



Human Rights Centre Memorial

Between the Ceasefire and the War (Preliminary translation)

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Preamble

We wrote this report when hostilities in the East of Ukraine were intensifying and the war had flared up again. The current report is based on information we collected during the “standstill” – which was very unstable, however, as both sides kept continued artillery strikes against one another, hitting not only soldiers, members of the armed forces, and other military objects, but also civilians and civilian infrastructure. Additionally, the current report examined separate events during the previous period – the advance of the Ukrainian forces and the following counterattack of the the separatist forces.

However, we find that the estimates and conclusions of this report remain accurate and, unfortunately, will likely stay so in the coming period despite the new agreements reached in Minsk.

For us, as a human rights organization, the most important aspect of the military conflict is the adherence to humanitarian legislation and human rights, or lack thereof, by both sides of conflict. In this area, in our opinion, the main tendencies were already made clear by the end of 2014.

At the **end of November and the beginning of December 2014**, the “Memorial” Human Rights Center Monitoring Mission was working in the area of the military conflict on the territory of Ukraine.

From the **25th to the 30th of November**, representatives of the “Memorial” Human Rights Center **Oleg Orlov** and **Ian Rachynskiy** were based on the territories of the *Donetsk and Luhansk regions of Ukraine*, currently controlled by the separatists supporting the self-proclaimed Donetsk People's Republic (hereafter DNR) and Luhansk People's Republic (hereafter LNR). The trip was carried out together with the senior investigator of the international human rights organization “Human Rights Watch” **Tatiana Lokhshyna** (Moscow). The human rights team worked in the *cities of Donetsk and Ilovaisk in the Donetsk region*, and in the *cities Luhansk, Pervomaysk, Lutugino and the villages Hryashevatoe and Novosvetlovka in the Luhansk region*. In addition, on **November 30th**, members of the monitoring mission visited the *town of Maryinka in the Donetsk region*, which is controlled by Ukrainian forces. This trip was supported by and took place with the participation of the international foundation “Civil Solidarity”.

Later, in the period between **December 1st and 5th**, **O. Orlov** (representing “Memorial”) together with a team from the Kharkiv Human Rights Group (**Vladymyr Hlushchenko, Yriy Hukov and Liudmyla Klochko**) and the “European Exchange” (**Wolfgang Templin and Cristina Schubert**) worked in a number of inhabited localities in the *Donetsk and Luhansk regions* controlled by the Ukrainian authorities: in the cities of *Kramatorsk, Artemovsk, Nikolaevka in the Donetsk region* and in the cities of *Popasnaya and Debaltsevo in the Luhansk region*.

During the abovementioned trips, the team initially examined cases of the shelling of inhabited localities, the deaths and injuries of civilians, destruction caused by this artillery fire, the humanitarian situation (security, provision supplies, the population's living conditions, and medical care. The participants of the mission visited locations that had been under fire, surveyed local residents, including victims and witnesses of the shelling, met with a number of local authorities, visited hospitals, spoke with medical staff, visited several stations providing humanitarian aid and a number of bomb shelters that were serving as temporary homes for civilians left homeless because of the bombing, and questioned individuals passing by on the streets.

The information they collected is presented in the current report. When necessary, we also used information from the media and internet or that was collected by other human rights organizations.

Cases of shelling inhabited localities or the deaths and injuries of civilians described in this report are by no means to be seen as the complete list of events. They are only individual examples which nevertheless allow the creation a general picture of the situation.

Photographs given in the report have been taken by the members of the “Memorial” monitoring mission. A few exceptions have been indicated in the text below.

The estimates, conclusions, and recommendations presented in the report have been made only by the “Memorial” Human Rights Center.

It should also be noted that this is not Memorial’s first mission into the conflict areas of Eastern Ukraine.

Memorial’s previous reports, as well as its other informational materials, on the current military conflict in Eastern Ukraine may be viewed here: <http://www.memo.ru/d/212074.html>

We would like to thank the international foundation “Civil Solidarity”, the Kharkiv Human Rights Group, “European Exchange”, the Center of Civil Liberties, and the Ukrainian Helsinki Union on Human Rights for their help.

1. Introduction

On **July 11th, 2014** “Memorial” stated that the “duty of the authorities is to provide safety for civilians”¹ and qualified the current events in *Eastern Ukraine* – given the spread of the military conflict and the number of civilian victims – not as an “antiterrorist operation,”² but as a military conflict of non-international character. The criteria of such a conflict are stated in the Second Additional Protocol to the Geneva Conventions of 12.09.1949: antigovernment armed forces or other organized armed groups, having authorized command, execute control over a certain part of a country's territory, allowing them to conduct permanent and coordinated military actions. In general, the situation in the East of Ukraine satisfied this criteria.

Russia played an important, if not crucial, role in the escalation of the conflict from **March to June 2014**. Russian official and semi-official media lead an aggressive propaganda campaign supporting violence and armed resistance against the Ukrainian authorities. Unofficial weapon supplies for separatists and stream of combatants were organized from Russia into Ukraine to take part in the conflict. According to our current information, the streams of both supplies and combatants were supported and financed by Russian authorities,³ instead of attempts to stop them.⁴ On the **16th of August**, the new Prime Minister of the DNR, A. Zaharchenko, publicly confirmed the existence of such supply lines originating on Russian territory and announced the arrival of reinforcements consisting of 150 armored vehicles units and 1200 people, trained on Russian territory⁵. He also stated that DNR forces have Russian army officers among them who are “on vacation” from official service⁶.

Ukrainian forces started advancing in the **beginning of July 2014** after separatist squads lead by **Strelkov (Girkin)** were forced to retreat from the town of *Slaviansk*⁷. During July and the first half of August, Ukrainian forces came close to the cities of *Donetsk* and *Luhansk*. Luhansk was half-surrounded and communication between Donetsk and Luhansk were severed. At this moment, Ukrainian forces reclaimed the following inhabited localities previously controlled by separatists: *Nikolaevka* (04.07), *Kramatorsk* (5.07), *Artemovsk* (7.07), *Debaltsevo* (29.07), *Popasnaya* (24.07), *Ilovaisk* (29.07), *Maryinka* (7.08), *Lutugino* (27.07), *Hryashevatoe* (14.08), and *Novosvetlovka* (13.08). *Pervomaysk* was not reclaimed by Ukrainian forces.

The advancement of Ukrainian forces stopped on **August 19th** and the separatists lead a counterattack **August 20th**. The counterattack was successful because of the participation of Russian regular forces

The actual participation of Russian regular forces in the current conflict is supported not only by the capture of Russian soldiers on the territory of Ukraine, journalists’ numerous investigations, and

¹ <http://www.memo.ru/d/202995.html>

² Ukrainian authorities, despite rumors, keep naming the actions in the East of Ukraine “anti-terrorist operation”

³ http://vk.com/wall-57424472_40503; <http://www.apn.ru/special/article31766.htm>; http://www.golos-epohi.ru/?ELEMENT_ID=12278; A new newspaper, 30.06.2014, A. Yagodkin, How volunteers are sent off (<http://www.novayagazeta.ru/society/64637.html>)

⁴ New newspaper 11.06.2014, V. Makarenko, Uniform for «wild geese» (<http://www.novayagazeta.ru/politics/63990.html>)

New newspaper, 03.09.2014, E. Kostiuchenko, Army and volunteers (<http://www.novayagazeta.ru/society/65096.html>)

New newspaper, 18.06.2014, E. Kostiuchenko, Your husband volunteered to go under shelling (<http://www.novayagazeta.ru/inquests/64052.html>)

News E1., 24.12.2014, I. Kazakov, The head of Sverdlovsk special forces veterans: "I help volunteers go to the Ukraine to fight" (http://www.e1.ru/news/spool/news_id-416966.html)

⁵ <http://www.business-gazeta.ru/article/111709/>

http://www.bbc.co.uk/russian/rolling_news/2014/08/140816_rn_zakharchenko_dnr_fighters_russia

⁶ <http://novorossia.su/ru/node/5757>

⁷ <http://www.memo.ru/uploads/files/1309.pdf>

facts collected by our colleagues from international and Russian human rights organizations, but also in data acquired by employees of “Memorial” during their work in Eastern Ukraine and the Northern Caucasus⁸.

Ukrainian forces suffered losses and had to retreat from the territories previously recaptured from separatists in the *Donetsk- and Luhansk regions* – particularly from the above-mentioned *Ilovaisk* (29.08 – 03.09) and *Lutugino* (1.09), the village *Hryashevatoe* (28.08), and *Novosvetlovka* (28.08). Ukrainian forces were outnumbered and surrounded in a number of locations near *Ilovaisk*⁹, *Amvrosievka*¹⁰, *Petrovskoe*¹¹, and *Lutugino*^{12, 13} which resulted in numerous Ukrainian soldiers taken captive by separatists.

