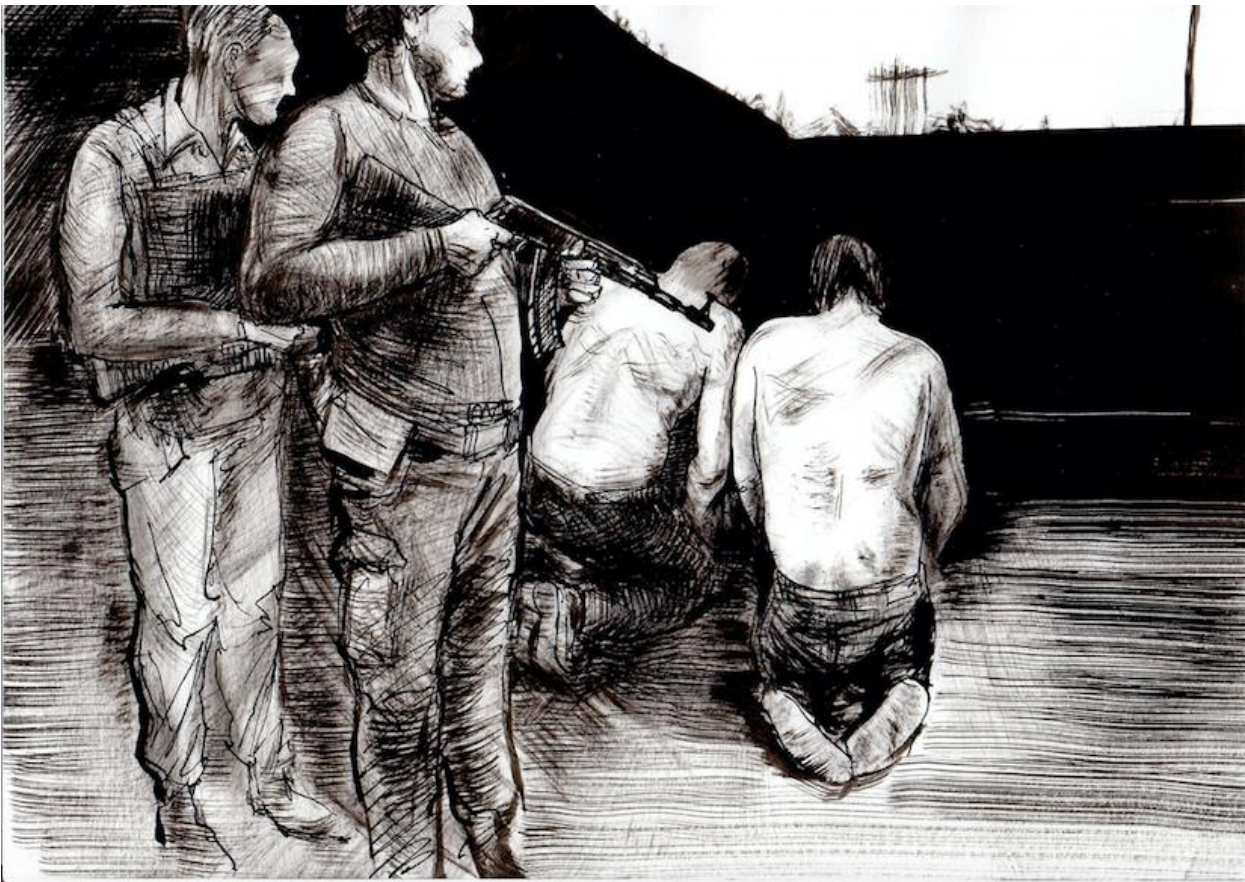
Author of graphic illustration: former prisoner, Serhii Zakharov

Victim C1: “While being held in “Izolyatsia”, the detainees were experimented on. Apart from functioning as a secret departmental detention centre for those detained by the “MGB of the DNR”, “Izolyatsia” was also used as a military base for this ministry. The “MGB of the DNR” had their own special forces. They participated in detaining spies, saboteurs on the “DNR” territories, dispersing protesters, performing special tasks. They trained on “Izolyatsia” premises. The prisoners came in handy for these trainings. For instance, they would beat us, imitating arrest of criminals, staged “dispersal of demonstrations” – they would take us to the yard in large groups, placed us, as if we are walking in a protest to support Ukraine; and then they would attack us with batons, pushing us to the ground and beat us down on the asphalt – they were practicing what to do with protesters in order to get the message across that protesting is forbidden. It took us over three days to get over those trainings. Then, as a different training, they would throw grenades under our windows, imitated shooting around us.”

Victim C10: “Sometimes “Sportiki” (militants) from “Ozernyi” would arrive (special forces unit of the “MGB of the DNR”), about ten people, and they would practice “taking of the base” training –

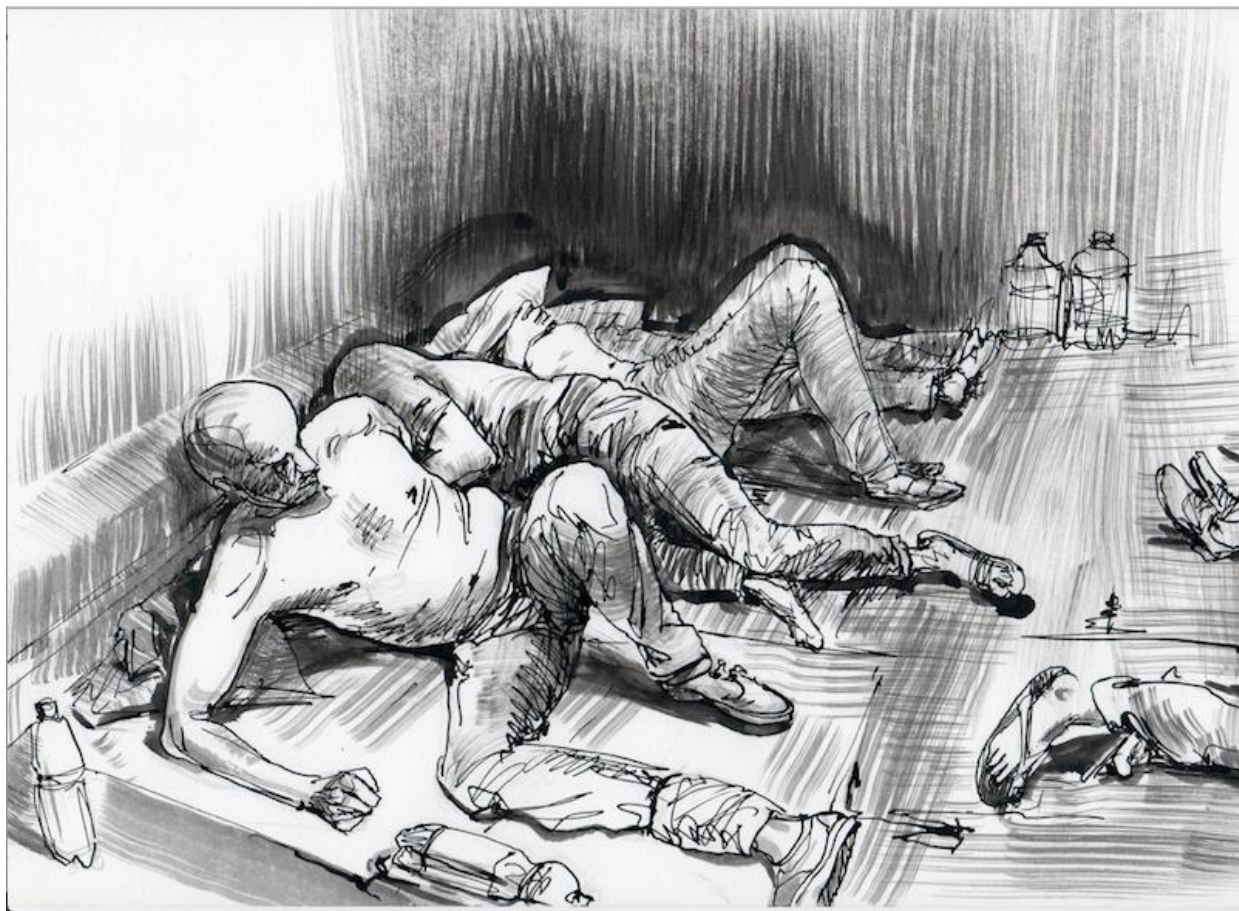
they forced everyone to the ground and start beating us, then they acted as if they led us to a shooting. When it happened for the first time, I thought it was really a seizure assault and ran out just in my slippers barefoot in winter. I thought they were taking us to be shot by firing squad. They took us to the spoil tip on “Izolyatsia” territory, made us stand in line and threatened to shoot us but didn’t. There were about ten militants. We were led in formation. Some were led by the arms, they urged us on and threatened us. There were about 20 of us.”

Victim C1: “They did not aim to shoot us, but they shot in our direction, over or below us, to the sides or with blanks, still, it was terrifying, as there was no guarantee that someone from special forces wouldn’t shoot us on purpose or make a mistake, miss and shoot us by accident. During my captivity, I learned that the special forces of the “MGB of the DNR” had the order to shoot all detainees in case the military base on the “Izolyatsia” territory was captured. That is why they imitated the shootings.”



Author of graphic illustration: former prisoner, Serhii Zakharov

3.6 Prisoners' testimonies of killings



Author of graphic illustration: former prisoner, Serhii Zakharov

Victim C1 There were also hostages who were killed during torture or beatings. In spring, corpse smell could be felt from the water on the territory of “Izolyatsia”. Many of the detainees died from the unbearable torture and beatings.”

Victim C1 “When heading “Izolyatsia”, “Palych”, would keep boasting that he had six “rams” per night. He would threaten: “Do you want to be my seventh “ram”?” By “rams” he meant corpses of hostages.”

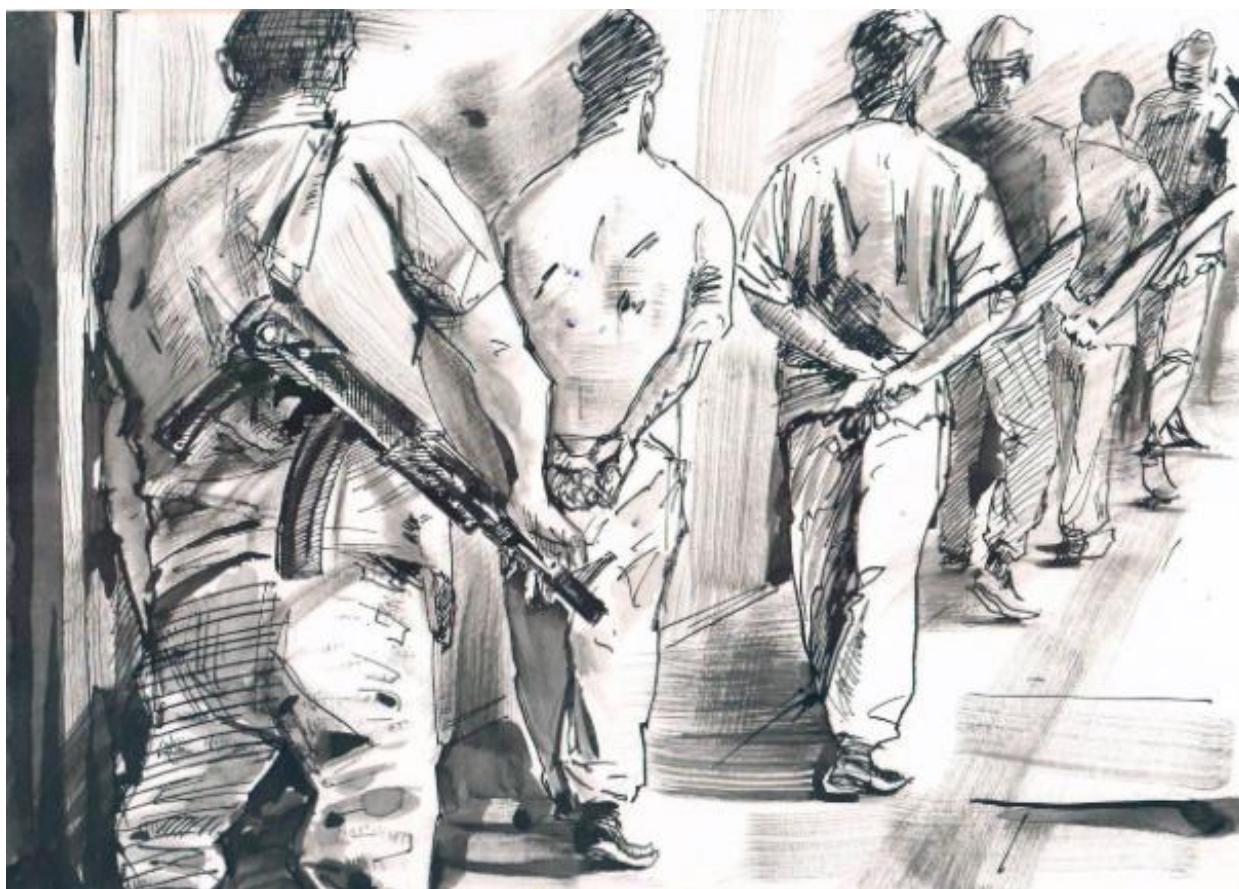
Victim C1: “Viktor, a former police officer, was among those who could not stand the torture and ill-treatment in captivity. At one time (the 1990s) he was the deputy head of Donetsk pre-trial detention centre. Then he became the director of one of the hotels in Donetsk. Once the Russian military stayed in his hotel and did not pay. He recorded their contact details as debtors. Then, he was accused of spying, collecting data on the Russian military, that is, of espionage. He was detained by the “MGB of the DNR” officers, placed in the “Izolyatsia”, they tortured him like me – with electric shock, then beat him, forced him to stand for days, and due to his age it was difficult for him. As a result of torture, his retina separated, he lost his eye-sight, his heart problems worsened, and he had varicose veins from constant standing, torture and anxiety. His health was deteriorating, but no medical care was provided at “Izolyatsia”. Viktor was transferred to a pre-trial detention centre in Donetsk to receive treatment. But, after some time he died and the circumstances remain unknown. It is known that Victor was buried by “MGB of the DNR” officers in a zinc coffin, without showing his body. Besides, “MGB of the DNR” militants detained his wife, his grandson in order to obtain confession, they robbed his property, took his car.”

