

Torture, Fear, and Despotism

There is war in East Ukraine. Pro-Russian separatists are fighting to secede from the country; two years ago, they proclaimed the People's Republics of Donetsk and Lugansk. Since then, many people have fled the region. Those who remain live in fear. Our correspondent brings us a report of torture and despotism.

By Sabine Adler

Ukrainian human rights organizations have so far established the existence of at least 79 illegal torture prisons. (imago / Pixsell)

Some three million people currently live in the occupied Donbas region.

It's estimated that one-third of the ancestral population has fled – the war, the destruction, and the lawlessness that has run rampant since the pro-Russian separatists seized power.

“I never thought I'd be documenting war crimes,” says Oleksandra Matviychuk from the Center for Civil Liberties. A total of 17 human rights organizations from Kiev, Donetsk, Lugansk, Kharkiv, Starobilsk, and Alchevsk have joined up in a coalition called Justice for Peace in Donbas and, since 2014, have been documenting crimes against both civilians and members of armed organizations.

“Of course we have to start thinking about restoring peace to the country. But we need to collect proof wherever we get access to it. Because sooner or later, the people who have committed war crimes must be held accountable in front of national or international courts – and by the way, that applies to all sides.”

“It's a society in fear”

The young lawyer and her organization were part of a group of experts tasked with examining Ukraine's laws for compatibility with European Union legislation in advance of the signing of the Ukraine-European Union Association Agreement. But with Russia's annexation of Crimea and the war in Donbas, her human rights organization is facing an entirely different set of – enormously demanding – tasks.

“It's difficult, talking to a woman who was pregnant when she was kidnapped, who was beaten anyway, and who was told that her child had no right to live because she – the mother – was a Jew, and had pro-Ukrainian views on top of that. Sometimes when I feel I can hardly bear it, I think of the people who survived all of it, and of all the activists in the occupied region.”

It's difficult to get a comprehensive picture of the situation in occupied Crimea and the self-proclaimed republics of Donetsk and Lugansk. Lawyers have no access, and journalists only seldom, unless they are working for media from the so-called republics or Russia. So independent media must rely on the help of residents – they take the risk of using small cameras to document what they think should be reported. That, for instance, is how Hromadske (public) TV does it, says Oleksiy Matsuka.

“It’s a society of fear. The rights and property of individuals are not protected there. You can’t report anyone, there’s no ombudsman, no parties, no public institutions; the existing ones were dissolved. There’s no free media; the corresponding websites are blocked. We broadcast on social media sites, which they can’t block. We have 200,000 followers on Twitter and tens of thousands on Facebook. That is a lot for Donetsk.”

A pro-Russian separatist tank in the region around Donetsk (dpa / picture-alliance / Mikhail Sokolov / TASS)

The journalists have the utmost respect for the volunteer reports, as well as for the human rights organizations, which are tireless in cataloging and documenting witness statements of rights violations, regardless of where and by whom they are committed. Activists have determined that most of the crimes against the civilian population are perpetrated in the self-proclaimed republics of Donetsk and Lugansk. There have also been cases of torture and kidnapping by the volunteer Ukrainian battalions. The Ukrainian state prosecutors are conducting investigations. But not into crimes committed in the occupied areas because, says Oleksiy Matsuka, they have no access there. The authorities will leave that work to the civil rights organizations.

“For two years we’ve been waiting for a center that catalogues what’s happening in those occupied regions. Now the government has created a separate ministry just for the occupied regions. People hope that from now on at least, the crimes committed there will be systematically cataloged. Until now, all that has been documented only by non-governmental organizations.”

The coalition of human rights organizations sends mobile teams, usually lawyers, to the re-captured cities and the border of the occupied area, where they question victims of and/or witnesses to rights violations. The plan is to turn the documentation over to the International War Crimes Tribunal in The Hague and other courts with jurisdiction. The statements are anonymized. But not everyone feels the need for that protection. Oleksandr Hryshchenko is one; he introduces himself for our radio interview.

“My name is Oleksandr Hryshchenko, resident of the city of Lugansk, or better put, former resident of Lugansk.” The municipal veterinarian from Lugansk is well-groomed, seems almost punctilious. He carefully describes what happened to him after he was arrested on the street in front of his office in June 2014.