On the 29th of August, 2014, “Memorial” addressed the President of Russia, describing the actions of the Russian Federation against Ukraine as aggressive¹⁴.

The mass participation of Russian forces in the military conflict on Ukrainian territory is the basis of our description of the current conflict as an international conflict between Russia and Ukraine. The same conclusions have been made by such international human rights organizations as Amnesty International¹⁵ and Human Rights Watch¹⁶.

It should be noted that existence of an international armed conflict on the territory of Ukraine does not exclude qualification of the ongoing hostilities between governmental forces and self-proclaimed DNR- and LNR forces as non-international. According to international humanitarian law in order to qualify the current conflict between Ukraine and the separatists as international, apart from supporting, training and supplying weapons, there has to be general control exercised on behalf of Russia over DNR and LNR. Such control may involve organizing, coordinating or planning military actions of LNR and DNR.¹⁷

Without proof of existence of such control, it could be concluded that two parallel conflicts took place on the territory of Ukraine in the mentioned period: international armed conflict between Russian military troops and Ukrainian forces, and non-international armed conflict between governmental forces of Ukraine and armed formations of DNR and LNR.

⁸ Ежедневная деловая газета РБК, 02.10.2014, M. Solopov, peacekeeper's vacation (<http://rbcdaily.ru/politics/562949992517088>)

New newspaper, 12.01.2015 г., I. Zhylin, Information on 38 Russian military bases (<http://www.novayagazeta.ru/society/66773.html>)

<http://amnesty.org.ru/node/3055/>

Information on mass deaths of Russian soldiers during “training in Rostov region”, collected by the human rights team members, demanding answer from Russian authorities

http://soldiersmothers.ru/novosti/novost/?tx_ttnews%5Btt_news%5D=793&cHash=74c4c0cc02f8afb68e2aa97f84a5aab5;

http://soldiersmothers.ru/novosti/novost/?tx_ttnews%5Btt_news%5D=760&cHash=cee346ad735ddb1cfc3a2037cedbffd6;

http://soldiersmothers.ru/novosti/novost/?tx_ttnews%5Btt_news%5D=754&cHash=82069648d64dd3163704f8da0cfb419e

The “Memorial” employees, during their work in Northern Caucasus, managed to collect information proving not only that there are volunteers taking part in the armed conflict in Eastern Ukraine but also information on sending whole units subordinate to the Ministry of Defense of RF, dispositioned in the Chechen Republic. (<http://www.memo.ru/uploads/files/1386.doc>; <http://www.memo.ru/uploads/files/1385.pdf>).

Apart from that, “Memorial” employees, during their monitoring mission in the end of November, received certain data from locals, about Russian units having entered the villages south of Luhansk before LNR forces on 28th of August

⁹ http://ru.wikipedia.org/wiki/Бои_за_Иловайск

¹⁰ <http://www.segodnya.ua/regions/donetsk/ukrainskie-pogranichniki-vyrvalis-iz-okruzheniya-voze-amvrosievki--547729.html>; <http://123ru.net/amvrosievka/2014-08-30/>; <http://www.novorosinform.org/news/id/6563>

¹¹ <http://novorospolk.ru/opolchency-soobshhili-o-vztyatii-v-okruzhenie-pod-luganskom-750-ukrainskix-voennyx/>;

¹² <http://hvylya.net/news/posledstviya-obstrelya-lutugino-gde-v-okruzhenii-nahodilas-30-ya-brigada-video.html>;

<http://nv.ua/ukraine/30-ya-brigada-s-bolshimi-poteryami-vyrvalas-iz-okruzheniya-v-Lutugino-SMI-10059.html>

¹³ <http://therussiantimes.com/news/12669.html>; <http://minprom.ua/news/164384.html>;

¹⁴ <http://www.memo.ru/d/206192.html>

¹⁵ <http://amnesty.org.ru/node/3055/>

¹⁶ <http://m.hrw.org/news/2014/09/11/eastern-ukraine-questions-and-answers-about-laws-war>

¹⁷ ICTY, The Prosecutor v. Dusko Tadić, IT-94-I-A, Appeals Chamber, Judgment, 15 July 1999 para. 137 (<http://www.icty.org/x/cases/tadic/acjug/en/tad-aj990715e.pdf>).

The first conflict is regulated by Geneva conventions of 1949 and the First Additional Protocol to Geneva Conventions . The conflict involving DNR and LNR forces falls under the scope of application of Second Additional Protocol to Geneva Conventions and the common Article 3. Even though the conflicts are regulated by different international agreements, the scope of protection provided to the civilian population and restrictions imposed on the use of means and methods of warfare are essentially the same due to equal applicability of customary international humanitarian law.

Because of the efforts of the world community, several agreements were made on the **5th of September, 2014** in Minsk¹⁸. According to them, among other agreements, a ceasefire was to be imposed and negotiations on the removal of heavy armaments from the front were to begin. However, the ceasefire did not last. In particular, the media has claimed that in **October, November and December 2014** DNR forces continued to attack the positions of the Ukrainian forces in the area of Donetsk airport, aiming to push Ukrainian forces further away. As a result, both sides continued to fire at each other using everything including heavy artillery and multiple rocket launchers along the separation line from the North-West to the South-West outskirts of *Donetsk*. Serious violation of the ceasefire agreement were also noted in a number of other locations along the separation line.

Another serious violation of the agreements signed in Minsk was the elections in the DNR and LNR on the **2nd of November, 2014**. The protocol provided for the conducting of preterm local elections according to the Law of Ukraine “on the temporary order of local authorities in separate areas of the Donetsk- and Luhansk regions” (The Law on Special Status). But what in actuality happened were the elections of the “heads” of the DNR and LNR and their “parliaments.”

2. The Positioning of Military Objects Among Housing Estates, Indiscriminate Attacks at Civil Settlements

In accordance with international humanitarian law, both sides of the conflict should prevent destruction of civilian objects and infliction of injuries to civilian population that cannot be deliberately targeted during hostilities. The only exception are civilians who directly participate in hostilities (only for the time they are taking part in the conflict), and civilian objects used for military purposes. In the light of the above , the international humanitarian law imposes the following restrictions on the conduct of hostilities:

- Civilian population and civilian objects can not be classified as military objectives. As the result armed forces have no right to deliberately target civilian objects and civilian population¹⁹;
- Armed forces can not fire at military objectives if their destruction may be expected to cause incidental injury to civilians, and/or damage to civilian objects significantly exceeding the concrete and direct military advantage anticipated²⁰;
- The country must take all feasible precautions when choosing means and methods of war in order to avoid incidental injury to civilians and/or damage to civilian objects and must preliminarily assess proportionality of planned attack²¹;
- The country must take all needed actions to secure civilians²². The state must refrain from

¹⁸ Official name - “Protocol on results of consultation within a Tripartite contact group on cooperative steps aimed at implementing the Peaceful plan of the President of Ukraine P. Poroshenko at the initiatives of President of Russia Vladimir Putin”. The Protocol was signed by: the ambassador of Russia in the Ukraine from Russian side Mikhail Zurabov, previous President of Ukraine Leonid Kuchma from Ukrainian side as he had a mandate from the country's authorities and OSCE representative – Swiss diplomat Heidi Tagliavini.

¹⁹ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I). Geneva, 8th of June 1977, 1125 UNTS 3, arts. 48, 52; Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). Geneva, 8th of June 1977, 1125 UNTS 609, art. 13.2, Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996 to Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (Amended Protocol II to the CCW) 3 May 1996, 1342 UNTS 137, art. 3(7).

²⁰ Protocol I, arts.51, 57; Amended Protocol II to the CCW , art.. 3(8)(c).

²¹ Protocol I, art. 57(2)(a); Protocol II, art.. 13; Amended Protocol II to the CCW , art. 3(10).

²² Protocol I, art.. 57(1); Protocol II, art.13; Amended Protocol II to the CCW , art. 3(10).

launching the attack or discontinue it if either during planning or in the process of carrying it out excessiveness of harm anticipated from such attack becomes obvious²³;

- The country has no right to carry out indiscriminate attacks. In this context both means and methods of warfare can be considered as indiscriminate. This rule prohibits using means and methods of war which a priori cannot be directed at a specific military objective or the effects of which inevitably endanger health of civilian population and consequently, in each such case, are of a nature to strike military objectives and civilians or civilian objects without distinction²⁴. The International Committee of the Red Cross particularly called attention to inadmissibility of indiscriminate attacks in context of the military conflict on the territory of Ukraine²⁵.