Victim C1: One of the “DNR” militia men was among the killed – Oleksandr Mykolaiovych Koziura, call sign “Dub” (“Oak”), he served in the “DNR” airborne forces. He was a bit dense, not the brightest crayon in the box, as they say, he wasn’t simply unintelligent, but had no basic instinct of self-preservation; he had a family and was born in the small town Ocheretyno of Donetsk region (territory controlled by Ukraine, frontline town). During his service, the “DNR Minister of Defence” Kononov awarded him a flat. Then the “DNR” military man decided to transfer to another unit. He was ordered to return the apartment, but he refused. He was then detained by the “MGB of the DNR” officers, placed in “Izolyatsia”, beaten and tortured like other detainees. During one of the executions at night, his spleen ruptured. He died by morning. The case in the “MGB of the DNR” was “hushed up” – they wrote that he attempted an escape and was killed while trying to escape.

Victim C7: “Also, during my stay in “Izolyatsia” in early November 2016, I heard a sound from the corridor where the militia man was being beaten. This militiaman was responsible for some property and it disappeared. I heard other militiamen demanding confession from the latter, beating him very badly, as evidenced by the sounds of beatings and the screams of the beaten man. After the beating, the man was taken to our cell no. 3 and they told us to watch him so that nothing would happen to him. The militiaman was about 40 years old, of slim built. When he was brought in, he was shaking. Then other militiamen gave him a paper and ordered him to write a confession. I do not remember the call sign of this victim. After he wrote something, he was taken out into the corridor again and they continued to beat him very hard. Then we heard the conversation of the militia that the person who had been beaten was not breathing, that his heart had stopped. There was another young man who shouted behind the door to other militants that they had killed him. I know that a doctor was called to him, who pronounced the said militiaman dead. There was also talk of militants about what to do with the deceased, how to present his death. I have never seen the militant who was beaten, I do not know his further fate.”

Victim C1: “Among the hostages there were those who were not detained for a long time, then they disappeared. Some died as a consequence of beatings and torture, some were killed by the “MGB” people and guards during interrogation and abuse, miscalculating the force, some detainees were released when the people gave them what they needed. There were many people whom we did not know. They were held separately from us in the basement, with bags on their heads, and we were made to bring them food. Then these people disappeared from the “Izolyatsia”, we did not know where to, the new ones appeared and so on.”

3.7 Forced labour

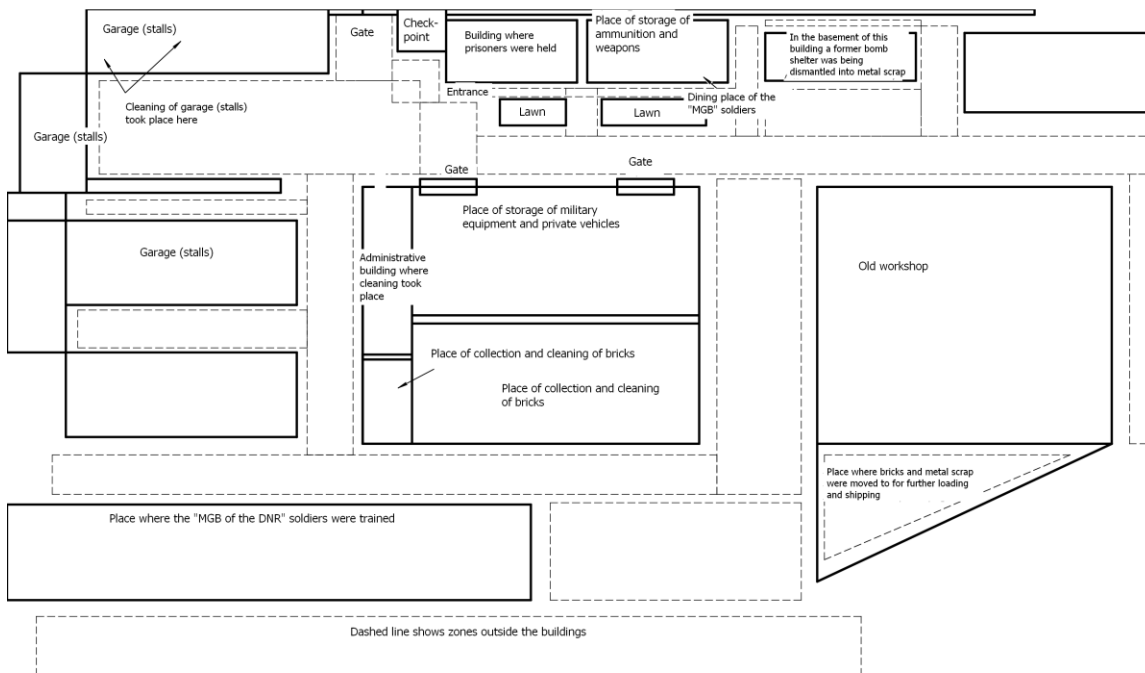


Author of graphic illustration: former prisoner, Serhii Zakharov

Victim C3: Prisoners of “Izolyatsia”, including me, were engaged in forced labour. We worked from morning till night. Almost every day. The work was physically hard, especially after torture. The work involved repairing equipment, construction work, loading and unloading of ammunition, carrying sacks, building materials, etc., we cut with metal, made bricks, cleaned the yard, sweeping, that is, we worked as handymen. We did any type of work you can think of, anything available. They did not brief us on labour safety measures and did not give us any means of protection or protective clothing - gloves, gowns, shields. Moreover, in the process of work they urged us to hurry up and beat us with sticks, we were like slaves”.

Victim C4: “When the prisoners were taken to work in large groups, the chief of the base amused himself by punching everyone on the shoulder, and the blow was strong. The tasks were various: to sweep the territory of the plant, to clean the neighbouring buildings, starting from garbage and ending with laboratory chemicals and equipment, to move some heavy objects, furniture. There were a lot of chemicals on the territory. Once, while cleaning, a jar with hydrochloric acid got broken, and I didn't have any special clothes or at least gloves. I constantly felt in danger and was afraid of getting a chemical burn”.

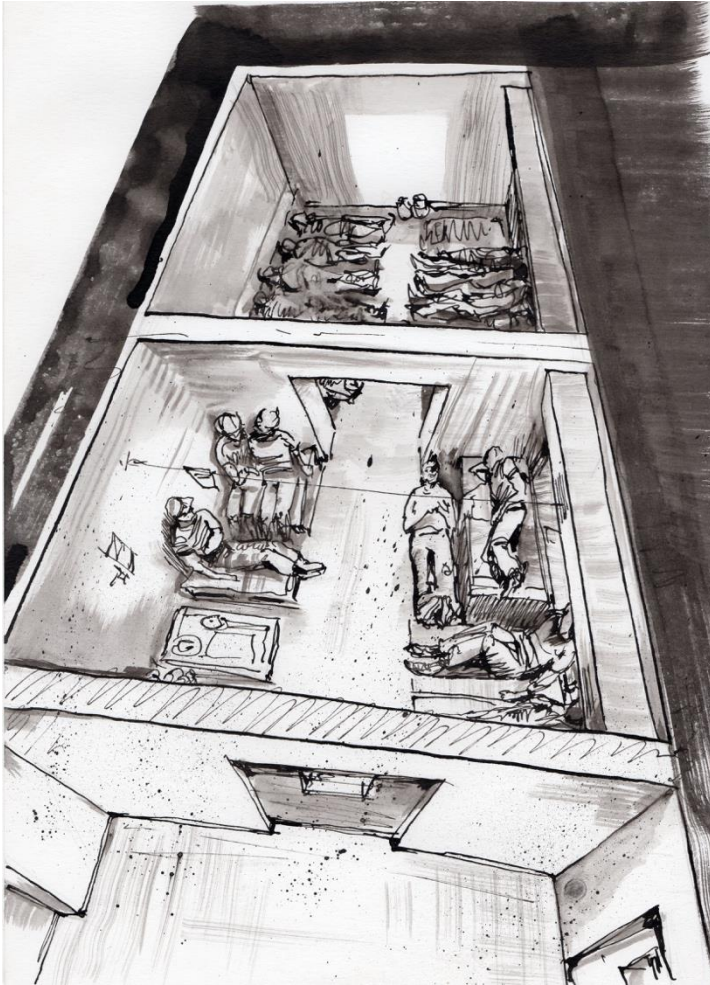
The work was carried out under the supervision of armed guards, who shot us underfoot or overhead for fun, or at rats running by. I know of a case where a prisoner was accidentally shot when he was just brought in, they were reloading a weapon to scare him.”



“Izolyatsia” – layout of the area where the forced labour took place, from prisoners’ recollections.

Victim C10 “There was a huge ammunition depot near “Izolyatsia”. It was not guarded properly. Nobody followed the safety procedures of handling explosive devices. We were afraid that if this ammunition depot exploded, there would be nothing left of “Izolyatsia” and we would all die. We were forced to unload and load ammunition onto military equipment.”

3.8 Conditions of detention



Author of graphic illustration: former prisoner, Serhii Zakharov

Victim 5 “It’s very, very bright there, like daylight. No matter how you stand, it was very bright, extremely bright. They didn’t turn it off at night either.”

Victim C7 “There were days when we were not allowed to use the toilet for three days (the so-called toilet torture). It was allowed to go number one, but there was nowhere to go number two. It greatly affected the work of the intestines, I didn’t even want to eat, because I couldn’t use the toilet after that.”

Victim C3: During my entire stay in “Izolyatsia”, I was held in various cells, including the basement.



Basement. The plant of insulating materials in Donetsk is used as "Izolyatsia" pre-trial detention centre, 3 Svitloho Shliakhu Str., Donetsk, source: [https://t.me/traktorist dn](https://t.me/traktorist_dn)

Victim C3: “The cells were large and small. There were rooms for four people, they were about 2.5 m by 4 m. Large cells are about 5 m by 5 m, 5 m by 7 m. The large ones contained up to 15 people. In a large cell, such as no. 5, where I was held for a while, there were bunks - a welded two-tiered rack with a net, like in prison. The cells had lighting – lamps and windows, but the windows were painted white so that you could not see what was happening outside. The windows could be opened, ventilated. Smoking was not allowed in the cells. When someone new was brought, everyone wanted to look, and made holes in the wallpaper on the wall, for which they then were punished by the guards, we were beaten. That is, the militants closed everything, sealed it so that we could not see anything. When the door was opened, the person in the cell had to get up quickly, turn away from the door and hold his hands behind him. One could only turn around when ordered to do so.

There was also a small cell called a "lux" - it had cushions from the chairs just scattered around and one had to sleep on them.”

Victim C3: “There was a special attraction – sitting cameras with very low ceilings, making it impossible to get up. One could only crawl on the knees. The small windows, located at ground level, did not let in any light, the only source of which were small lamps.”

Victim C3: “The souvenir that has stayed with me forever since my time there is a much worsened eyesight. Bright light causes pain, and without it I see very little. All the cells were cold, damp, musty, mouldy and just squalid”.