Oleksandr Hryshchenko, veterinarian from Lugansk, was tortured by separatists and now lives as a refugee in Kiev. (Deutschlandradio / Sabine Adler)

“I had to strip naked. One of them cut pieces of twine and looped it around my wrists. I was told to lie face down on a table with my arms spread. One called “Maniac” beat me with a plastic pipe on the heels, hips, and back. Then he ordered my right hand to be held in place so he could break my fingers. Thankfully, the table I was lying on suddenly collapsed. Maniac showed me surgical instruments. He explained what each one was and told me he was going to use the bone saw to cut my fingers off bit by bit. He placed the saw between my ring finger and my pinkie. This is the scar. It was

horrible. Painful. I begged him not to mutilate me.”

The rebels thought he was spying for the Ukrainian army, because Hryshchenko had a camera with him when he fell into separatist hands. It held pictures of pro-Ukrainian demonstrations in Lugansk, posters critical of Vladimir Putin. The vet enjoys taking pictures, particularly on the days when the world is in turmoil. The fighting meant nobody went to work anymore. But he was worried about the fish in the office aquarium and went to feed them. His love of animals became his downfall. He paid for it with his freedom and his health. He was subject to electric shocks; one separatist beat him in the face for taking allegedly anti-Russian photographs. Another one kicked him in the chest and beat his upper body with a rubber hammer. Later x-rays showed his breastbone and ribs were broken. And after hours of torture, he was thrown naked into a cell.

“There was a man older than 80 in the detention cell. He couldn’t walk, feed himself, or get to the toilet. The conditions were too much for him. He died.”

A cellar in Lisichansk where civilians and members of the Ukrainian army were allegedly held prisoner and tortured. (Coalition of organizations "Justice for Peace in Donbas")

He says that at least three other prisoners died before his eyes. During his four months in the torture cellar, Hryshchenko encountered hundreds of other prisoners and asked them why they had been arrested. One said because his passport had a color photo, another because his passport picture was black-and-white; one because he bought a beer – the separatists claim to be fighting alcoholism – another because he got home five minutes after curfew. The human rights activists say more than 80 percent of the arrests were by the Russian army or secret police. They have the names of 58 Russian citizens. Details of their identities will also be turned over to the War Crimes Tribunal in The Hague. Ukrainian prisoners, soldiers from the national army or volunteer battalions, as well as civilians were detained in cellars, tortured, and pressed into forced labor.

“Many of them were arrested on specious pretexts, so they’d have lots of forced labor, to fill sandbags, put up barricades, load or unload trucks, or repair military equipment. They needed free labor.”

At least 79 illegal torture prisons identified

The occupied regions are in the grip of despotism. More than 80 percent of those arrested were threatened with weapons; nobody was given a reason for the arrest, nobody was provided with legal counsel. At the beginning, the hunt was directed at journalists, and activists from civilian organizations; then they moved on to businesspeople, so they could seize their companies and belongings. Now, there’s no real pattern, says Oleksandra Matviychuk.

“When the occupation first started, the democratic activists were victimized. It was meant as a signal to those who had stood by passively up until then that that kind of pressure could be applied to anyone. They consciously spread terror so they could quickly gain control of the region.”

For instance, even the current so-called prime minister of Donetsk,

Aleksandr Zakharchenko, has allegedly participated in torture. He is reported to have smashed a man's index finger with a hammer, according to a witness, who is recorded under the pseudonym C 125 in the files of the documenting organization.

Aleksandr Zakharchenko, prime minister of the "People's Republic of Donetsk," actively participated in brutalities. (picture alliance / dpa / Sharifulin Valery)

Ukrainian human rights organizations have identified at least 79 illegal torture prisons. All of them are in the self-proclaimed people's republics of Lugansk and Donetsk. The Lugansk separatists' so-called "rapid response team," led by Alexander Alexandrovich Bednov, known as "Batman," was in charge of the illegal prison where Oleksandr Hryshchenko was held for four months. It was in the cellar of the mechanical engineering institute of Lugansk university. Four months into his imprisonment, another prisoner found a way to smuggle a mobile phone into the cell. The outside world was told about what was happening. A rumor made the rounds that the OSCE wanted to inspect the university and its torture cellars. With lightening speed, the prisoners were carted off to an industrial wasteland. What ultimately saved the prisoners was the competition between various separatist groups. They were found at the industrial site on November 13th by the Lugansk People's Republic's so-called police. But they still weren't released. They were pressed to testify because "prime minister" Igor Plotnitsky planned to bring "Batman" to trial. As yet, that hasn't happened, but the prisoners were still detained, from then on in Lugansk's internal revenue office. Until December 29th, after six months of detainment.

"I really would have liked to run. But I held back because I was afraid they'd hunt me down. There was snow on the ground and I was still wearing my summer clothes; I had no money, no telephone, no house keys, no passport. I looked like a homeless man. My hair hadn't been cut in months, I was unwashed, my clothing dirty. I asked passers-by to let me use their mobile phones, and finally the fifth one let me. I stayed with acquaintances; I couldn't go back to my apartment. Apart from anything else, I would have had to break down the door and I would no doubt then have been arrested again."