Even though many of these provisions in their conventional form could be found in treaties applicable in a situation of an international armed conflict. The same restrictions are equally applicable to the conduct of state during non-international armed conflicts as a part of customary international humanitarian law²⁶. Furthermore the analogical protection could be implied from common Article 3 to Geneva Conventions, article 12 of the Second Additional protocol to Geneva Conventions of 1949 as well as the provisions of the Second protocol to Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects as amended. These provisions could be applied directly during non-international armed conflicts.

Thus, the use of multiple rocket launchers like 9K51 "Grad", 9K57 "Uragan" or 9K58 "Smerch" for attacking military objects based in inhabited localities, in close proximity to residence of civilian population that haven't been warned and evacuated in advance may be qualified as indiscriminate attacks, forbidden by international humanitarian law. Additionally such attack may potentially violate other norms of international humanitarian law with regard to absence of proper planning of the military operation and taking all feasible precautions in order to avoid incidental injury to civilians and/or damage to civilian objects.

Even in situation when the attack was aimed at a specific military objective (a checkpoint for example) it would be considered as illegal if the military advantage anticipated from destruction of the target was minimal and did not exceed the incidental damage caused to civilians. In cases when the state had no possibility to foresee that the attack would result in damage to civilian population, an investigation should be carried out to verify whether all the precautions aimed at protection of civilians had been taken, in particular whether the party to a conflict exercised due caution while choosing means and methods of warfare..

The facts we have collected allow us to assert that both sides of the military conflict in *Eastern Ukraine* have neglected their duties of avoiding or minimizing the deaths and injuries of civilians and the destruction of civilian objects. As a result of the actions taken by both sides of the conflict, the cities and villages of Donbass have been destroyed and civilians deaths have taken place without any justifiable military necessity.

In many ways, the violations have been symmetrical.

During our trips to the separatist-controlled territories in *Donetsk* and *Pervomaysk*, we witnessed military objects and artillery firing points located right beside housing estates and hospitals²⁷.

Ukrainian forces conducted themselves similarly, at least during their summer advancement towards *Luhansk*²⁸. Stories told to us by citizens of *Maryinka* point out that the same practice also

²³ Protocol I, art. 57(2)(c); Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, 26 March 1999, 38 I.L.M. 769, 2253 U.N.T.S. 172, art. 7.

²⁴ Protocol I, art. 51(4); Protocol II, art. 13; Amended Protocol II to the CCW, art. 3(8).

²⁵ "The crisis in Ukraine: ICRC calls upon all sides to spare civilians", press release from 20th of January 2015, ICRC < <https://www.icrc.org/rus/resources/documents/news-release/2015/ukraine-crisis-icrc-calls-all-parties-spare-civilians.htm>>.

²⁶ For more details see "Обычное международное гуманитарное право, Том 1: Нормы". Хенкертс, Жан-Мари и Досвальд-Бек, Луиз, МККК, 2006, pp. 32-38, 48-56, 65-70, 72-83.

²⁷ See: 2.1.1. "1st area" district of Kuibyshevo region; 2.1.3. Territory of hospital №21; 2.3. The town of Pervomaysk

²⁸ See: 2.2. Destruction of Novosvetlovka and Hryashevatoe villages of Luhansk region

continued during autumn; however, we were unable to independently verify this information²⁹.

Together with this, during our visits to *Popasnaya* and *Debaltsevo*, controlled by the Ukrainian forces, we found that at least most military objects and all artillery positions had been taken outside the city limits³⁰.

Ukrainian forces carried out attacks against separatist positions located in inhabited localities without accounting for possible civilian victims.

Residential neighborhoods with no military importance suffered damage as a result of artillery and mortar fire³¹. This situation took place for some time – August, September, October, and November.

We do not know whether such actions were the result of the inaptitude and low training level of the combatants carrying out the attacks against separatist positions, or whether they resulted from maleficent negligence, but the number of attacks carried out against civilians has been extremely high in the current conflict.

What is absolutely unacceptable is that Ukrainian forces have systematically used multiple rocket launchers against separatist positions based in inhabited localities.

In *Donetsk* we witnessed the tragic consequences of a 9K51 “Grad” attack against the village “Azotniy” in the Kuibyshevo region. One woman died in her apartment. A child of 12 years old had his head blown away in the middle of the street. A few houses were damaged as well as a hospital.

Investigation conducted on the scene left no doubt that the attack was carried out from the positions of the Ukrainian forces³². We also found proof that attacks against enemy positions located in inhabited localities took place with the use of multiple rocket launchers, among other weapons, in other areas of *Donetsk* and *Pervomaysk*.³³ During our visit to *Maryinka*, controlled by the Ukrainian forces, we investigated the spot where a 9K51 “Grad” rocket had landed. The angle at which the tailpiece of the rocket penetrated the ground left no doubt about where it had come from – from the West, from the territory fully under the control of Ukrainian forces. Locals told us that it was that same direction from which “Grad” rockets are systematically fired towards *Donetsk*. People see them in the night. According to our interviewees, some commission had previously come and concluded that “there had been a mistake.” Thus, we determined another obvious fact: Ukrainian forces are using 9K51 “Grad” rocket launchers to attack DNR positions in the outskirts of *Donetsk*. The “accuracy” of these attacks is such that civilians suffer.

We recorded 4 civilian deaths and 10 injuries only during our stay in *Donetsk*³⁴.

The biggest damage, where effectively the whole town was destroyed as a result of bombing carried out by Ukrainian forces, was in *Pervomaysk* in the *Luhansk region in Ukraine*. The town had almost no undamaged buildings. As a result, the situation in the city is close to humanitarian catastrophe.

However, the forces confronting the Ukrainian military (DNR, LNR and possibly the Russian forces supporting them) behaved the same way towards the inhabited localities of Donbass under the control of the Ukrainian government.

The villages of *Hryashevatoe* and *Novosvetlovka* are in ruins, as well as *Pervomysk*. They had been destroyed by artillery fire after Ukrainian forces captured them. The artillery fire resulted in a significant number of civilian deaths. During our visit to the village of *Hryshevatoe*, we received information from locals, who stated that Russian troops took part in the attacks against their village, and that Russian soldiers were the first who entered the village after Ukrainian forces left³⁵.

During our visit to *Popasnaya* and *Debaltsevo*, we acquired information that mortars and multiple 9K51 “Grad” rocket launchers were used in the attacks against these villages. The results of the shelling we observed were carried out against inhabited districts with no military equipment.

29 See: 2.6. The town of *Maryinka*

30 See: 2.4. The town *Popasnaya*; 2.5.. The town of *Debaltsevo*

31 See: 2.1.1. “1st area” district of Kuibyshevo region; 2.1.2. Deaths and injuries of bus passengers; 2.1.3. Territory of hospital №21; 2.1.4. Putylovskiy market; 2.1.7. Buslaeva str., bomb shelter at Kievskiy avenue; 2.3. The town of *Pervomaysk*

32 See: 2.1.8. “Azotniy” village

33 See: 2.1.3. Territory of hospital №21; 2.1.5. Novorossiyskiy village; 2.3. The town of *Pervomaysk*

34 See: 2.1.2. Deaths and injuries of bus passengers; 2.1.8 “Azotniy” village

35 See: 2.2. Destruction of *Novosvetlovka* and *Hryashevatoe* villages of *Luhansk region*

In Popasnaya, for example, three days before our arrival, a mortar attack hit a house, a school, and a kindergarten. One person died. The case might have been that the attack was meant for a Ukrainian forces checkpoint based 500m away, performing entirely police functions. There was no military need to endanger the lives of civilians by attacking these civilian locations. A week before our arrival the town had targeted by a 9K51 “Grad” multiple rocket launcher which resulted in injuries among civilians and the destruction and damage of civilian buildings³⁶.

The town of Debaltsevo was targeted numerous times from separatist positions. The night before our arrival the town was targeted again by a 9K51 “Grad” multiple rocket launcher. We may assume that it was aimed at a military object (probably the Ukrainian headquarters probably), located on the outskirts of Debaltsevo. However, the shelling landed on a large square and in mainly residential districts. The bombing resulted in at least two civilian deaths – both men, the injury of one woman, the complete destruction of two houses and a garage, and a few damaged five-story buildings housing numerous apartments. The angle at which the “Grad” shelling struck the ground clearly indicated the direction from which the bombing took place – separatist positions between *Horlovka* and *Enakievo*³⁷.

During the current conflict in the eastern regions of Ukraine, deaths of those fleeing the war have repeatedly occurred. Each such case then became the subject of speculations and mutual accusations..

During our visit to *Hryashevatoe village*, we collected information on one of these such situations and tried to put together a full picture of what had happened. **On the 18th of August 2014**, locals were leaving the village on two trucks owned by the Ukrainian forces and a few passenger vehicles, aiming to flee from the bombing carried out by separatists and the supporting Russian troops. As they left the village their vehicles were targeted by bombing which resulted in the destruction of one of the cars and deaths and injuries in another. In total, 20 people died and at least 7 were injured.