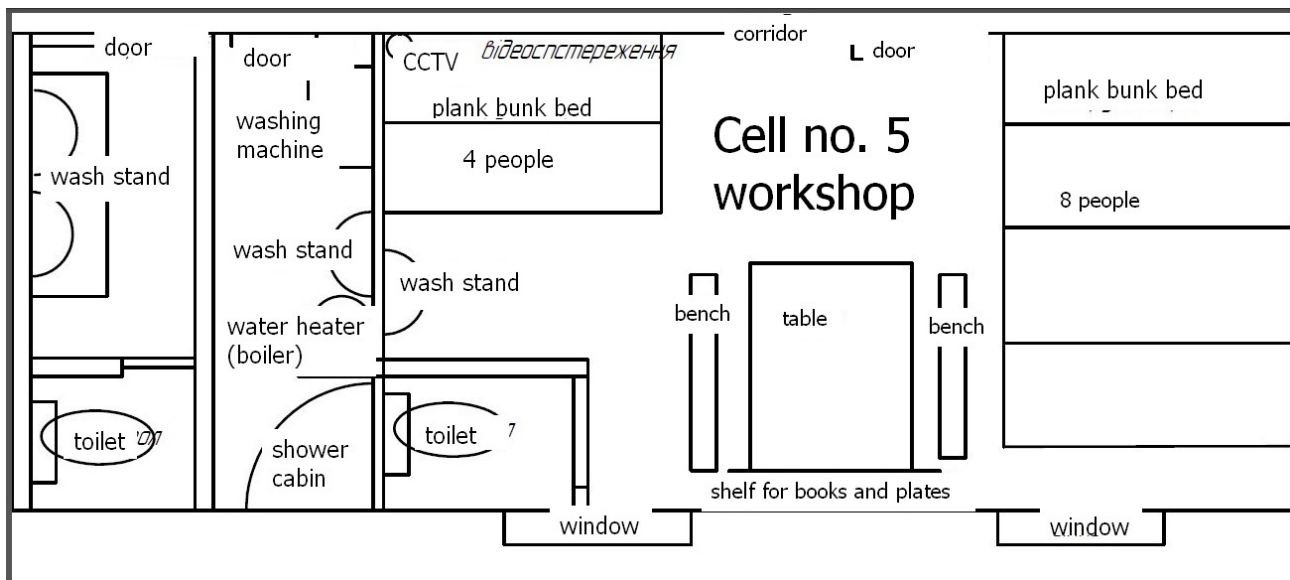


Author of graphic illustration: former prisoner, Serhii Zakharov

Victim C3: “The only equipment and the convenience of civilisation was a bio-toilet, unfortunately, constantly overcrowded and unbearably smelly. In the old Soviet way, the guards also organised exhaust poisoning by opening the windows in our cells and leaving military equipment with working engines under them. I was locked up in one of these makeshift gas chambers in the fall of 2016.”

Victim C3: “There were no toilets, washbasins, water or soap in the cells. We were allowed to collect water in a bottle only in the morning and in the evening, when we relieved ourselves. We had one or two minutes for this, sometimes even less.

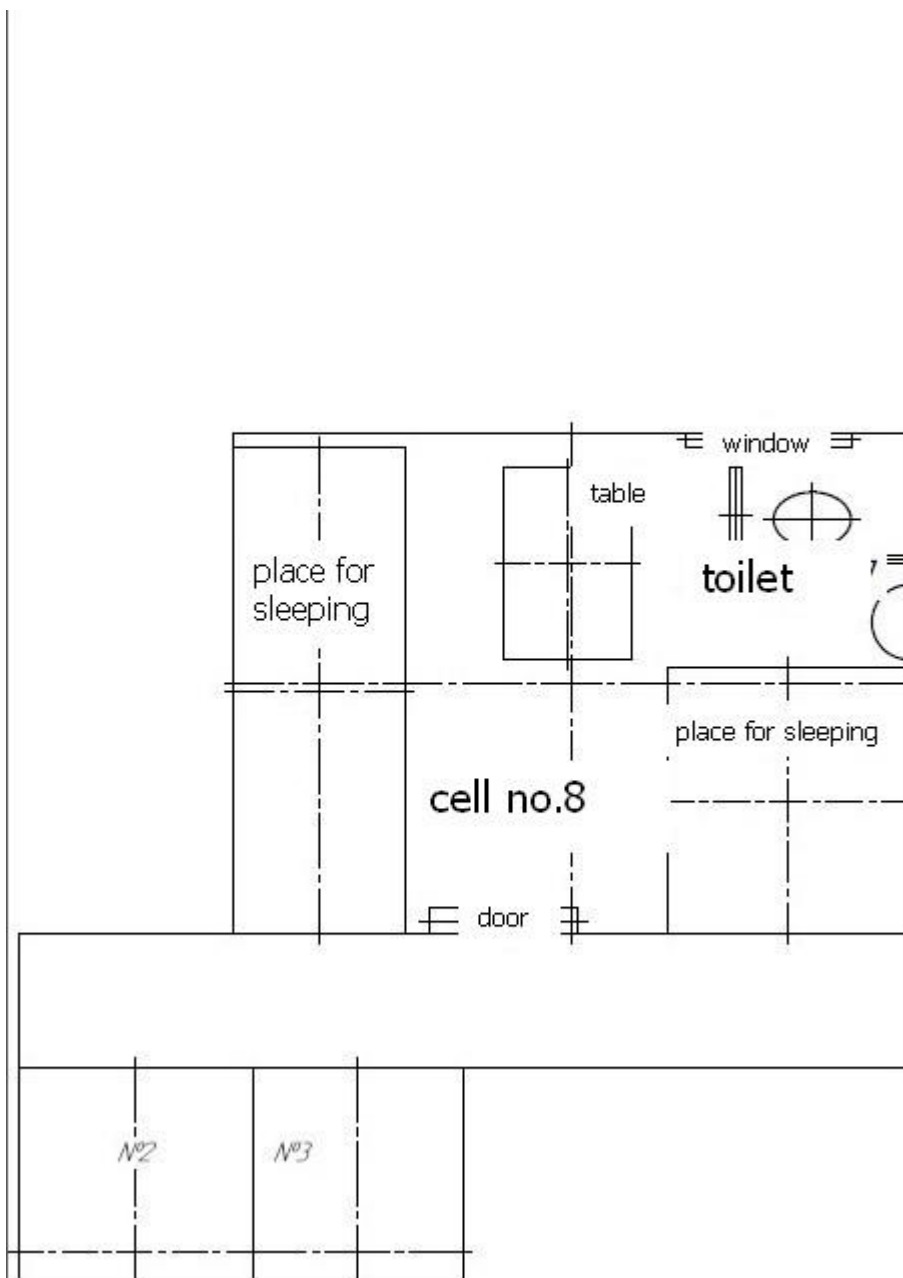
During the day, we could only relieve ourselves in a bottle in the corner of the room. The cell was dirty and smelly all the time, they kept us in such inhumane conditions. There was a toilet and two sinks in the corridor. Their use was constantly accompanied by the rude shouts of “faster, faster!”, so that we relieved ourselves as fast as possible. And as soon as the guards noticed that someone was washing up or washing their hands, they immediately started shouting, threatening and forcing us back to the cell.”



Working cell where the works took place, according to the prisoners' recollections

Victim C11: "When entering the cell, I removed the package from my head, and when I left, I would put it on, following instructions from the chief."

Victim C10: "At first, during the first month of my detention, I was kept in cell no. 5, which had wooden bunks, some rags, white-painted windows overlooking the factory courtyard, a toilet and a sink, it was a medium-sized cell, cold and stuffy. After the torture, my cellmates brought me to consciousness, I was in a very bad condition, so I did not remember any details. A month later, when I received a little treatment, I was transferred to cell No. 8. It was a cell for 23 people, 36 square meters."



Cell no. 8, according to prisoners' recollections

Victim C10: “There was a toilet in the cell, enclosed in plastic to the waist level, this “convenience” was made by the prisoners themselves during 2017, at first everyone used a bottled for the toilet purposes. There was no toilet in the “Izolyatsia” basement, there was a special 200-liter square barrel from the bio-toilet (the roof of the toilet was cut off and the barrel remained), then the prisoners were made to take it out of the basement and pour it into the sewer pit. Many people had to endure the basement, I did not.

There was almost no daylight in the cells. The windows were painted or covered with something so that we could not see anyone.”

Victim C10: “For six months I slept dressed because my mattress was stained with someone's blood, I put a blanket over it and slept on it. We simply did not have bed linen. We wore what we managed to take from home or what we were wearing during the detention.”

3.9 Medical care



Author of graphic illustration: former prisoner, Serhii Zakharov

Victim C1: “No proper medical care was provided to detainees in “Izolyatsia”. The so-called “doctor” or “physician” in “Izolyatsia” acted as an executioner. He accompanied the militants during the electric shock torture of a detainee, and when the tortured man lost consciousness, he would let him sniff ammonia, pushing cotton wool directly into his nostrils, so that his nasopharynx burned. The doctor also took the blood pressure in order to guide the militants how much current and for how long the person could withstand. The function of a doctor in “Izolyatsia” could be performed by any of the militants by putting on a mask – not much knowledge or intelligence is needed to take the blood pressure or to give a sniff of ammonia.”

Victim C2: “I know for sure that a military doctor, call signal “Doc”, also took part in the torture. He always participated in torture in order to understand the physical condition of a person. If a person had lost consciousness from torture, he always had a swab with ammonia, he kept an eye on the man to prevent the heart from stopping and so on. And always, if something happened, he got involved to carry out some medical procedures so that the prisoner would not die.”

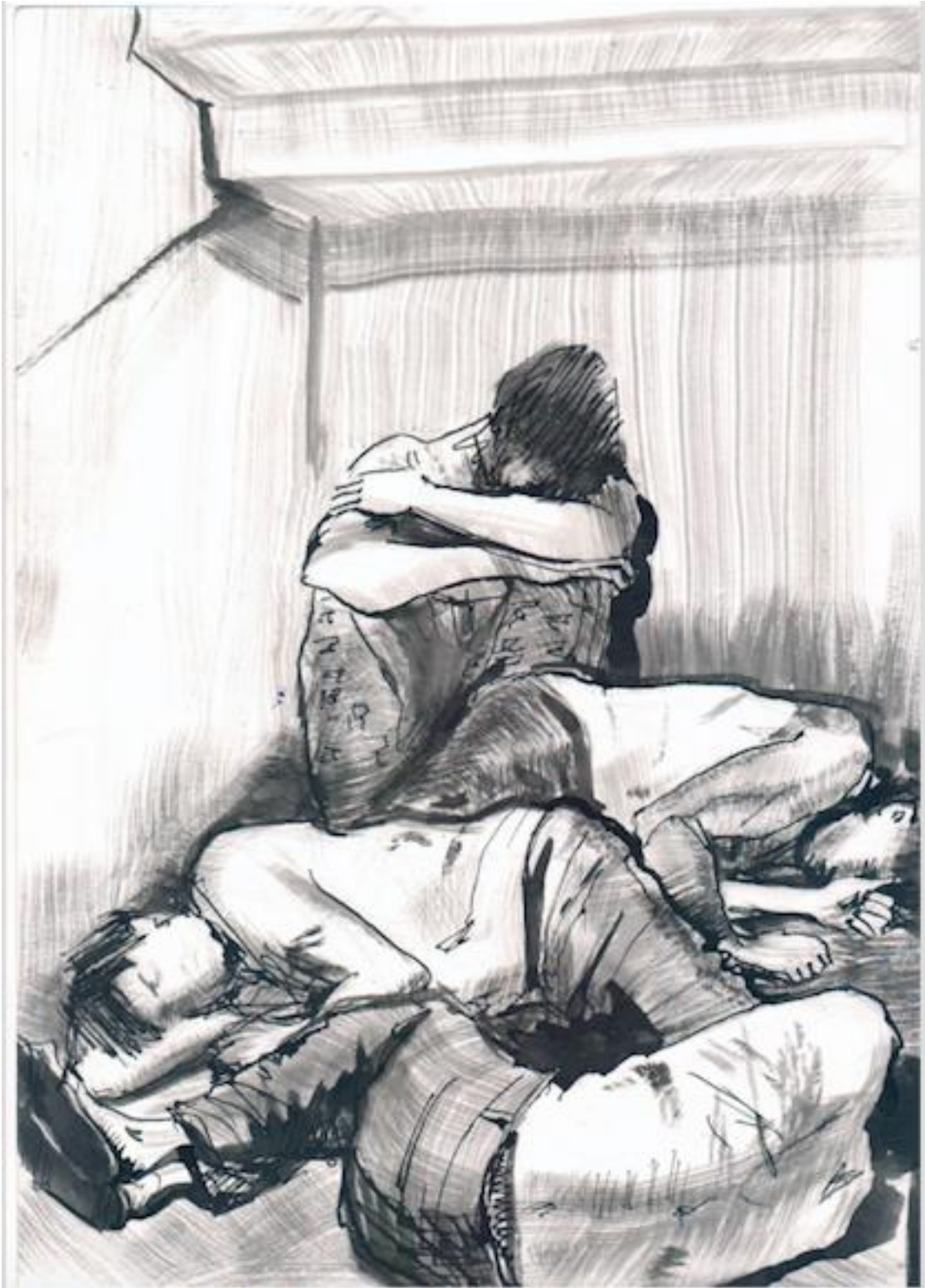


Author of graphic illustration: former prisoner, Serhii Zakharov

Victim C6: “In mid-July 2017, my health began to deteriorate sharply. I lost almost half of my weight. I got varicose veins from hard labour. Despite my condition, I was forced to continue working. I was constantly half-unconscious. As it was later established by doctors, I have anaemia. No medical care was provided, despite the complaints.”