It took days before he risked replacing the lock with a new one. After half a year, he was finally home.

"I had my papers again. I put on my own clothes and I was finally human again."

The relief was short-lived. The former prisoners were given to understand that they should disappear; they were not welcome witnesses. Oleksandr Hryshchenko fled to Kiev. As a refugee, the Ukrainian state gave him 400 Hryvnias twice – a total of about 30 Euros. With the authorities not in a position to do much, countless volunteers help, says Oleksandra Matviychuk.

"We've created a coalition of various aid organizations, who provide free services to these needy people – psychological support, help looking for work or an apartment. There's a lot of willingness in the community at the moment to volunteer to do the things that the authorities are simply not yet able to provide."

But it's all a drop in the ocean, given the magnitude of the human rights violations. "We've questioned 165 people who have gone through a similar hell. We can prove that last summer, 4000 people were held hostage. Those are just the cases we can document; we don't even hear about many of the people who are detained. Relatives don't come to our aid organization, because they assume we won't be able to help. And they don't turn to the Ukrainian security forces, because they don't trust them and they're afraid."

Ten percent of the victims are women. Two of those were pregnant and one lost her child. The witnesses told of beatings, said that they were gashed on the neck, hands, and legs; that they were subjected to electric shocks, sham executions, tortured with burning cigarettes. They all need psychological support. And they are not the only ones:

"Last year alone, 35,000 soldiers were demobilized. They came back from the war, but they brought it with them into their lives – their relationships, their families. The psychological support that's available isn't even close to enough."

Volodymyr Vasylenko is the head of the Commission to Investigate Human Rights Violations in Ukraine. From 2001 to 2005, he was a judge at the International Criminal Tribunal for the Former Yugoslavia. At a conference in Kiev organized by the Friedrich Naumann Foundation, he declared that the war crimes in the eastern part of the countries are a case for The Hague:

"On February 4, 2015, the Ukrainian parliament adopted a resolution recognizing the jurisdiction of the International War Crimes Tribunal. The Ukrainian government and the other agencies must now turn over the materials and documents to the court. I know that the material about the systematic and massive violations of human rights in Donbas and Crimea have not been gathered carefully enough; that must improve."

"What we're defending first and foremost are the values that we took to Maidan Square to demonstrate for."

That is a clear criticism of the still lethargic law enforcement authorities. Oleksandra Matviychuk says that if Ukraine wants to differentiate itself from Russia, it needs to take the battle for human rights much more seriously.

"Ukraine must now be particularly careful in dealing with the internal refugees, the people who were tortured. It has to be demonstrative in its investigations. That applies particularly to the areas re-captured from the separatists. They must become showcases; there has to be an especially impressive display of what Ukraine can do for its citizens. This is not just about our territory; What we're defending first and foremost are the values that we took to Maidan Square to demonstrate for."

People waving Ukrainian and EU flags at Maidan Square in Kiev (dpa / picture alliance / Zurab Dzhavakhadze)

The human rights activists are not, as they say, seeking revenge. Rather they are on a quest for justice, and they set store on sending a visible signal that

war crimes will be punished. That's why they are absolutely opposed to an amnesty such as Russia continues to demand under the Minsk Protocol.

“When we ask police in the re-captured towns why they don't try to solve the crimes, we always hear ‘there will be an amnesty anyway.’ We would be very grateful if the German foreign minister would come out and say that there won't be an amnesty and that Germany will advocate for compliance with human rights laws and the punishment of war criminals. That would have an enormous effect on the people violating human rights.”

Matviychuk, a lawyer, doesn't understand why Germany is pushing Kiev to change the constitution to pave the way for elections in the so-called people's republics; she believes that justice and security are far more necessary than an election law.

“If people are afraid of criticizing because they could be locked up in a cellar for doing so, elections are not going to help, no even if the OSCE monitors them. Because the observers will leave, while the people have to stay and live there. If the residents of Donbas, in fear for their lives, don't go to meetings, self-censure what they say, and have no hope of justice through judicial process, then elections are not a solution, instead they're a tool for legitimizing the military dictatorship there.”

As committed as the aid organizations are to helping, they are not letting the Ukrainian government off the hook. In their view, the state did not protect the people in Crimea and Donbas; it abandoned them completely to the mercy of the occupiers. The activists are planning to produce their own documentation about crimes on the Ukrainian side of the conflict.