Immediately after, both sides of the conflict began accusing each other. Ukrainian side claimed that the “terrorist attack” of the fugitives was deliberate³⁸. The separatists denied this, even claiming that Ukrainian forces were responsible for the tragedy³⁹. Russian propaganda claimed that the “civilian deaths” were actually misinformation⁴⁰.

Having put together all this information, mass media reports, official statements, survivor testimonies, the words of the truck driver, published on the Internet, and also the results of our investigation of the remains of the truck, we reached the conclusion that:

- On the 18th of August 2014, Ukrainian forces were transporting civilians away from the battlefield area. This is of no doubt.
- The mentioned evacuation, obviously, was not preliminarily planned and prepared. A local citizen confirmed this evacuation with Ukrainian troops. It was also obvious that there had been no attempts to communicate with the separatists for organizing a safe evacuation of the civilians.
- The fact that civilians were transported in military vehicles which had previously come in with military cargo only endangered the civilians during their evacuation.
- The vehicles were targeted by enemy troops. We could not specify the weapon used against them. However, the character of damage inflicted upon the truck we examined allows us to assume that it was struck directly by a 9K51 “Grad” shell.
- The vehicles were moving through territories controlled by Ukrainian forces that were targeted by massive attacks from separatist positions.
- The Deaths and injuries of civilians were a result of a maleficent negligence for civilian safety inside a military conflict area from both sides of the current conflict⁴¹.
-

36 See: 2.4. The town Popasnaya

37 See: 2.5. The town of Debaltsevo

38 Mass media, Ukrainian authorities representatives and representatives of the self-proclaimed LNR and DNR called these people refugees. To be short we will do the same, although the correct name for them is IDP (Internally Displaced Person(s))

39 http://www.bbc.co.uk/russian/rolling_news/2014/08/140818_rn_refugees_ukraine

40 <http://www.vesti.ru/doc.html?id=1904696>

41 See: 2.2.1. Civil deaths on the outskirts of Hryashevatoe village on 18.08.2014

2.1. Donetsk

During our visit, most inhabited districts were undamaged, most of the city's infrastructure was functioning, around a half of all shops were open and working, and hospitals, clinics, schools and administrative buildings were functioning. Although there were, unusually, not many cars and people in the streets, after 17:00 all streets became empty, and at 23:00 curfew was enforced – the situation did not resemble a front-line city.



However, the *Kuibyshevo, Kievskiy and Petrovskiy districts of Donetsk* were a different matter.

During our stay in the city, its North-West districts (part of the Kuibyshevo and Kievskiy districts), neighboring the Donetsk airport, were attacked daily. These attacks resulted in civilian deaths and injuries and the damaging and destruction of civilian buildings, hospitals and the city's infrastructure. The attacks against the mentioned districts were carried out from Ukrainian positions, based near the villages of *Avdeevka, Peski, Orlovka, and Vodino*. Ukrainian troops used rocket launchers, among other weapons.

A question then naturally arose– what was the aim of these attacks?

We found the answer during our trip.

We witnessed separatists carrying out attacks from the green area near inhabited districts in the direction of Ukrainian forces located at and behind the airport, using artillery weapons, mortars and multiple rocket launchers. Locals repeatedly said, after hearing the firing, that we were now to witness a return attack. Thus, Ukrainian forces carried out attacks against separatist positions based throughout inhabited regions. It should also be noted that the separatist attacks against the Donetsk airport were a serious violation of the Minsk Agreements.

In just 6 days during our stay in Donetsk, its North-West districts were targeted several times. We recorded 4 civilian deaths and 8 injuries as a result of those attacks.

On the day of our arrival, the mass media stated that on the 25th of November the *Kuibyshevo and Kievskiy districts* had been targeted by artillery fire⁴².

We visited these districts, investigated the consequences, and interviewed witnesses and victims. During the next days we conducted similar activities in several other districts, also bombed during our stay in *Donetsk* and before our arrival.

2.1.1. Neighborhood “1st Area” (Kuibyshevo District)

This area is located around 4.5 kilometers South-West from the airport terminal. The human rights team visited this location on the morning of **November 26th**.

After our investigation of the scene and interviews with locals, the following information was collected:

⁴² http://www.dialog.ua/news/29410_1416931104; http://www.dialog.ua/news/29399_1416927182; <http://www.pravda-tv.ru/2014/11/25/103279>

On the 26th of November 2014 a few dozen 120mm caliber mortar shells landed on the territory around houses *No. 11, 13 and 14 on Shahterskoy Slavy str.*



Even though some of the inhabitants of these homes had left, many of them, including children, still live there. Luckily there were no victims among civilians, for which there are two reasons. First, the shelling mainly hit the ground and failed to explode. This fact points out the condition of ammunition used by Ukrainian forces. Second, none of the shelling hit any inhabited houses. Only one shell struck close to a house, where shrapnel broke a window and damaged the ceiling of the entryway.

Other shells landed a few dozen meters from *house No.13*, destroying garages and a barn. When we arrived, the scene was still smoking after the attack. The other shells damaged the pipes of the boiler house and some electrical wiring. By the time we arrived electricity had been restored to the homes, and the people were waiting for a repair team which would repair the water pipes running water from the boiler house. According to locals, this boiler house had already suffered damage as a result of previous attacks.

Locals stated that the incoming attacks came from the approximate direction of the airport, that is, from where the separatist and Ukrainian positions interact. It is impossible to imagine that DNR combatants would be aiming their weapons behind their backs.

The water supply in the houses of the neighborhood has not worked since **July 2014** because of the damage caused by artillery fire. Locals receive water from a nearby well.

Hospital №19, located nearby, has been out of service since the summer: it was been hit by artillery fire.

It is obvious that the numerous unexploded shells, with their tailpieces sticking out of the ground around inhabited houses, pose a risk for locals and especially for the children living nearby. Locals told us that the city authorities had promised to send an emergency brigade to deal with the unexploded shells.

Even though the bombing continues, people who live here do not wish to leave – they say that



becoming a fugitive is worse than staying, and that, besides, none of the locals have died so far. We received only one victim report: on the 7th of October on *Lenkoranskaya str.*, a teenager of 15 years old was injured by shrapnel that hit his leg. Currently, his leg remains in a cast.

When we finished our work in the neighborhood, we heard a series of artillery shots from a position located somewhere nearby. “That's from our side. Now we are waiting for the answer.” – commented one local man living in one of the houses on *Shahterskoy Slavy str.*

2.1.2. The Deaths and Injuries of Bus Passengers

Unlike the inhabitants of the “1st area”, the passengers of bus №6, whose route runs through *Kuibyshevo district*, were not so lucky on the **25th of November 2014** – the shells that hit the ground near the bus did, in fact, explode.

On the 28th of November, we visited city hospital №21 (*Kuibyshevo district, in the area of Otyabrskiy vil.*) where some of the civilian victims and dead from the bus had been placed. After a conversation with the deputy chief doctor of the hospital, **Nadezhda Ivanovna Chegodaeva**, and questioning the driver of the bus **Alexander Shchava**, we were able to come to the following conclusions:

At around 07:30 in the morning, the bus left the railway station; its route went past hospital №21, so there were medical workers inside the bus traveling to work. When the bus was driving past the intersection of *Marshala Zhukova Avenue and Makarenko Str.* (2.5 kilometers away from the airport terminal) an unexpected mortar shell landed close to the bus. No one was injured from the explosion, and the driver stopped the bus immediately and opened the doors. Everyone ran out of the bus and dropped to the ground. In the next 5 minutes 10 more shells on the crossroad and exploded. The bombing then stopped and it seemed that the shelling was over. Everyone stood up, the driver asked “Is everyone ok?” and then another shell landed, followed by another 5. Some people, according to the driver, simply did not manage to fall to the ground in time.

As a result of the bombing there were 8 injured civilians (including the driver) and 2 dead. The bus was undamaged and was back on the route the next day.

DNR combatants passing-by helped to get the dead and injured to the hospital.

According to the registration journal of hospital №21, 4 people were brought there after the bombing:

- 1) **Victoria Kurtikova, 25 years old, janitor of hospital №21. Shattered knee-joints.**
- 2) **Tatiana Filippovna Kulencova, scrub nurse in the otolaryngologist department of hospital №21. Shattered elbow.**
- 3) **Inna Pavlovna Alekseeva, matron of the otolaryngologist department of hospital №21. Shattered injuries in the abdominal area and of the leg and arm.**

- 4) **Alexander Shchava, 32 years old, bus driver. Shattered injuries of a leg and arm.**



During our visit to hospital №21, Kurtikova and Kulencova were released from the hospital to continue ambulatory treatment. I.A. Alekseeva stayed in heavy condition.