Victim C1: No one provided real medical care at “Izolyatsia”. The detainees suffered on their own from the pain after torture and beatings. Thus, rotten pieces of meat were cut off from my legs by Viktor Holomaziuk, who was also in dire need of medical care. In critical condition, he was sent from the “Izolyatsia” to Donetsk pre-trial detention centre to receive medical care there. He died shortly after that.”

Victim C1: “Among the people who tortured me there was allegedly a “doctor”. He never provided any treatment and participated in the torture himself. He only took the blood pressure and told them how my heart was working so that they could stop in time, not let me die and to prolong the abuse. I was not allowed to die, but I was brought to such a state that I begged them to shoot me, because I could not stand it anymore.”



Author of graphic illustration: former prisoner, Serhii Zakharov

3.10 Nutrition

Victim C10: “We were fed about three times a day. Sometimes less. There was a kitchen at “Izolyatsia”, a young man and a young woman, also prisoners, worked there, and they delivered food to us through the window. One piece of bread was given for lunch and dinner. They also gave us rice, buckwheat porridge, pearl barley, but very poorly cooked. Then the buckwheat porridge was gone, there was only pearl barley. The expired food helped a lot, it was in one of the plant

storages, when we worked, we went there, and sorted through these products. They were confiscated from stores, for example there was herring, which expired in 2014. There was a very bad smell, but we still washed and ate this food. Rice and stew were the most common in our diet (one jar for about 40 people).”

Victim C1: “Relatives tried to pass the care packages for us, but they seldom reached the “Izolyatsia”, and if they were foods, they arrived spoiled, part of the parcel was looted by the “DNR” militants. Out of five, I received one package with already spoiled foods. Sometimes the guards purposefully showed me the parcel, which was handed over by my relatives, and said that I would not receive it because I was a “SBU louse”.

3.11. Contact with the outside world

Victim C1: “Visits to “Izolyatsia” were banned. This is a secret prison and no one was allowed there. Telephone communication was also prohibited. The detainees did not have a telephone and could not use it”.

Victim C3: “The name “Izolyatsia” speaks for itself. On the territory of the plant, we were in complete isolation from the outside world. Nobody knew where we were or what was going on with us. It seemed as if a person ceased to exist in “Izolyatsia”. Few people know about the secret “MGB of the DNR” prison. Relatives were not told that the person was being held at the former “Izolyatsia” plant. No outsiders were allowed on the territory. There were no meetings with relatives. The “MGB of the DNR” officers sometimes accepted care packages from relatives for prisoners in the building of their ministry. In this case, the parcel reached the prisoner in a few days or weeks, and it was often spoiled or looted by “MGB officers”.

Telephone communication was out of the question. During the detention and search, “MGB of the DNR” officers confiscated everything up to telephones, personal documents, money, and valuables. Nobody allowed to call relatives in “Izolyatsia”. There was no “illegal” phone either – everyone was intimidated, it was impossible to pass something”.

3.12. Video recording



Author of graphic illustration: former prisoner, Serhii Zakharov

Victim C1: “In the cells where we were held there was a video surveillance system (CCTV cameras), with a sound recording function. The militants could see and hear everything that was going on in our cells. They forbade talking, we could only speak in whispers. If someone didn't obey it, they would come in and beat them.”

Victim C1: “Once I told the cell mates that it was possible to tame a titmouse. If you give her lard through the window, later she will learn and will come constantly. There is nothing criminal in this. The guards heard about it and beat me, they hit me on the head the most. Then half of the head was black and blue.”

Victim 5: “We were taken to this room, where there were all these TVs, monitors, and every cell was visible. And one person sat there and watched every cell, what was going on there, every man. Everything was clearly visible, absolutely. The cameras were placed in the corners. If we wanted to trim our nails, for instance, we went under the camera, so that they couldn't see us. We were not allowed to trim our nails, there is a ban on everything. The toilet was so high. The toilet is standing, and then there is kind of a plywood, but not high. The camera was placed so that one can be seen using the toilet. So, the girls would take long towels and spread them in front of them so that they could not be seen from the camera. That's how we used the toilet”.

3.13. Other places of torture of "Izolyatsia" prisoners

Prisoners held in "Izolyatsia" were also sometimes transported to other location for torture and interrogation, usually to the headquarters of the Ministry of State Security (MGB).



The so-called Ministry of State Security, Source: Internet

Address: 26 Tarasa Shevchenka Blvd., Donetsk, Donetsk oblast, territories not controlled by Ukraine



Author of graphic illustration: former prisoner, Serhii Zakharov

Victim C8: “Every time we were taken for questioning, we signed a paper stating that no physical violence had been used against us on the “Izolyatsia” territory.”

Victim C2: “When I was brought to the “MGB of the DNR” building at 26 Shevchenka Blvd, Donetsk, two or three times during interrogations physical violence was used against me by the “MGB of the DNR” employees in the form of punches to the chest area (they hit me with their fists), after one of these beatings I felt that my rib was broken. They also hit me on the back of the head, on the shoulders, in those places so that minimal damage was visible, no hematomas or any bruises could be seen”.

Victim C13: “I was taken to the MGB building and interrogated with a “lie detector” regarding cooperation with the Ukrainian secret services. They demanded that I confess to cooperating with the Ukrainian secret services, asking the same questions: “Who do you work for? Who recruited you and when? Your handler’s name? What’s your call sign? What tasks did they give you? etc.”

After 2 or 3 attempts, they said that the computer was recording the wrong answer to the question about receiving/not receiving tasks from the secret services, so other people would talk to me. (..) that another MGB officer, “who fought for the republic”, would soon arrive, and “it will depend on what and how you tell him whether you will live to see the morning.”



Author of graphic illustration: former prisoner, Serhii Zakharov

Victim C14: “Once I was severely beaten in the operatives' office at the “MGB of the DNR” in Donetsk. I was all depressed, in despair, I could no longer bear all these humiliations. Then they knocked me down from a chair to the floor and beat me on the floor. Then “MGB” officers took off my pants, took a rubber truncheon (PR-73) and tried to shove it into my anus. They could not do it completely and they stepped aside. I lay completely depressed and humiliated. At this time, I was overwhelmed by unconscious aggression and some strength appeared from somewhere. I was in handcuffs, but I got up, quickly grabbed a chair next to me and swung it at one of the operatives. However, they turned around in time, saw me. One of the operatives snatched a chair from my hands, I was immediately knocked to the floor, one of the operatives started beating me with this (iron) chair on my back and sides. About 5-7 more people rushed to the office, they all surrounded me and started beating me.”

Victim C3: “They also pulled out my teeth and crushed them. Once in the first months of my captivity, the “MGB of the DNR” officers took me out of “Izolyatsia”. They brought me to a garage, took me inside, what the garage looked like and what was there, I remember very badly. One of the militants started pushing an iron object into my mouth - pliers or tongs. As I could not resist, I was outnumbered, I was exhausted, they began to press and crush my teeth. The pain was pure hell. My teeth were crushed and parts of them remained in my mouth, some were likely pulled out with the root, completely. This went on for a day. They interrogated me, crushed my teeth, interrogated again. If they were not pleased with my response, they took an iron vice and began pulling a tooth. As a result of captivity, I lost 24 teeth. There are eight left. Some were pulled out during the torture, some fell out later after the torture. Nobody provided dental treatment. For several days after the torture in the garage, I could neither eat, nor drink, nor talk. Everything was festering, bleeding, swelling, there was inflammation, in some places the nerves were exposed, which caused me immense pain.”

3.14 Forcing prisoners to give interviews

Victim C7: “I was brought to the MGB from the pre-trial detention centre and told that I would give an interview and talk on camera about what I was doing and how. I asked whether it was necessary and they replied: “If you realise that you also have a family, then there is nothing else to say”. They gave me a piece of paper with what I had to say on camera. The text contained things that actually pertained to me. Then they put a mask on my head again, handcuffed me and transferred me to other room, put me on a chair by the wall and took off my mask. I was approached by a man who spoke Russian with a Russian accent and he took a picture of me. I understood that he was an FSB officer. After that, 2 representatives of the Life News TV channel appeared in the office, one of them was red-haired with a red beard, thin, I saw him in Maiorsk during the exchange. They attached two microphones to my clothes and asked what I was doing and how, and I had to say what was written on the paper and to answer their questions. It is said that this video was shown on the Life News channel, and then information spread all over the Internet that I was a thief, a traitor, that I encroached upon the republic. After that interview, I was taken back to the pre-trial detention centre.”

Victim C10: “The officer took me to the MGB building. On the way, he explained to me that there would be a video and that I had to say everything that was required of me, otherwise it would be bad for me. Before recording, they removed the bag from my head. There were three people in the office and a professional camera on a tripod. One man was sitting in the far corner of the room, half-turned away, as if to hide his face. I did not see him in detail, I do not know who he was. Another one was sitting closer to me. This man did not look like an MGB officer. He looked more like a journalist, a representative of some intellectual profession. In the office, they gave me the text and told me to study it. I could not control myself. I was upset, I was scared, everything frightened me, I couldn't hold a sheet of paper or read. An MGB officer took a pill and gave it to me, told me to swallow it. I was in such a state that I didn't care what they gave me. After the pill I felt better, calmed down a bit, read the text. I had to recite a text prepared by the militants. I refused because there were many things against Ukraine. I was very anxious. But I could not refuse, I understood that they would force me or threaten me, I understood that I was completely under their control. That's why I came up with my own version, that I was allegedly caught taking bribes on the Ukrainian side, and in order not to go to prison, I had to spy on the DNR. The security service people liked the text and decided to leave it on video. Soon I saw my video on TV. In "Izolyatsia" in the senior's cell, there was a TV set, and for about two weeks my interview was shown on their channels. I felt very ashamed”.

Victim C8: In “MGB” I was interviewed by “Russia-1”, this was in September, I was shown on TV on “Russia-1”, where they have this famous TV presenter Kiselyov. He put such a spin on it, showed me frightened and intimidated there: just look at Ukraine, how low, they even involved grandmothers in the war – he presented it that way. That they were forcing a retired woman to do such things, that's who we have to deal with – that's how he presented it on the news.”

Victim C4: “There were a lot of Russian journalists, just a huge bunch. They had provocative questions – very typical for the Russian television, their favourite topic of conversation is children who died during the military conflict. That is, they believe that we practically in person participated in the actual death of these children. And their main question probably is how are we not ashamed that the children are dying, and we kind of sold out to the Nazis, fascists and the like. I mean, it didn't feel good.”



Author of graphic illustration: former prisoner, Serhii Zakharov

3.15 International organisations and "Izolyatsia"

Victim C4: “During my imprisonment, no international organisations came, neither the OSCE, nor the Red Cross, nor volunteer organisations.”

Victim C15: “The conditions of detention were extremely strict, we were not allowed to see social workers from the pre-trial detention centre, or representatives of the Red Cross or the OSCE. The latter were let in only once, when minors-demolitionists from Yasynuvata were brought to the pre-trial detention centre. Representatives of the OSCE mission were the ones admitted to them. Neither Member of Parliament of Ukraine Savchenko, nor the OSCE, nor the Red Cross were allowed to visit us that day”.

3.16. Investigation and transportation from "Izolyatsia" to remand prison



Author of graphic illustration: former prisoner, Serhii Zakharov

Victim C4: “The criminal case against me was prepared within two months. The evidence contained my testimony and correspondence, all of it. I was forced to slander myself, and then I signed everything they told me. I didn't read it thoroughly. I was warned (when I was transferred from “Izolyatsia” after the end of the administrative arrest in the MGB) that everything had to be signed, otherwise they said: “It will continue. Do not deliberately prolong this process, you will confess anyway, why do it? Don't prolong it”. The accusation is “espionage”, incomplete. As the investigator said later (this conversation took place more than a year later), – I ask him: Tell me not as a state security officer, but as a person - do I have anything to try me for? – No. – Well, what am I doing here? – It must be done. – And why Article 29? – It is an incomplete crime. – meaning that there is nothing to try for, but there must be a trial. – I see.”