Two dead civilians were also taken to this hospital:

- 1) **Victor Leontievych Androsov, 70 years old, Donetsk citizen. Traumatic amputation of left shin from shell explosion.**

- 2) **Igor Mykhailovych Thorenko, 23 years old, Makeevka citizen. Shatter injuries to the head, thorax injuries, abdominal injuries. Worked as an electrician, was heading towards vil. Ocityabrskiy of Donetsk to liquidate the remains of another bombing.**

The other 4 injured civilians were taken to the Regional traumatic hospital.

2.1.3. The Territory of Hospital №21

During our visit to hospital №21 (*Kremlevskiy ave., 12a*, 2.5 kilometers South-West from the airport terminal) on the **28th of November**, the employees of the hospital told us that the hospital and the surrounding area had been bombed a number of times before.

According to them, the last bombing took place on the **12th of November**. Then, 6 shells landed on the territory of the hospital. One of them landed on the roof of the infant infectious disease department, another one landed on the roof of the hospital garage. Shrapnel from the third shell broke a window and landed in the staffroom. Luckily, no one was injured.

Photo by T.Lokshina



Previously shells landed in the area of the hospital in September and October.

On the 4th of September, a few shells exploded and broke the majority of windows in the hospital (there are 296 windows in total). One of the shells hit wall of the infant infectious disease ward, which at the time had 4 children and 3 mothers inside. We were shown the shrapnel of the shell. There is no doubt the ward was hit by a multiple rocket launcher shell.



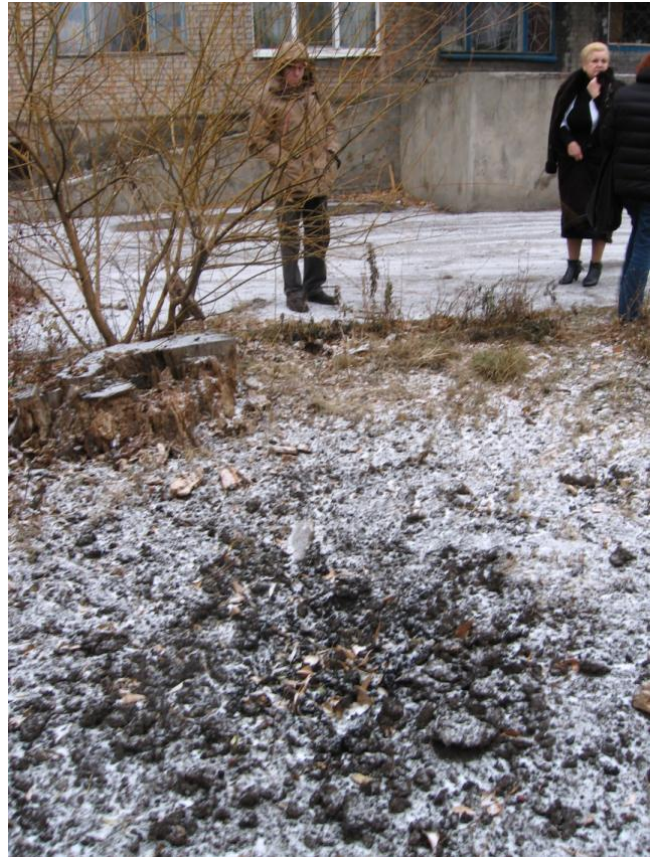
After a week, with the help of several Donetsk volunteer humanitarian organizations, most of the broken windows had been sealed with polyethylene cover. But on the **24th of September** the hospital suffered another shelling. The wave of the explosion ripped the cover apart.

The operating room has windows blocked by sandbags as an operation cannot stop, even during shelling.

Currently, with the help of humanitarian aid from Russia, approximately half of all the windows had been refitted with glazings (these procedures were in progress during our visit).

In October a woman died on the territory of the hospital. She came to visit her neighbor who

was undergoing treatment. She was decapitated by the explosion of a shell.



Half-buried craters left after the shelling near the hospital.



The shrapnel of the shelling that has landed on the territory of the hospital is collected and kept. They say it's part of their “collection” that demonstrates that “Grad” rocket launcher shells have actually landed on their hospital.

Lytvyckaya Ekena Vyacheslavovna, a pediatrician at the hospital and a mother of three children, was one of the victims of the shelling. She died from a mortar shell on the **24th of August**, not on the territory of the hospital, but beside her own house.

Despite the very serious situations, the hospital staff (312 people) continued working. During 2014, their surgeons performed 1974 operations. During our visit that hospital had 166 people

undergoing treatment.

According to the words of the deputy-head of the hospital – **N.I. Chegodaeva**, the hospital is currently focused on treating, above all, the inhabitants of the *Kuibyshevo and Kievskiy districts*. In some sense, the hospital has become a sort of center of life here. This part of the city has no working shops or school. The *Octyabrskiy vil.* District has five schools but they are also currently out of service⁴³. Children are forced to study in the other districts of the city not effected by the shelling. However, not all parents have enough money for the transportation.

During our work at the hospital we clearly heard artillery firing from somewhere not too far from the hospital several times. The sounds of shelling were obviously making our local companions nervous. They wanted to get inside buildings and away from open spaces.

2.1.4. Putylovskiy Market

Putylovskiy market is located on *Partisan Avenue* in the part of *Kievskiy* district which neighbors the airport and is regularly bombed (it is three kilometers away from the airport). **On the 14th of September, 2014**, a fire erupted at the market after it was hit by the shelling, after which the market stopped working

The human rights team visited the market **on the 26th of November**, on their way to *Novorossiyskiy Village*.



43 The notorious school N 63 is situated near the hospital. On 5th November 2014 two children, age 14 and 18 respectively, died as the result of a shell burst on the territory of the school. Although the school itself was not working children were playing soccer on the practice ground.

Vendors selling food products next to the market entrance informed us that on the **14th of September at around 14:00**, shells began landing on the market. A clear mark can be seen on the pavement of the street at the market entrance (photo13). The shells first started exploding next to the market, and only after did several land in the market itself. That's why no one was injured, as people were able to run away in time. However, we were later informed that there were three victims on nearby streets – two elderly women and a girl of 15 years old. We did not have an opportunity to independently verify this information.

In September, some media outlets reported that this shelling have also resulted in the damaging of school №58. “Donetsk Republic News” reported on 4 deaths, including one combatant of the “Russian Orthodox aAmy” and of at least two civilians injured, including an ambulance driver⁴⁴.

Employees of the Special Monitoring Mission of the OSCE in Ukraine arrived at Putylovskiy market at approximately 15:00 that day. *“The market had been bombed before the SMM team got there. One building was still smoking; firefighters were already working there. [...] Around 20 meters away from their position, the SMM team saw a dead female body on the street”* - says the “Operative Report of the Special Monitoring Mission of OSCE in Ukraine, September 14th, 2014”⁴⁵. Representatives of the DNR, also present at the scene, told the SMM team that four people had died in total as a result of the shelling. The shelling began again and the SMM team was then forced to leave the scene.

There are pictures of the market on fire, as well as the body of a dead female (which may have been the same body that the SMM team had seen at the scene) on the “Donetsk Republic News” website.⁴⁶



The same website provides information on why these areas, neighboring the airport, were bombed on that day: *“While Donetsk home guard soldiers were storming the airport on the 14th of September, Ukrainian forces again carried out attacks against the residential districts of Donetsk. This time, the shelling struck Putylovskiy Market.”*

Similar information can be found in the operational database of the DNR Ministry of Defense from the 14th of September:

“<...> 13:10 – DNR troops engaged in combat near Donetsk airport.

13:12 – Combat continues in Stepnoe Village

14:02 – “Grad” attacks against our positions near Putylovskiy Bridge.

14:15 – Artillery carrying out attacks from Umanskiy Village. in the Kievskiy district of Donetsk. School №58 destroyed <...>”⁴⁷.

44 <http://dnr-news.com/foto/3719-doblestnye-ukrainskie-artilleristy-v-ocherednoy-raz-nakryli-minami-kievskiy-rayon-donecka-putilovskiy-mikrorayon.html>; <http://news.bigmir.net/ukraine/845376-V-rezul-tate-obstrelov-v-Donecke-sgor-el-rynok-i-postradala-shkola>

45 <http://www.osce.org/ru/ukraine-smm/123558>

46 <http://dnr-news.com/foto/3719-doblestnye-ukrainskie-artilleristy-v-ocherednoy-raz-nakryli-minami-kievskiy-rayon-donecka-putilovskiy-mikrorayon.html>

47 <http://topwar.ru/58185-svodki-ot-opolcheniya-novorossii-za-13-14-sentyabrya-2014-goda.html>

2.1.5. Novorossiyskiy Village

The village is part of the city of Donetsk and consists primarily of private one-story homes. It is located 4 kilometers to the East of Donetsk Airport.

The report of the “Committee on the Development of Civilian Society and the Defense of Human Rights” of the DNR, published on the **24th of November** states that shelling struck 13 buildings in the *Kievskiy District of Donetsk* from **November 17th to 22nd, 2014**, striking the streets *Rudanskoho*, *Prohladnaya*, *Senyavina*, *Novorossiyskaya*, *Leskova*, *Zhelyabova*, and *Svetlova*. As a result of the shelling on the 17th of November, 147 houses were left without gas on the streets *Rudanskoho*, *Prohladnaya*, *Zhelyabova*, *Senyavian* and *Novorossiyskaya*⁴⁸.

All the abovementioned streets are part of *Novorossiyskiy Village*.

On November 26th, our human rights team visited the village. We drove through the streets, observed the damage, and interviewed locals.

The road to the village lies past *Putylovskiy Park*, which neighbors the village. The entrances to the park are guarded by armed DNR soldiers. Our vehicle was stopped numerous times by armed men in order to check our documents and question us on the purpose of our visit. Later, when we were inside Novorossiyskiy village, we heard artillery weapons and multiple-rocket launchers firing from the park.



Most of the buildings in the village were undamaged (photo 16 и 17).

But there were various buildings damaged or destroyed on the streets *Senyavina*, *Zhelyabova*, *Rudanskoho*, *Novorossiyskaya*, and *Prohaldnaya*. Locals told us that *Novorossiyskiy Village* had seen 16 houses seriously damaged or totally destroyed during the last few months. The worst shelling took place on **November 17th**.

48 On 7th of October 2014, self-proclaimed DNR and its Council of Ministers created a Committee on civil society development and human rights. The Committee had been publishing different reviews, including “Review on social-humanitarian situation on the territory of DNR in result of military actions from 15.11 to 22.11.2014”



website photos <http://odnarodyna.com.ua/content/doma-mirnyh-zhiteley-donecka-posle-ocherednogo-obstrelya-ukrainskih-karateley-foto>

Locals are currently repairing those buildings that they can.



However, there are houses which have been destroyed completely or damaged to the point that they cannot be repaired.



The character of the destruction, marks from the explosion, and shrapnel shown to us by locals clearly demonstrate that the village has suffered from artillery shelling as well as multiple-rocket launcher attacks.

Luckily, according to locals, no one was injured during the shelling – there have been no injuries or deaths. In part, this is because many had already fled.

Cold water is available in the homes houses. Gas supplies have been stopped, and gas canisters are instead being brought to the village. Electricity is there but is sometimes cut off during shelling and then turned on again after repairs.

Locals told us that DNR soldiers do not place military materiel inside the village itself, but artillery weapons are located in the green sectors surrounding the village. Because of this, and the inaccuracy of Ukrainian forces, the shelling lands inside the village.

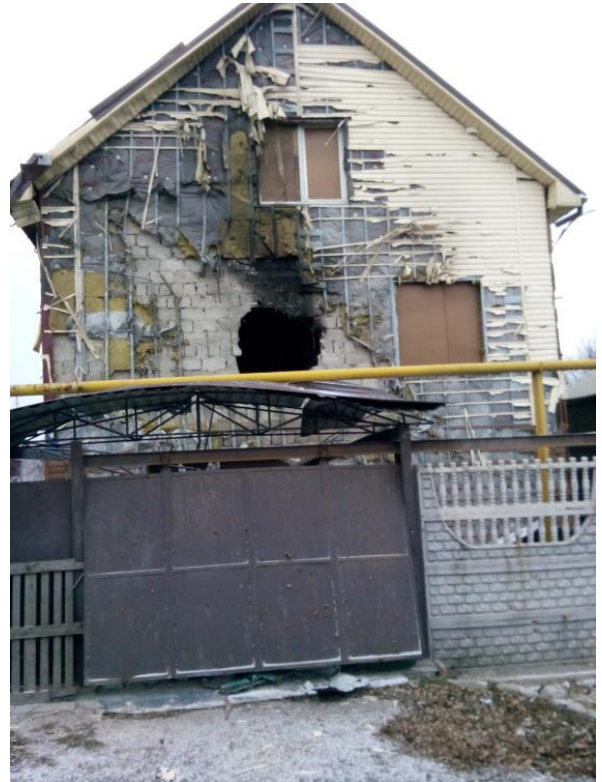


village Novorossiyskiy. Locals present tailpieces of the 9K51 “Grad” shells that exploded in the village. Tatian Lockshyna photos.

2.1.6. Horkoho Village

Horkoho village is another area of *Donetsk*, neighboring Donetsk Airport (located 3 kilometers East of the airport). We visited on the **26th of November**.

A significant number of locals still lived there when we arrived. The village had been bombed many times during the preceding month. Several apartment building and homes had been destroyed. Luckily, noone was either injured or killed.



Many residents of the village work in the railway depot located nearby. Although the depot had been closed, they are still officially employees and continued to receive salaries from the Ukrainian budget. *“And that's the only reason the village still lives,”* a local woman claims.

2.1.7. Buslaeva Street, The Bomb Shelter on Kievskiy Avenue

Buslaeva street consists mainly of five-story brick buildings. It is located 2.5 kilometers away from the airport terminal. Our team visited the part of the street where houses No. 20-30 are located.

It is clear that this area suffered shelling numerous times. Almost all the windows were broken and many houses have holes caused by shell explosions.

There are almost no pedestrians on the street. Many people who lived here have fled. Houses No. 22, 24, 26, 27, 28, 29, and 30 had been left empty in August. A few families have moved to bomb shelters located in the basement of nearby house No. 85 on Kievskiy Avenue. This house is located 2.3 kilometers from the airport runway.

We visited the bomb shelter. A T-64 tank and an MICV were in front of the entrance and soldiers were warming themselves near an open fireplace.

There are 20 people living permanently inside the bomb shelter. However, during shelling many more seek shelter there.

The bomb shelter was left without electricity for around 40 days near the end of September. It currently has electricity. A woman living in the bomb shelter stated that she moved in after a shell exploded right under her window back in September. She and her daughter, both living here, work in the nearby hospital №20, which was forced to stop working because of the shelling. She and her daughter are obliged to check the hospital premises daily.

Another person living in the bomb shelter, **Ekaterina Petrovna Stolmach**, used to work at the airport and lived in *house No. 30 on Buslaeva street*. During our conversation we discovered that the five members of her family currently lived in two rooms in the bomb shelter. Her neighbor also lives there with her dog. They moved in in August when the bombing started. Their house was then damaged in September as result of shelling that destroyed part of the wall and their water pipes.



2.1.8. “Azotniy” Village



hospital staff we interviewed, Azotniy village had been bombed 6 times before. On October 9th a shell landed in a nearby childrens’ hospital.

Another few “Grad” shells landed in a residential block near the hospital. Two civilians died (a woman and a child), two others, it appears, were injuries (a man and a woman). The injured woman was taken to hospital №23, but since there was no operating room she was given first aid and then transported to the regional trauma hospital.

There were three explosion craters near *house No. 54 on Dobronravova street, 54*. All the windows inside the house were broken, and some window frames were also taken out by the explosive wave.



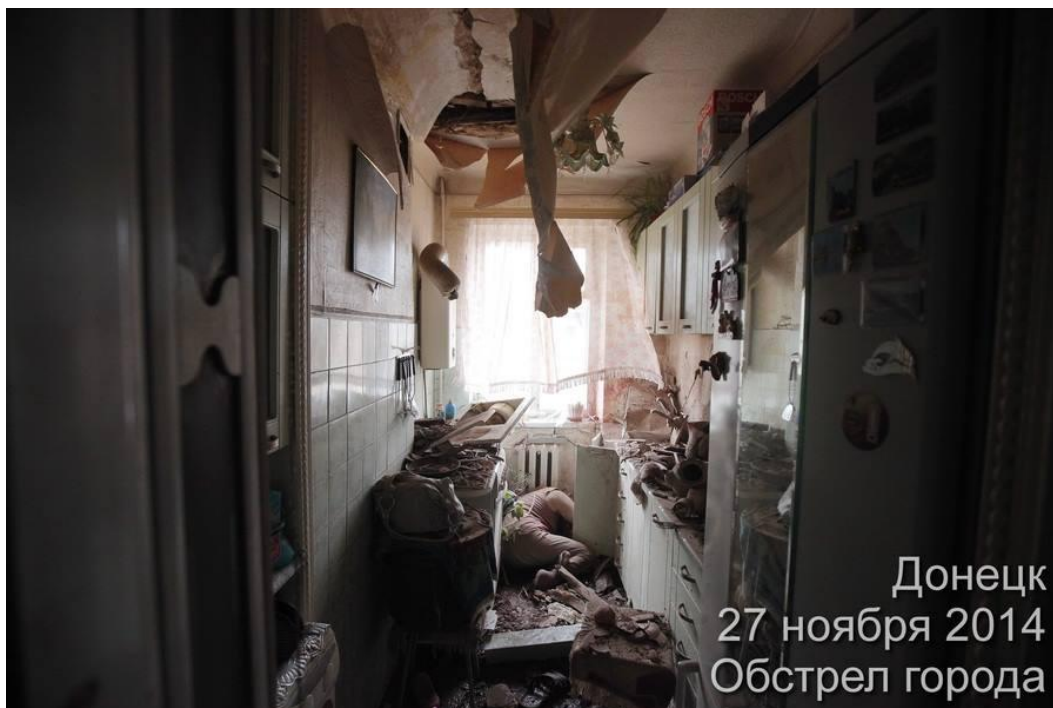
This area was bombed by the multiple rocket launcher 9K51 “Grad” on the **27th of November, 2014**. The human rights team visited the scene on **28th of November**. This area is located around 7 kilometers South of the airport.