Victim C12: “About two months later, I was taken to an investigator and a criminal case was opened. I was told that I was facing 11-12 years in prison. I was assigned a lawyer who said: don't worry, you are only 40. So, you spend ten years in prison, life does not end there. And your child may grow up a normal person in an orphanage. They had no evidence against me. Before the court, they gave me a sentence to read. Only after reading it, I learned what I was accused of.

I said “But that's not true. You have not proved my guilt.”

Why do you care. Admit your guilt in court. You will eligible for an exchange. Agree to everything, you will be released sooner.”

Victim C13: “On December 22, 2017, I was illegally convicted by the “DNR Military Tribunal” on charges of “espionage in favour of Ukraine” and sentenced to 14 years and 6 months in a maximum security prison.”

Victim C8: “Interrogations are called “stages”. I was in handcuffs, with a bag on my head, taken to the “MGB” every 2-3 days, 2-3 times a week, initially more often, later less often; and I was interrogated: who I worked with / who I worked for / contact with the SBU / how they paid me / what for and what I did. Basically, who I worked for. They found out that I was at Maidan. I really was, I wrote a personal letter, and they found it at my home and read it, and I wrote positively about Maidan. And at work they said that I was at Maidan. They saw that I got off the Kyiv train and understood that I was returning from Maidan, and it exacerbated my case, they believed that I was one of those “Maidan-obsessed” – in their own words, as always. It only went downhill from there. I have two investigators: Oleksandr, I don't even know his last name, they didn't even let me look at the report, nothing. And the second investigator Belikov, I have a copy of the conviction. There is a verdict as well as an indictment, so I have these papers. I was tried by a military tribunal.”

Victim C4: “In April 2017, I was taken to the remand prison in Donetsk (called SIZO here). I was taken in a regular car, handcuffed in front, for half of the way I had a plastic bag on my head. A few days before that, there was my first meeting with the investigator, who warned me that I would soon be taken to a remand prison.

Upon arrival, one of the remand prison officers hit me in the kidney with shouts of “banderlogs”¹ and other obscene insults, but another officer reprimanded him for this.

I had blood tested for HIV, two tests, and was examined. The medical worker was wearing gloves, but no medical gown. When they took a blood sample, I had to squeeze my arm myself, there was no tourniquet. At that time, there were no traces of torture and beatings on me.

At that time my weight was 47-50 kilograms, while at the time of detention I weighed 64 kilograms. I was placed in solitary confinement at a special post, a place where people sentenced to death were imprisoned during the Soviet era, and at the time of Ukraine it was used for those sentenced to life imprisonment. I spent one month in this cell. The cell was about 2.5x2.5 square meters in size with one bunk and a pillow. Ventilation was so-so, humidity was high, there was mould on the surfaces. It was cold at night because there was no glass on the window. Until a blanket was sent to me, I was very cold. There was water in the cell and I had an immersion heater, but I couldn't use it because the only outlet didn't work. The light was on and never turned off. The toilet was in the cell. They fed me 3 times a day, in the morning they gave me a loaf of bread (for the whole day), pearl barley with mixed fat. At first, I was hungry all the time, I took everything. In the beginning, I didn't have a plate, but a plastic half-litre bucket, filled almost to the brim with pearl barley and mixed fat, I ate everything.

The special post differed from the usual one in that the “feeders” were closed. No one can come to us, increased control (many locks on the doors, including electronic ones), a camera in the hallway, infrared, that is, even at night, if there is no light, it works, so that we are not taken anywhere for a walk. Only food distributors or those who deliver care packages came to the special post. Two weeks after arriving at the remand prison, I had my first meeting with my lawyer, who was hired by my mother. After that, we met every three weeks. He was not present at investigative actions, that is, during the period when I was in “Izolyatsia”, then meetings with a lawyer were prohibited. The role of the lawyer was not very significant, he was able to help arrange meetings with my mother in the “MGB” and in the remand prison, but he could not significantly influence the case, otherwise he would have been imprisoned along with me. What can I say, if even lawyers could have bags put on their heads.”

¹ derogative term for supporters of Ukrainian nationalist Stepan Bandera

3.17. Russian FSB officers

According to the prisoners' recollections, during the detention in "Izolyatsia" and other places, representatives of the Federal Security Service of Russia took part in interrogations.

Victim C14: "Once, when I was in the investigator's office of the "MGB of the DNR" getting acquainted with my case, two people with two photo portraits entered the room, I realised they were FSB officers. They were dressed in plain clothes, spoke Russian with a clear characteristic accent, in a sharp tone, not like the speech of the locals. Both were about 37-40 years old (one was about 37, the other was about 40). They asked me: "Do you know who we are?" I replied: "You are from the MGB." They replied: "Wrong." So I realised that they were FSB officers, because if they were from MGB, they would say so. One was with a short haircut and greyish hair, elongated face, big ears, long nose, he looked like "Pinocchio" from the fairy tale. I could not see the other one, he was standing behind me. One of them sat across from me and ordered me to stretch out my hand, the other took a plastic bottle and set it on fire it. He intended to drip molten plastic liquid on my hand. I looked at the portraits, but did not recognise anyone there. One of the FSB officers ordered the other to remove the bottle. They told me, "Think about it, we'll call you again tomorrow". The FSB officers left, the investigator gave me the papers to sign to take the case to court."

3.18. "Izolyatsia" – identified perpetrators of torture



Author of graphic illustration: former prisoner, Serhii Zakharov

DNR unit commanders, that were deployed in the “Izolyatsia” at different times were officers of the so called “MGB of the DNR” – “Major”, “Kuzmich”, “Palych”, “Lenin”.



Denys Pavlovych Kulik “Palych”

Victim C1: “In the minds of almost every hostage, he looked like the leader in charge of “Izolyatsia”, because he was in constant contact with the prisoners, was particularly cruel, beat and tortured us, and was constantly in sight. This is the main executioner at “Izolyatsia”. In fact, he played an executive role following orders of his handlers “curators” from the Russian Federation (“Major”, “Kuzmich”), who did not want to be seen until a certain moment. “Palych” is Ukrainian, born in Mariinskyi raion of Donetsk oblast. Denys Kulik was said to have worked in law enforcement and penitentiary institutions of Ukraine before the war”.

Victim C14: “On the first day, “Palych” came to me wearing a mask, I did not see his face. He started strangling me with a plastic bag. He put it on my head and began to choke my neck, squeezing it and blocking my breath. He asked me who I work with, who my mates are, my partners, where they are. But I could not answer anything. Around a few seconds or a few minutes passed. I began to gasp. When “Palych” saw that I was suffocating, he loosened the plastic bag”.

Victim C2: “In most instances, the violence was completely unmotivated, they just felt like it. Moreover, when “Palych” saw me or someone else, he liked it, he enjoyed it, he had a smile on his face, he would joke and at the same time deliver blows (chaotically, in any part of the body) and muse, when a person began to writhe in pain and say: “I did not hit that hard”. In this way he showed his physical or psychological superiority over the person”.

Victim C10: “The militants also beat and tortured their detained militiamen, who were held in the cell with us. For example, Grebenyuk, call signal “Elf” (I do not remember his name), he was allegedly from St. Petersburg, Russia, and other prisoners said that he had and has Ukrainian roots (in about 2014-2015 he came to fight in the Donbas, then he was detained for something by the staff “MGB of the DNR”, and was kept with us in the “Izolyatsia”). He was expert in computer technology and “Palych” would often take him to his office to set something up on the computer. For example, he owned bitcoins and knew how to earn them. “Elf” would often go to “Palych’s” office and saw what was on the second floor, where “Palych’s” office was located and told us about it. Around the beginning of 2018 or spring, “Palych” and his prison guards beat “Elf” so badly that he showed no signs of life for four days, he was just bleeding. It was at night, about three o’clock. I, alongside Dmytro Batrak and another prisoner were awakened in the middle of the night when the

militants brought Grebenyuk's body into a cell. Only it didn't look like a body, it was a piece of bloody meat in the middle of the room. Before that, screams, cries, moans and the sounds of blows could be heard in the building. We started helping him, but no matter where we touched, there was blood everywhere. Then we had to clean all this blood in the cell. In addition, “Elf” was beaten by the the cell senior. The young man was able to open his eyes only after about four weeks. He was allegedly beaten for not earning the bitcoins he promised to “Palych”.

Victim C6: “Palych” was the one who brought me to the cell. He told me to face the wall, turning my hands out, saying I had to stand until I confessed. At the same time, the detainees in the cell were given a command not to let me drink, eat, or use the toilet.”

Victim C14: “All prisoners held in the “Izolyatsia” had to sing the “DNR” anthem in chorus or individually. When everyone sang the anthem, I did not, because I did not know it and did not want to learn the words. “Palych” tried to force me to learn the “DNR” anthem – he beat and threatened me.

Once he came into the cell, he was very drunk that day, and he knew that I never learned the “DNR” anthem. In a rage, he pulled me from the second tier of the bed to the floor. “Palych” picked me up, put me on my knees before all the cellmates, started punching, and kicking me on my body, back, sides and head; he beat me for about 5 minutes. At the same time, he threatened even more abuse, saying that he would make me learn the anthem, that I would do whatever he wanted, that he was the boss there, and I was a nobody.”

Victim C10: “A man like “Palych” was valuable in the punitive system of the “MGB of the DNR”. He liked to abuse people, he enjoyed it. For example, he gave orders to the head of the cell, “Jackson” (former militiaman detained by the “MGB of the DNR” for some weapons fraud, held with us in “Izolyatsia”; he cooperated with the administration), to beat those who were recently detained in the cell – so that they understand where they were. All while he was watching what was happening on a video surveillance camera. Then he came to the room where the detainees were held, opened the feeder window and commented on what was happening, giving advice on how he would do it and what was wrong.”

ДЕРЖАВНА ІПОТЕЧНА УСТАНОВА

Головна Про ДІУ Аналітична інформація Нормативно-правова база Прес-центр

Євдокимов Василь Вікторович
Головна

Заступник Голови правління Державної іпотечної установи

Народився 08 лютого 1973 року у місті Дебальцеве Донецької області.

Закінчив Донецький національний університет за кваліфікацією «Магістр з маркетингу».

З 1998 по 2006 рік очолював ТОВ «Торговий Дім «Металург» м. Донецьк.

З 2006 по 2010 працював Генеральним директором ТОВ «Дебальцевський завод металургійного машинобудівництва».

З 2011 року працював комерційним директором ТОВ «Запорізький акумуляторний завод».

Версія для друку

Vasyl Viktorovich Yevdokymov “Lenin”, First Deputy Minister of the “MGB of the DNR”

Victim C1: A local resident, a native of Debaltseve, Donetsk region, call signal “Lenin” or “Ilyich” was a commander of the special forces of the “MGB of the DNR”. I know that he and his group of special forces carried out my detention on November 12, 2016. “Izolyatsia” was used by special

forces of the “MGB of the DNR” as one of the military bases. Here they trained, practiced techniques. Hostages were used as improvised material for training. The “MGB of the DNR” special forces were used to detain people who were subsequently detained by the “MGB of the DNR”, to disperse demonstrations, to carry out special tasks, and so on. There were snipers in the “MGB of the DNR” special forces. During my captivity, I learned that the snipers were leaving for combat positions, where they opposed the Armed Forces of Ukraine. The special forces of the “MGB of the DNR” were strong, athletic guys. There were Russians among them. I heard them speak Russian in an accent not typical for the locals of Donetsk region. Among the fighters of the special forces “MGB of the DNR”, the Russians were mostly snipers. He was responsible for the regime on the territory of “Izolyatsia”, no one could enter the territory of “Izolyatsia” without his permission”.

Victim C4: Once, sometime in March 2017, at 4 am, special forces of the “MGB of the DNR” arrived in the cell next to mine and severely beat everyone in the cell with sticks because one of the prisoners complained to someone about poor nutrition and forced labour. After that, a man with the call sign “Lenin” came to our cell and said: “See what happens if you talk too much?”.



Author of graphic illustration: former prisoner, Serhii Zakharov

“Major”, last name unknown, country of origin: Russia

Victim C1: “As of 2016, the head of the “MGB of the DNR” detention centre or the so-called “Izolyatsia” was a militant with the call sign “Major”. I know that he is Russian, he arrived from the Russian Federation for the organisation of separatism in the Donbas. In the “Izolyatsia” he had the right to sign all documents relating to the detention of persons in the “MGB of the DNR” detention centre.

“Kuzmich” - unidentified, according to the prisoners, his name may be Dmitriy Aleksandrovich Markov, a Russian.

He was responsible for the construction of fortifications and ranges in the structures of the “MGB of the DNR”, in fact, he became the next head of “Izolyatsia” after the removal of “Palych”. According to the victims, he was a colonel in the Russian army.”