One of the “Grad” shells hit the roof of the cardiology department of local hospital №23 (*Celingradskaya street 46*). That hospital is also known for treating veterans of World War II. The roof and ceiling were destroyed. Luckily, there was no one in the hospital during the attack, so no one was injured. Other shells landed next to other departments of the hospital. According to the



According to locals, the “Grad” shells came from the direction of Avdeevka village, where Ukrainian forces were then positioned. One of the craters still had a tailpiece of the shell sticking out, The angle of which clearly presented that it had been fired from the direction of Avdeevka.

A nearby *house No.55 on Buturlinovskaya street* also suffered “Grad” shelling. The shell exploded on the roof, killing 1 woman (who was temporary living in apt. No.7). Neighbors only knew her first name, **Liudmyla**.



<http://donetsk-news.com/photo-of-donetsk-after-a-fire/707-27-noyabrya-donetsk-posledstviva-obstrela-azotnyy-foto.html>

Her house was located in *Azotniy* village, and had previously been destroyed, so temporarily she moved to her friend's home with her family. Her two sons had gone to work that day, and Liudmyla was in the kitchen during the bombing.



The tailpiece of the shell was stuck in the ceiling of apt. 6 between the 1st and 2nd floors.

A few other “Grad” shells had landed near this home. One of them killed a boy of 12 years old, **Rusov Nikita**, a 7th gradeer at school №46. He was running down the street during the bombing. Eyewitnesses said he was running towards the bomb shelter but could not make it.

2.2. The Destruction of Novosvetlovka and Hryashevatoe Villages of the Luhansk region

Hryashevatoe and Novosvetlovka villages are located respectively 2 kilometers and 7 kilometers South-East of *Luhansk*. The human rights team visited these villages on the **27th of November 2014**.

Novosvetlovka had a population of 3711⁴⁹ and *Hryashevatoe* had a population of 1216⁵⁰.

During our visit, these villages were under control of the self-proclaimed LNR. The villages had not suffered bombing since August. The separation line was around 30 kilometers away from them on the other side of *Luhansk*.

We interviewed locals, including the woman who worked at the Holy-Virgin temple, hospital staff and ambulance staff in Novosvetlovka. The majority of the people we interviewed had not left during bombing but had hid in basements.

The villages are seriously damaged. There were almost no undamaged buildings. While some houses were only partly damaged, the majority had been completely destroyed. The scene was much worse than what we saw in the damaged districts of Donetsk.



The situation in Novosvetlovka is just as bad:



49 National statistics department of Ukraine. The population of Ukraine on the 1st of January 2013, Kiev-2013

http://www.ukrstat.gov.ua/druk/publicat/kat_u/2013/sb/06_13/sb_nnas_2012.zip

50 <http://uk.wikipedia.org/wiki/Хрящувате>



The only building that is partly repaired in Novosvetlovka is the church. Shells exploded right in front of the entrance and hit the roof and the dome.



All the interviewed locals were sure to say that there had not been any engagement in battle inside their village.

All the locals that we interviewed unambiguously stated that there had not been any battles or engagements in these villages.

Since the end of July 2014, *Novosvetlovka* has suffered under numerous artillery attacks carried out by Ukrainian forces. The centre of the village has a club which used to be the LNR headquarters there. However, according to locals, they had left before the bombing. According to media sources with links to LNR representatives, **on the 29th of July**, as a result of the shelling carried out using multiple-rocket launchers, 3 houses in the village had been destroyed and 4 people injured⁵¹. Another message stated that 4 shells had exploded in the centre of the village⁵².

The first damaged that occurred as result of the bombing of *Hryashevato*, appeared later according to the locals we interviewed, **on the 8th of August**. 7 houses had been destroyed or damaged the day before Ukrainian forces entered the village during the night between the 13th and 14th of August.

It must be mentioned that all the destruction took place even though the LNR had no major force in the village. There were just checkpoints near the entrances to the village.

There were already victims and destroyed buildings, but when the Ukrainian forces entered both

51 <http://pravdanews.info/ukrainskaya-armiya-rasstrelyala-iz-rszo-uragan-poselok-novosvetlovka.html>;
<http://www.regnum.ru/news/polit/1830594.html>

52 <http://www.ukrinfonews.com.ua/foto-obstrel-pgt-novosvetlovka/>

villages, the majority of the buildings had not yet been damaged. For example, the hospital in *Novosvetlovka* was still working. There were 4 people then receiving treatment, according to local staff.

Ukrainian forces entered *Novosvetlovka* **on the 13th of August** and *Hryashevatoe* **on the 14th of August**, aiming to isolate *Luhansk*. LNR soldiers left their positions without engaging in combat.

Both villages had Ukrainian military forces, National Guard forces and the “Aydar” battalion stationed on their territory.

Ukrainian military forces and the National Guard in *Novosvetlovka*⁵³ were stationed in the club and gymnasium, which were still undamaged. They were also located on the outskirts of the village next to the hospital. “Aydar” soldiers were located in the centre of the village near the Holy-Virgin temple. During the shelling, some of the soldiers hid inside the temple.

In *Hryashevatoe*, Ukrainian forces were stationed in administrative buildings.

During our visit to *Novosvetlovka*, the gymnasium was partly destroyed.



The club building was also not in the best shape.

According to locals, the serious bombing of *Hryashevatoe* started **on the 17th of August and in *Novosvetlovka* on the 19th of August**. The bombing worsened **on the 20th of August**. However, the strongest shelling took place **between the 24th and 26th of August**, when shells continued exploding for 24 hours continuously.

Those people who stayed in the village hid in basements, getting out from time to time to prepare food on an open fire. Sadly, the basements were not always safe enough. The *Novosvetlovka* hospital staff told us that the basement of the kindergarten was destroyed by a strong explosion while people were inside. 6 people died. This tragedy, without the specific figures, was previously mentioned in August by the press office of the “Aydar” battalion⁵⁴.

The total number of civilian deaths given to us by locals differed from person to person. A woman working in the Holy-Virgin temple told us that the local administration had counted 170 civilian deaths in both *Hryashevatoe* and *Novosvetlovka*. The ambulance staff of *Novosvetlovka* told us that there were “more than 100 dead.”

On August 28th, Ukrainian forces were forced to leave *Hryashevatoe* and *Novosvetlovka*.

It is important to mention that while interviewing locals, we discovered proof of Russian forces participating in battles in August on Ukrainian territory. During our conversation with 5 women, all citizens of *Hryashevatoe*, we were told that after Ukrainian forces left, the first to enter were Russian troops, and only after that did LNR soldiers arrive.

An ambulance worker in *Novosvetlovka* told us that Chechens entered the village together with LNR forces. However, she refused to say anything more detailed. It is possible that those “Chechens” were volunteer soldiers from a region of the northern-Caucasian and do not necessarily have a

53 Locals weren't always precise in distinguishing regular forces from the National Guard. Although “Aydar” combatants were easy for them to differ from all others.

54 <http://www.segodnya.ua/regions/donetsk/voyska-rf-razgromili-selo-hryashchevatoe-pod-luganskom-549168.html>

connection with official Russian forces.

So who carried out the attacks **from the 17th-19th of August** which destroyed these villages?

There is no doubt that those attacks were carried out by the LNR.

In the two villages, located on a strategically important road of the *Luhansk-Krasnodon-Russian border*, Ukrainian forces stationed not only soldiers but many armored vehicles. Moreover, according to locals, Ukrainian forces carried out attacks directly from inside the villages.