Victim C1: Once, in 2018, during forced labour, “Kuzmich” beat me severely. I objected to him on some issue related to his worldview. In response, he hit me in the face, knocking out a tooth and started kicking me in my pelvic area, near the sacrum, screaming in anger: “It is me who is a Russian military officer, you cannot speak Russian”. After my release from captivity, examinations at the clinic showed that as a result of the blows to my pelvic area, my kidneys became displaced.”



Author of graphic illustration: former prisoner, Serhii Zakharov

Yurii Kryvonos, “Vtoroy” (“Second”), “Tankist” (“Tankman”), “Palych’s” Deputy
Victim C2: “There was a tank commander who was guarding us, one of the guards. His name is Yurii Kryvonos. The last time he beat me in April 2018, he broke my rib (with his fists).”

Mykhailo Kulynych “Misha-Tankist”

Victim C14: “Palych” and “Misha-Tankist” once took me out of the cell into the corridor and started beating me with their hands (fists) and feet all over my body. They beat me on the floor, threw me in the air and beat me when I was in the air and fell to the ground. When I got up, they threw me on the floor and beat me again. I was beaten for about 30 minutes. There was no obvious reason for the beating, they just beat me because they felt like it, they got very drunk then.”

Victim C14: “I was taken out of the cell outdoors. There, several people grabbed me by the arms and legs and carried me away. I was immediately taken to the basement somewhere nearby. It felt like the militants went down the stairs. I did not see the interior of the room; I was scared and shocked. In the basement, my legs were tied with a rope and a plastic bag was put on my head. Then several people took me by the arms and carried me to the next room in the basement. I was put on the table and completely tied up. First, the feet were fastened to the legs of the table with a rope, then the hands. Also, they fixed my whole body additionally with tape around the legs and torso. They started strangling me, squeezing my throat around my neck with their hands and not allowing air to seep through the tightly closed bag. From the smell of sharp, disgusting perfume, I realised that one of my operatives (who is the oldest, grey-haired) is involved in torture. He always used cologne with a pungent odour, which I remember well. Also, as I understood, “Palych” and his subordinate from “Izolyatsia” Misha with a call sign “Tankist” took part in the torture. I didn't know the rest of them.”

Former “DNR” fighters also took part in the torture of prisoners:

Vitalii Viktorovich Ivanenko “Jackson”



https://myrotvorets.center/criminal/ivanienko-vitalij-viktorovich/?fbclid=IwAR2vaB9a3xSD6V9CxE4iwoFY474TmBX6LvNNLvbyO_AQaZr pCF3r1fcwMAo

Victim C10: “In the cell we were all held together: both pro-Ukrainian and separatists, “militias”. Everyone was beaten equally. The head of our cell was Vitalii Ivanenko, “Jackson”, he had a rank of the lieutenant colonel or the colonel, he was in the “DNR” battalion “Vityaz” (“Knight”). In fact, he is not a soldier, but in the “DNR” the rank was awarded to anyone who wanted it. He was locked down by his comrades, due to some fraud with weapons (in 2017, along with several of his army comrades). “Jackson” is a local resident of Donetsk region. In “Izolyatsia”, I suffered the most not from the prison guards, but from Jackson. He took a dislike to me. In the cell in the “Izolyatsia”, Jackson set up real prison conditions. He himself had previously served time, probably as a minor.

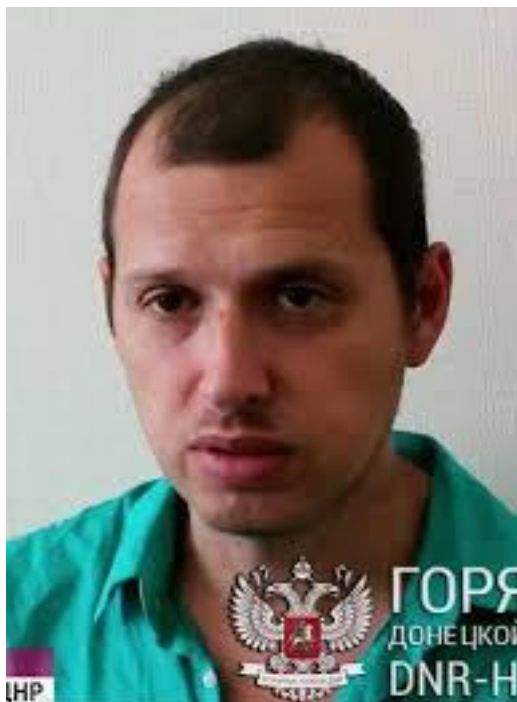
He was especially keen on prison subculture. He also appointed service personnel for himself from the detainees.”

Victim C14: “A senior head of the cell no. 8 was “Jackson”. He is a former militiaman. The cell senior’s duties included beating cellmates, maintaining cleanliness, maintaining order and discipline in the cell, in particular to ensure that no one talked to each other. “Jackson” beat me hard. He beat me on the ribs, back, chest, torso, limbs, head. He beat me with his hands, feet, and with a plastic pipe. “Palych” ordered him to beat his cellmates, and he did so with pleasure and with extreme cruelty.

The “MGB of the DNR” officers left sheets of paper and a pen in the cell. Under pressure from the MGB people, “Palych” and “Jackson”, senior of the cell no. 8, I wrote that I cooperated with the Security Service of Ukraine, but I do not know their names. After I wrote it, the papers were taken from me. I wrote it immediately on the same night after being tortured with electric shocks.

I had no choice, I was told that I would either write and confess, or they would continue electric shock torture on the next day. I realised that I would not survive such hell again, so I wrote an explanation. I didn’t know what to write because I didn’t have any information. I continued to be held in cell no. 8. Jackson on behalf of “Palych” beat and humiliated me almost every day. He beat me with his feet, hands, and a plastic pipe all over my body.

I was also beaten by “Palych” himself or one of the guards. They beaten me for no apparent reason simply because they felt like it. In general, the guards of the “MGB of the DNR” beat me in the “Izolyatsia” about once a day or every other day. Beatings lasted from 10 minutes to several hours. Blows were inflicted with hands (fists), legs and a “PR” (“PR-73”, rubber stick mod. 1973”, rubber truncheon) on the abdomen, ribs, and sometimes on the head. They insulted me verbally – with curses and vulgar expressions, threatened to shoot me, to kill me. Once after beating by “Palych” and “Misha Tankist”, I lost consciousness.”



Yevhenii Brazhnikov

Victim C14: “Palych” transferred me to cell no. 5. The majority in this cell were former “DNR” members. For example, the cell senior was Yevhen Brazhnikov, who was released from captivity on December 29, 2019 and was soon detained by the SBU in Ukraine. “Palych” ordered “DNR” guys to beat and torture me in the cell. I was put in a stretch position – facing the wall, legs and arms as stretched as far as possible, placed in different directions. I was not allowed to turn around or change a pose. When I was standing in this position, the DNR members approached and beat me.

They kicked me or beat me with their fists on my sides, ribs, back, legs, using me as a punching bag. At the same time, they laughed at me, called me names, joked vilely, and threatened to “get behind me” to rape. I stood in the stretch position for about an hour, maybe a little longer.”

Victim C16: “Brazhnikov himself was a prisoner, but willingly helped “Palych” and tortured prisoners. He did it both mentally and physically. Beating prisoners was a pleasure for him. When asked why he was torturing us, he replied: “I have a sick child. This is how I calm down”. He could go outside the “Izolyatsia” area. He was the only one who had a cell phone. One time he dragged a prisoner under a bunk, barked like a dog, and bit him. He was a real maniac.”

Victim C14: They took me to the cell where Brazhnikov was and told him “Work on him”. “Oh, you are mine now, – he rejoiced. He said, “Now you are mine”. As soon as the door closed, Brazhnikov began to beat me with his hands and feet. “I will now shoot you in the liver. Or take a piece of paper and a pen and confess to everything!” – he announced.”

4. Application of international standards to major violations

Above mentioned facts must be assessed in the light of international humanitarian law, international criminal law and international human rights law. They point out that in the territory controlled by the self-proclaimed republics, international standards of treatment of detainees are being systematically violated, which should be classified as war crimes and violations of certain human rights.

Based on international humanitarian law and international criminal law, there are grounds to believe that the actions of pro-Russian separatists in the territories of Donetsk and Luhansk oblasts not controlled by the Ukrainian government in relation to hostages have the characteristics of such war crimes as:

- torture or inhuman treatment (Article 8(2)(a)(ii), 8(2)(c)(i) of the ICC Statute);
- outrages upon personal dignity, in particular humiliating and degrading treatment (Article 8(2)(b)(xxi), 8(2)(c)(ii) of the ICC Statute);
- wilfully causing great suffering, or serious injury to body or health (Article 8(2)(a)(iii), 8 (2)(c)(i) of the ICC Statute).^{lxii}

In 2014, the ECHR stated that the Convention for the Protection of Human Rights and Fundamental Freedoms continues to operate in the context of armed conflict and its application does not contradict the provisions of international humanitarian law, and the rules must be interpreted in the light of international law.^{lxiii}

The case-law of the European Court of Human Rights emphasizes the inadmissibility of inhuman treatment. The Commission on Human Rights stresses that "inhuman treatment includes at least the kind of behaviour which obviously caused intense suffering, mental or physical, which in that situation were considered unjustified". Distinguishing actions prohibited by Article 3 of the Convention, and "some brutal behaviour" (punches to the face), The Commission said that not every case of improper treatment may fall under this article.

Emphasis is placed on the need to establish facts that support the achievement of such a level of cruelty that could be considered torture or inhuman or degrading treatment. Such approach proves relativity of these provisions, as by the Court’s definition, assessment of the severity level of actions is not absolute and can be given only through the analysis of totality of circumstances in the case. These can include: the duration of ill-treatment, physical, mental consequences, gender, age, health condition of the victim. If, in the Court's view, the treatment cannot be classified as torture, it can be classified as inhuman treatment, and if it is impossible to define the treatment as inhuman, it is degrading^{lxiv}.

A statement of inhuman treatment may not necessarily be related to physical violence alone. The Commission and the Court have introduced new aspects into the definitions of "inhuman treatment" and "degrading treatment" – mental anguish and suffering as integral signs of ill-treatment and as a violation of the requirements of this article^{lxv}.

Therefore, persons captured by members of the illegal armed groups of the self-proclaimed republics are not subject to the restrictions on treatment set out in international humanitarian law and human rights. Actions of militias are aimed at causing the person maximum physical harm. They disregard the fundamental principles of respect for life, health, honour and dignity. The released hostages confirm the ultimate cruelty of the separatists. In conditions of an armed conflict, it is its parties who are obliged to comply with the standards of international law. If they are completely disregarded, the actions of perpetrators should be treated as war crimes.

The prohibition of forced disappearance also makes it mandatory to investigate alleged cases and prosecute in the courts those responsible for the crime.

In this respect, the importance of the evidence should be emphasised: in the prosecution of a particular suspect, all possible evidence of his guilt should be collected as much as possible.

5. Situation regarding the investigation by the law enforcement agencies of Ukraine of the most serious international crimes

The armed conflict initiated and supported by the Russian Federation on the territory of Ukraine since 2014 created new challenges for the system of both international and national justice.

According to Article 1 of the Convention for the Protection of Human Rights and Fundamental Freedoms, Ukraine, as a State party to the Convention, must be held liable for any violation of the rights and freedoms of individuals under its jurisdiction^{lxvi}.

In the case of *Ilascu and Others v. Moldova and Russia*^{lxvii}, the European Court of Human Rights has ruled that the words "within their jurisdiction" should be understood primarily as the territorial jurisdiction of the state. This presumption may be restricted in exceptional circumstances, especially when the state is prevented from exercising its authority on the part of its territory. In order to conclude the existence of exceptional circumstances, on the one hand, all the objective facts suggesting the possibility of the government authority limitation on its territory, and on the other hand, the very behaviour of the state must be considered.

On January 21, 2021, the ECHR issued a decision in the case of *Georgia v. Russia (II)* regarding the events of the August 2008 war and the subsequent occupation of the territory of South Ossetia.^{lxviii} The ECHR supported Georgia's position. The ECHR found that the Russian Federation had exercised effective control over the territory of South Ossetia since the end of active hostilities on 12 August 2008. In terms of proving control over the territory, the ECHR has once again shown the importance of evidence, especially in interstate cases. An important role is played not only by the work of the state to maintain its position in the Court, but also by how the evidence presented by it relates to the information contained, for example, in the reports of international organisations. The question arises as to what the state is doing in order to gather evidence.

Georgia has shown by its example the importance of building joint coordinated work within the country regarding the consequences of the armed conflict on its own territory. Ukraine is also trying to show coordinated work in its activity.^{lxix}

Direct record of a person's experience makes an important task, namely documenting violations that were committed against a person, and identification of people responsible for detention and further detention conditions. First of all, such work should be carried out by law enforcement agencies. The European Court of Human Rights has set minimum standards for the effectiveness of the investigation of allegations of inhuman treatment, which include the requirement for the investigation to be thorough, independent, impartial and open to the public, and that the competent authorities act with exemplary diligence and promptness^{lxx}. The principles

adopted by the Court in its decisions can also be seen in the provisions of the Resolution of the UN Commission on Human Rights on Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment^{lxxi}. It states the purposes of investigation as clarification of the facts regarding torture for establishment and acknowledgement of individuals that bear responsibility for those cases and facilitation of their prosecution^{lxxii}. The need is stressed for states to ensure prompt and effective investigation into complaints and allegations of torture and ill-treatment^{lxxiii}.

The investigation of the most serious international crimes within the current provisions of the Criminal Procedure Code of Ukraine faces a number of problematic aspects that negatively affect their effectiveness. On the one hand, criminal proceedings must be conducted in accordance with the requirements of national criminal procedure law. However, on the other side, the specifics of crimes belonging to this category and their connection to international law requires somewhat different approaches to the investigation^{lxxiv}

First, there is an issue of legal qualification of acts committed on the territory of Donetsk and Luhansk oblasts. The problem is how to properly assess the actions of the "L/DNR" members in terms of criminal law. In practice, according to jurisdiction of a law enforcement agency, qualification is made under Articles 258 (terrorist act), 258-3 (creation of a terrorist group or terrorist organisation), 258-5 (financing of terrorism), 260 (creation of paramilitary or armed formations in breach of the law), 437 (waging of a war of aggression), 438 (violation of laws and customs of war) of the Criminal Code of Ukraine.

In the context of events in the East of Ukraine as of today criminal proceedings combine concepts different in their nature – party of an armed conflict, terrorist organisation, illegal armed formation. Judgments in cases allow to conclude that no proper reasoning for the use of a certain definition is applied^{lxxv}

Given the experience of many other countries affected by armed conflict, a fact is obvious: no country was able to establish effective justice processes without international assistance.^{lxxvi} In addition, if this practice continues without appropriate legal and institutional reforms, it will not produce the expected result of bringing the perpetrators to justice, which not only will adversely affect the state of justice in Ukraine, but will also fail to establish justice for sufferings and damage done to Ukraine and its citizens.^{lxxvii}

The problem of compliance of the Criminal Code of Ukraine with the norms of international law remains relevant for Ukraine. Under current national law, the correct legal qualification of the most serious international crimes is possible if the appropriate grounding is provided. In this context the interpretation of the provisions of Article 438 of the Criminal Code of Ukraine (responsibility for violating the laws and customs of war) is important as not a rule with an indefinite corpus delicti, but a provision that allows direct application of conventional provisions of international law. In practice, this position must be duly substantiated and supported by appropriate evidence^{lxxviii}

Also, the ratification of the Rome Statute of the ICC by Ukraine remains an open question, which will allow us to discuss proper harmonization of international criminal law with national law.

Since 2015, the International Criminal Court carries out preliminary study of events both on the territory of the Crimea and in the East of Ukraine in order to determine whether there are reasonable grounds to open a full investigation to bring to justice those responsible for the most serious crimes.^{lxxix} Among the considerations evaluated by the ICC is the ability of national law enforcement and judicial system to independently investigate and prosecute for the most serious crimes committed in the conflict zone on the territory of Ukraine – the principle of complementarity of the ICC activities.^{lxxx}

On December 11, 2020, the Prosecutor of the International Criminal Court Fatou Bensouda issued a press release announcing the completion of a preliminary study of the situation in Ukraine.^{lxxxi} As Ukraine has not ratified the Rome Statute, the ICC currently exercises ad-hoc jurisdiction, which requires the Prosecutor to request authorisation to conduct an investigation. That

is, with regard to Ukraine, this decision does not mean the automatic opening of an investigation^{lxxxii}.

Although the process under the Rome Statute is purely procedural, it would be unwise to ignore political and resource-related factors. If the ICC Pre-Trial Chamber authorises the Office of the Prosecutor, it will further determine which investigations to prioritise according to available resources, the level of cooperation of all parties to the armed conflict, and the capacity of the national legal system to deal with other conflict cases. In addition, the following factors must be considered:

- 1) Russia will not cooperate with the ICC due to its official position and previous behaviour;
- 2) The scale of the armed conflict in Ukraine is unprecedented a) the occupation of Crimea, b) the international armed conflict in the Donbas; c) non-international armed conflict in the Donbas;
- 3) Ukraine has not ratified the Rome Statute, i.e., does not participate in financing the budget of the Court, while the amount of resources needed to investigate the armed conflict will be very high.

The issue of priorities becomes even more acute if we consider the general context of the ICC's work, in particular the fact that the Office of the Prosecutor is currently investigating 13 cases, and the significant impact of the COVID-19 pandemic on the Court.

At the same time, the ICC is not a universal solution to the problem of justice for Ukraine. Moreover, Ukraine has not yet ratified the Rome Statute of the ICC, which complicates relations with the Court.

The main task of the ICC is to strengthen the state's national capacity to investigate the most serious international crimes. As the Court has to administer justice for the most serious crimes in those countries affected by the conflict and which have recognised its jurisdiction but have limited resources, the main burden of administering justice in armed conflict remains on the "interested" country.

Although the ICC is a key stakeholder because it is interested in effective work of the national system, limits of its resources lead to the fact that most crimes will remain without proper investigation, if the state does not realise the global need to provide effective processes of justice and accept this responsibility. Therefore, it is important for Ukraine to create a special mechanism of justice for the most serious international crimes. Such mechanisms exist in most countries that have faced a situation of armed conflict. Depending on the complexity of political situation, access to resources and taking into account the specifics of each conflict, such mechanisms are of three types: national, international and fusion.^{lxxxiii} Each of these types has its own advantages and disadvantages, so the search of the mechanism for Ukraine must be organised based on the features of its national system of justice and the scale of the armed conflict. And the qualification of the armed conflict in Ukraine becomes a fundamental factor for this.

6. Conclusions and recommendations

The qualification of the conflict in Ukraine at the national level directly affects the application of certain domestic legal norms, guarantees and protection of the rights of detainees in the context of armed conflict and, ultimately, is a sign of how well or poorly the state fulfils its international positive and negative obligations. and, consequently, how properly the state will inevitably uphold the responsibility for its actions at the international level. Additionally, the application of national norms in combination with international ones can generate more tangible support for the country from the international community.

However, there is currently no proper legislation in Ukraine to facilitate the release of persons deprived of their liberty in territories not controlled by the Government of Ukraine and to ensure the punishment of crimes against humanity and war crimes. As of today, the challenges of

armed conflict lead to a much higher level of trust in international bodies than in the national system.

Political will plays an important role for Ukraine – it allows for real systemic changes in the legislative, executive and judicial branches of government, as well as enables investigations and prosecutions. Without political will, there will always be a lack of budget funding, there will be no effective coordination between the various public authorities, the necessary legislative decisions will not be made, and as a result, more and more obstacles will need to be overcome. As of today, the following recommendations are relevant:

1. To develop a comprehensive state strategy for the release of Ukrainian citizens detained in the conflict. In particular, to harmonise the terminology used in the national legislation regarding the situation of the conflict on the territory of Ukraine with the internationally recognised one.
2. To consolidate at the national level the legal status of persons detained during the conflict, in accordance with the norms of international humanitarian law. To recognise and to provide at the legislative level guarantees that correspond to the status of persons in conflict: prisoners of war; civilian hostages.
3. To ensure that Ukraine fulfils its positive obligations with regard to illegally detained persons – to require the Russian Federation and/or illegal armed groups to comply with international humanitarian law and international human rights law in relation to detainees, and to comply with these norms itself.
4. In order for the future special mechanism to work effectively, appropriate conditions must be created, namely:
 - A. To establish an appropriate legal framework: to ratify the Rome Statute of the International Criminal Court; to adopt appropriate amendments to the legislation in terms of criminal and criminal procedure legislation; to bring the standards of investigation in line with international ones in order to investigate the most serious international crimes; and to identify a group of judges and develop a programme to provide them with theoretical and practical skills in order to administer effective justice in cases of the most serious international crimes, which will be further involved in the work of a special justice mechanism;
 - B. Ukraine's cooperation with the International Criminal Court should take place according to the "positive complementarity" principle. This means that the Office of the Prosecutor of the ICC should be more actively involved in national processes. The effectiveness of communication can be enhanced by, for example, interaction not only with law enforcement authorities and civil society, but also with the Ministry of Justice, Ministry of Foreign Affairs and the Office of the President;
 - C. Provided that Ukraine ratifies the Rome Statute, to enable Ukraine to join the European Network for investigation and prosecution of genocide, crimes against humanity and war crimes (EU Genocide Network) and other important organisations in order to strengthen cooperation between Ukrainian law enforcement agencies and law enforcement agencies of the EU member states in investigations and arrests for the most serious international crimes ^{lxxxiv}.

D. International countries-partners and international organisations, on the one hand, create pressure to ensure quality results in the administration of justice for the most serious international crimes, and on the other hand, provide opportunities for technical assistance and expert support in these processes. They are actively involved in the creation of a mechanism of accountability for the most serious international crimes committed within an armed conflict, for example, by organising and conducting consultations with leading experts of the working group to draft the mandate of a special mechanism, exchange of experience, etc;

E. To conduct consultations with the countries-partners, national and international civil society organisations on the quality and functional feasibility of developed model and the mandate of a special mechanism to attract the support for its implementation;

F. To conduct an extensive advocacy campaign of joint participation of state bodies and civil society organisations, as well as foreign countries-partners on the need for a special mechanism on the highest international level for further legitimisation of the special mechanism decisions at the international level.

It is important to realise that if the state does not recognise its responsibility and does not act accordingly, there will always be obstacles that will prevent Ukraine from administering justice and ensuring justice. The current state of affairs leads the separatist victims to the sad conclusion that they have been forgotten both by their own country and by the international community. One of the aims of this report is to recall the tragedy of the civilians of the separatist "republics" in the hope that the evidence gathered will help punish the perpetrators by the Ukrainian state or international institutions such as the ICC in the Hague; and allow Ukraine to become the state it seeks to be: a state that respects the rule of law. and its own citizens.

7. Authors



Monika Andruszewska

Polish journalist Monika Andruszewska lives in Ukraine and has been actively cooperating with released prisoners and the families of the missing and detained for six years. Monika Andruszewska is the initiator of the Polish diplomacy support for Ukrainian citizens illegally imprisoned by Russia. The fact that in January 2019 she was the only Polish journalist who received an official letter of appreciation from Metropolitan Epiphanius of the autocephalous Orthodox Church of Ukraine for her active contribution to the release of Ukrainian captives and political prisoners detained in the occupied territories of

the Donbas and Russia.



Vitalii Khekalo

Vitalii Khekalo is a Ukrainian legal expert who has been specialising in helping Ukrainian prisoners of war and their families since January 2015. The main areas of his work are assistance in preparing testimonies for international organisations, appeals of families of prisoners to state institutions, support of post-release procedures for obtaining the status of a victim in law enforcement agencies, explaining their legal status to the released and advising on recovery of documents lost in captivity. So far, Vitaliy Khekalo has submitted several dozen cases to the ECHR that contain testimonies of people who turned to him for help.

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- ⁱ Law of Ukraine «On specifics of state policy to ensure state sovereignty of Ukraine in the temporarily occupied territories and Donetsk and Luhansk regions» of 18 January, 2018. // [Electronic resource]: <https://zakon.rada.gov.ua/laws/show/2268-19>.
- ⁱⁱ Report on Preliminary Examination Activities 2020 of the Office of the Prosecutor of the International Criminal Court // [Electronic resource]: <https://www.icc-cpi.int/itemsDocuments/2020-PE/2020-pe-report-ukr-rus.pdf>
- ⁱⁱⁱ Geneva Convention relative to the Treatment of Prisoners of War, 1949 // [Electronic resource]: http://zakon2.rada.gov.ua/laws/show/995_153.
- ^{iv} Geneva Convention relative to the Treatment of Prisoners of War, 1949 // [Electronic resource]: http://zakon2.rada.gov.ua/laws/show/995_153.
- ^v Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977 // [Electronic resource]: http://zakon3.rada.gov.ua/laws/show/995_200.
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- ^{xxii} Case of Rasul Jafarov v. Azerbaijan, appl. no. 69981/14, 17 March 2016, §156.
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- ^{xxvi} Article 3 “To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:
- (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture;
 - (b) taking of hostages;
 - (c) outrages upon personal dignity, in particular humiliating and degrading treatment;
 - (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.” / Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949. // [Electronic resource]: http://zakon5.rada.gov.ua/laws/show/995_154/paran64#n64.
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- ^{xxviii} The Rome Statute of the ICC // [Electronic resource]: https://zakon.rada.gov.ua/laws/show/995_588#Text.
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- ^{xxxv} OHCHR Thematic Report “Human Rights in the Context of the Administration of Justice in Criminal Cases Related to Conflicts in Ukraine”, April 2014 - April 2020, p 111 // [Electronic resource]: <https://www.ohchr.org/Documents/Countries/UA/Ukraine-admin-justice-conflict-related-cases-ukr.pdf> .
- ^{xxxvi} Law of the “LNR” “On Martial Law” of 24 April 2015 // [Electronic resource]: <https://nslnr.su/zakonodat.../normativno-pravovaya-baza/902/>
- ^{xxxvii} Law of the “LNR” “On Ministry of State Security” of 8 October 2018 // [Electronic resource]: <https://glava-lnr.info.../zakon-o-ministerstve...>
- ^{xxxviii} Provisional Procedure of Work of the State Security Bodies of the LNR" of January 31, 2015 // [Electronic resource]: <http://mgblnr.org.../f848c98b-3060-4b7f-80f0...>

- xxxix OHCHR Thematic Report “Human Rights in the Context of the Administration of Justice in Criminal Cases Related to Conflicts in Ukraine”, April 2014 - April 2020, p. 113 // [Electronic resource]: <https://www.ohchr.org/Documents/Countries/UA/Ukraine-admin-justice-conflict-related-cases-ukr.pdf>; see also the websites of the “authorities” of self-proclaimed “L/DNR”.
- xl OHCHR Thematic Report “Human Rights in the Context of the Administration of Justice in Criminal Cases Related to Conflicts in Ukraine”, April 2014 - April 2020, p. 113 // [Electronic resource]: <https://www.ohchr.org/Documents/Countries/UA/Ukraine-admin-justice-conflict-related-cases-ukr.pdf>; “Total Impunity in ATO Zone”, report by UHHRU // [Electronic resource]: https://helsinki.org.ua/wp-content/uploads/2016/10/2016-09-21_Brochure_Plen_eng_210x297.pdf.
- xli “Total Impunity in ATO Zone”, report by UHHRU// [Electronic resource]: https://helsinki.org.ua/wp-content/uploads/2016/10/2016-09-21_Brochure_Plen_eng_210x297.pdf
- xlii With regard to Ukraine, the provisions of the 2012 Criminal Procedure Code should be followed.
- xliii Case of Medvedyev and others v. France, appl. no. 3394/03, judgement 29 March 2010 // [Electronic resource]: <http://hudoc.echr.coe.int/rus/?i=001-97979> .
- xliv Order of the “DNR Council of Ministers” of August 8, 2014, No. 34 "On urgent measures to protect the population from banditry and other manifestations of organised crime" // [Electronic resource]: <https://gisnpa-dnr.ru/npa/0003-34-20140808/> ; See OHCHR Thematic Report “Human Rights in the Context of the Administration of Justice in Criminal Cases Related to Conflicts in Ukraine”, April 2014 - April 2020. // [Electronic resource]: <https://www.ohchr.org/Documents/Countries/UA/Ukraine-admin-justice-conflict-related-cases-ukr.pdf>. The separatists of the self-proclaimed "DNR" and "LNR" gave their authorities the right to detain people on a number of grounds. On August 8, 2014, the “DNR Council of Ministers” issued Order No. 34 “On Urgent Measures to Protect the Population from Banditry and Other Organised Crime” authorising the “MGB of the DNR” to “preventively detain” local residents and apply arrest for a term up to 30 days, without presenting suspicion [pressing charges]. The order of the "Council of Ministers of the DNR" fully correlates with the Decree of the President of the Russian Federation No. 1226, which had an identical name and was in force in Russia in 1994-1997 // [Electronic resource]: <https://www.facebook.com/ULAGroup.lawyers> ; <https://ulag.org.ua> .
- xlv Report on the human rights situation in Ukraine 16 November 2017 – 15 February 2018, p. 36-39: // [Electronic resource]: <http://www.ohchr.org/Documents/Countries/UA/ReportUkraineNov2017>
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- xlviii OHCHR Thematic Report “Human Rights in the Context of the Administration of Justice in Criminal Cases Related to Conflicts in Ukraine”, April 2014 - April 2020, p. 113 // [Electronic resource]: <https://www.ohchr.org/Documents/Countries/UA/Ukraine-admin-justice-conflict-related-cases-ukr.pdf>.
- xlivx OHCHR Thematic Report “Human Rights in the Context of the Administration of Justice in Criminal Cases Related to Conflicts in Ukraine”, April 2014 - April 2020, p. 113 // [Electronic resource]: <https://www.ohchr.org/Documents/Countries/UA/Ukraine-admin-justice-conflict-related-cases-ukr.pdf>.
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- ^{li} Administrative detention is generally equal to arbitrary detention in the presence of other effective means of countering threats, including those provided for in the criminal justice system (Human Rights Committee, General Comment no. 35, p. 15). OHCHR notes that, in the framework of criminal justice, bail and pre-trial detention are an effective measure to counteract the risks that may arise in connection with the opening of a pre-trial investigation against a person. OHCHR found that during administrative detention, persons were detained in an incommunicado without the opportunity to communicate with the outside world. They are not informed of the reasons for their detention and they are not provided with information about criminal proceedings being conducted at the same time. They are denied access to a lawyer, even during interrogation. According to the "legislation" of the "republics", the practice of administrative detention is not provided by "criminal procedure rules". Therefore, detainees may not enjoy the rights and guarantees provided by criminal procedure law, in particular the right to a lawyer. However, as noted above, OHCHR noted that administrative detention often leads to criminal proceedings in which information gathered through such interrogations is used against the accused. OHCHR documented 167 cases of interrogation without a lawyer during administrative detention. Families of detainees do not receive information about the detention of their members and the investigation against them and therefore cannot hire lawyers for their defence.
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- ^{liii} «“How the MGB cellars are arranged” Donbas Realities. Radio Liberty. T. Yakubovich. November 19, 2019 // [Electronic resource]: <https://www.radiosvoboda.org/a/30273777.html>; “The paramedic was not able to resuscitate

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^{liv} Report on the situation of human rights in Ukraine, 16 November 2019 - 15 February 2020, OHCHR, p. 67-68, Annex I, Section B, p. 36 // [Electronic resource]: <https://www.ohchr.org/Documents/Countries/UA/29thReportUkraine-UA.pdf>.

^{lv} "Total Impunity in ATO Zone", report by UHHRU // [Electronic resource]: <https://helsinki.org.ua/wp-content/uploads/2016/10/2016-09-21-Brochure-Plen-eng-210x297.pdf>.

^{lvi} Under the "law" of the "republics", a "court" may hold "closed hearings" if a state secret may be disclosed, if the defendant is a minor, if the crime is related to sexual assault, or to ensure the safety of the parties to the criminal proceedings. See OHCHR Thematic Report "Human Rights in the Context of Justice in Conflict-Related Criminal Matters in Ukraine", April 2014 - April 2020, p. 131 // [Electronic resource]: <https://www.ohchr.org/Documents/Countries/UA/Ukraine-admin-justice-conflict-related-cases-ukr.pdf>.

^{lvii} OHCHR Thematic Report "Human Rights in the Context of the Administration of Justice in Criminal Cases Related to Conflicts in Ukraine", April 2014 - April 2020, p. 131 // [Electronic resource]: <https://www.ohchr.org/Documents/Countries/UA/Ukraine-admin-justice-conflict-related-cases-ukr.pdf>.

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^{lix} Report on the human rights situation in Ukraine, 16 November 2019 – 15 February 2020, OHCHR, Annex I, Section B "Arbitrary Detention, Torture and Ill-Treatment of Detainees in the Territory Controlled by the Self-Proclaimed DNR", p. 36 // [Electronic resource]: www.ohchr.org/Documents/Countries/UA/29thReportUkraine-UA.pdf.

^{lx} "How the MGB cellars are arranged" Donbas Realities. Radio Liberty. T. Yakubovich. November 19, 2019 // [Electronic resource]: <https://www.radiosvoboda.org/a/30273777.html>; "The paramedic was not able to resuscitate everyone later": Stanislav Pechenkin talks about "Izolytsia". Donbas Realities. Radio Liberty. Interview with S. Pechonkin. February 4, 2020 // [Electronic resource]: <https://www.radiosvoboda.org/a/donbass-reali/30416486.html>;

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^{lxi} Report on the human rights situation in Ukraine, 16 November 2019 – 15 February 2020, OHCHR, Annex I, Section B "Arbitrary Detention, Torture and Ill-Treatment of Detainees in the Territory Controlled by the Self-Proclaimed DNR", p. 36 // [Electronic resource]: www.ohchr.org/Documents/Countries/UA/29thReportUkraine-UA.pdf. "How the MGB cellars are arranged" Donbas Realities. Radio Liberty. T. Yakubovich. November 19, 2019 // [Electronic resource]: <https://www.radiosvoboda.org/a/30273777.html> ; "The paramedic was not able to resuscitate everyone later": Stanislav Pechenkin talks about "Izolytsia". Donbas Realities. Radio Liberty. Interview with S. Pechonkin. February 4, 2020. // [Electronic resource]: <https://www.radiosvoboda.org/a/donbass-reali/30416486.html> ; "Those were Russian, assigned FSB officers". A story of the prisoner [S. Pechonkin]. O. Vahner. Radio Liberty. 16 February 2020 // [Electronic resource]: <https://www.svoboda.org/a/30429016.html>; "Fear and death in "Izolytsia". How people are tortured in Donetsk basements" Media initiative for human rights. February 24, 2020 // [Electronic resource]: <https://www.pravda.com.ua/rus/articles/2020/02/24/7241046/>.

^{lxii} The Rome Statute of the ICC, 2001 // [Electronic resource]: https://zakon.rada.gov.ua/laws/show/995_588#Text.

^{lxiii} Hassan v. the United Kingdom [GC], no. 29750/09, ECHR 2014.

^{lxiv} The main provisions of prohibition of inhuman treatment of people in the case-law of the European Court of Human Rights / E Shyshkina // The Bulletin of Lviv University. Series: International Relations - 2011. - Ed. 28. - P. 139-149.

^{lxv} The Greek case (appl. no. 3321/67 Denmark v. Greece, appl. no. 3322/67 Norway v. Greece, appl. no. 3323/67 Sweden v. Greece, appl. no. 3344/67 Netherlands v. Greece) – 1969. Case of Ireland v. the United Kingdom, appl. no. 5310/71, judgement 18 January 1978.

^{lxvi} Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 // [Electronic resource]: http://zakon3.rada.gov.ua/laws/show/995_004.

^{lxvii} Case of Ilascu and Others v. Moldova and Russia, appl. no. 48787/99, judgement 8 July 2004 // [Electronic resource]: <http://hudoc.echr.coe.int/rus?i=001-61886>.

^{lxviii} Case of Georgia v. Russia (II), appl. no. 38263/08, judgment 21 January 2021 // [Electronic resource]: <http://hudoc.echr.coe.int/rus?i=001-207757>.

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- ^{lxxix} The Prosecutor of the International Criminal Court, Fatou Bensouda, opens a preliminary examination in Ukraine. 25 April 2014. // [Electronic resource]: <https://www.icc-cpi.int/Pages/item.aspx?name=pr999&ln=en>;
- ICC Prosecutor extends preliminary examination of the situation in Ukraine following second article 12(3) declaration. 29 September 2015. // [Electronic resource]: <https://www.icc-cpi.int/Pages/item.aspx?name=pr1156>
- ^{lxxx} **The principle of complementarity: International Justice in Ukraine**, Report of ULAG, 2020 // [Electronic resource]: http://justiceforthefuture.org.ua/uploads/MaterialDocument/ULAG_complementarity_web_en_002_1594211912.pdf
- ^{lxxxi} Report on Preliminary Examination Activities 2020 of the Office of the Prosecutor of the International Criminal Court // [Electronic resource]: <https://www.icc-cpi.int/itemsDocuments/2020-PE/2020-pe-report-ukr-rus.pdf>
- ^{lxxxii} If the situation concerns a State which is not a party to the Rome Statute, then, if such a definition is reached, the Prosecutor shall, as a general rule, request authorization from the Pre-Trial Chamber (PTC) to conduct an investigation. If the situation concerns a state-party to the Rome Statute, the Prosecutor does not need the authorisation of the PTC to proceed with the investigation – the Rome Statute of the ICC, 2001 // [Electronic resource]: https://zakon.rada.gov.ua/laws/show/995_588#Text
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