For example, in *Hryashevatoe*, locals hid in the basements of the schools and the House of Culture, which had prepared bomb shelters a long time ago. Tanks were placed just next to the shelters and shot into the distance. Additionally, the combatants themselves ran to the shelters together with civilians during the shelling.

During our visit, there were still half-burnt and exploded tanks and armored vehicles. Despite the fact that there was no direct face-to-face combat in these villages, all the vehicles were destroyed by Howitzers, mortars and multiple-rocket launchers. Some tank turrets had been thrown hundreds of meters away from the tank's main body as a result of the explosion of its ammunition.

LNR forces were the ones who carried out the attacks against the villages. The separatists did not attempt to hide this fact: *"LNR Artillery destroyed six Ukrainian tanks in the area of Novosvetlovka in the Luhansk region. ITAR-TASS presented this information on Tuesday at the press-centre of the South-East army"*⁵⁵.

"During the weekend, LNR combatants managed to destroy another base of Ukrainian armored vehicles and make the first steps towards ending the current humanitarian catastrophe. 'Although the battles were not too intense, we have had some definite success. We carried out an attack against Novosvetlovka near Krasnodon, where the enemy was accumulating armored vehicle forces and resources. We know for sure that we destroyed over 15 soldiers of the Ukrainian forces.' - Igor Plotchitskiy, the Prime-Minister of the LNR told LifeNews."⁵⁶

The "Aydar" Battalion commander, **Sergey Melnychuk**, however, stated that those were in fact Russian troops attacking the villages of Hryashevatoe and Novosvetlovka: *"They're professional. Most likely those were specially selected tank and airborne troops... It is evident from their accuracy and technical mastering. Their every shot was precise."*⁵⁷.



Burnt-down armored vehicles on the streets of Hryashevatoe

There were destroyed armored vehicles near the hospital and the first aid centre in Novosvetlovka.

55 From ITAR_TASS from 19th of August 2014 (<http://itar-tass.com/mezhdunarodnaya-panorama/1388299>)

56 Report from the rebels: (<http://rusvesna.su/news/1408956172>)

57 <http://112.ua/glavnye-novosti/melnichuk-sily-ato-otstupili-iz-hryashevatoego-i-novosvetlovki-108215.html/>



at the hospital in Novosvetlovka

It is likely that there was some military unit located beside the hospital. Hospital staff told us that Ukrainian forces behaved quite friendly and decently: they shared food and provided a generator to provide the hospital with electricity (when the village did not have any). However, the fact that the soldiers were stationed at the hospital put every civilian there in danger of artillery attacks. The armored vehicles were destroyed **on the 17th of August** but the shelling continued. **On the 24th of August**, the therapy department was seriously damaged. The shells also landed on other hospital buildings in the following days. It only ended after the Ukrainian forces left **on the 28th of August**.



Luckily, there were no injuries or deaths directly inside the hospital. One employee, however, lost her son, who died as a result of the shelling.

Thus, in conclusion, we may claim that some residential localities in the Donbass were destroyed by separatist attacks (most likely with the support of Russian troops). However those attacks had been initially provoked by Ukrainian forces that stationed military equipment throughout inhabited residential districts and carried out attacks against the enemy from there. In other words, the situation mirrored that which was taking place in *Donetsk* (around the airport), *Luhansk*, *Pervomaysk*, etc.

2.2.1. Civilian deaths on the Outskirts of Hryashevatoe Village on 18.08.2014

On the 18th of August and the next several days, media outlets reported the shooting of a civilian motorcade leaving the battlefield area near Hryashevatoe (both media sources and certain Ukrainian officials called them refugees. For convenience, we will be using this inaccurate term). Ukrainian officials accused LNR armed forces for this tragedy. LNR followers denied their guilt.

“Moscow. August 19th. INTERFAX.RU – 17 dead and 6 injured in Luhansk region from an attack carried out against a motorcade of refugees, claimed the representative of the OSCE in Ukraine Andrey Lysenko.”

“Taking into account that 15 bodies were collected yesterday at the scene and 2 bodies were taken to the hospital together with the injured survivors – yes, there were 17 victims and 6 injuries” - said Lysenko at the briefing on Tuesday in Kiev. <...>

“On Monday, OSCE Ukraine at 09:00 local time (10:40 Moscow time) claimed that an attack was carried out using the multiple-rocket launcher 9K51 “Grad” system and mortars against a motorcade of civilians trying to leave the conflict area near the villages of Hryashevatoe and Novosvetlovka of the Luhansk region. Representatives of the Ukrainian Armed Forces blame LNR armed forces for this attack.”

LNR forces, on their own side, deny any connection to the attack. “Of course we didn't do it.” - said Constantine Knyrik, head of the Information Centre “South-East Front,” in a conversation with “Interfax”. He also called the Ukrainian claims “absolute propaganda”⁵⁸.

DNR representatives decided to interfere in this sporadic argument and posed a question on whether the tragedy really happened:

“Informational Agency Novorossiya. Vice Prime-Minister of DNR Andrey Purgin told the agency Reuters that rebel forces do not possess enough firepower for such an attack.”

“The Ukrainians are bombing the road themselves from airplanes and using “Grad” launchers. It seems that this time they killed more civilians than they did during the last few months. We had no opportunity to send “Grad” launchers to that area” - Purgin told Reuters over a telephone conversation⁵⁹.

“Not a single refugee motorcade was destroyed. Especially on the days that the Ukrainians claim. Besides, we do not attack motorcades which we personally form, and definitely not with “Grad” launchers.” - said the “Prime-Minister” of the self-proclaimed DNR Alexander Zaharchenko⁶⁰.

On the 19th of August, Russian troops for “information war” stepped in. “Vesti.ru” - an internet newspaper connected to the All-Russian television and radio company, published an article by an individual named Anton Lyadov. His article is called “A Chronicle of Ukrainian Disinformation: Just Facts”⁶¹. Facts, however, are something his article did not contain – just unsubstantiated speculation. The author was trying to prove a widely-known fact, the territory which the refugee motorcade was moving through was under the control of Ukrainian forces at the moment of the attack. But somehow he made an unclear conclusion that accusations against the separatists about the attack on the motorcade were disinformation.

The author provides quotes from several separatist representatives: *“Ukrainian forces could have destroyed the motorcade as part of “lean-up” operation, since they are capable of anything to, firstly, not let Luhansk citizens to run away to tell the world all the horrible things that Ukrainian forces are doing in the East; and secondly, Ukrainian forces understand that Donbass will not fall while those people live” - said the leader the Slavic Guard of the National front of Novorossiya Vladymyr Rogov”.*

“We have never before seen Kiev’s chasteners to have helped refugees leave battlefield areas.

58 <http://www.interfax.ru/world/392184> See also: <http://www.ua-ru.info/news/26120-terroristicheskaya-organizaciya-lnr-otricaet-obstrel-kolonny-bezhencev-svoimi-boevikami.html>; <http://ura-inform.com/ru/neformat/2014/08/19/boeviki-obstreljali-kolonnu-bezhentsev-na-luganschine-est-zhertvy>; <http://podrobnosti.ua/podrobnosti/2014/08/19/989637.html>; <http://thekievtimes.ua/society/395016-strashnaya-gibel-bezhencev-v-luganske.html>; <http://kp.ua/politics/466658-rasstrel-kolonny-bezhentsev-poysky-tel-prodolzhautsia>

59 <http://www.novorosinform.org/news/id/6464>

60 <http://www.interfax.ru/world/392184>

61 <http://www.vesti.ru/doc.html?id=1904696>

Related to this, we know for sure that there is photographic proof of rebel soldiers contributing to such process. Because their wives and children are usually there.” - said the head of the informational centre “South-East Front,” **Constantin Knyrik**.

“The experts are sure that the information about the destruction of the refugee motorcade is disinformation aimed to justify their cruel deeds in Novorossiia” - concluded Mr. Lyadov.

And even though videos with short descriptions of what happened and interviews with survivors, the driver, and the soldier who was escorting the motorcade are available on the Internet⁶², the “opponents” were not convinced.

It is important to mention that the cars had white flags on them. The refugees confirmed that information.

All these messages left some things unclear. How many cars were there in the motorcade, how was the motorcade formed, and was the route agreed between Ukrainian and DNR forces?

During our visit to *Hryashevatoe* village **on the 27th of November 2014**, we managed to interview two locals – **Nikolay Ivanovych Golovchenko** and his wife **Natalia Valentynovna Holovchenko**, who were part of the attacked motorcade. Natalia Golovchenko was injured. Their relatives were killed and injured.

According to their stories, the events took place like as follows:

Ukrainian forces were positioned in the village from the **14th of August**. The attacks started **on the 17th of August**.

At around **05:30 on the 18th of August** a neighbor came to the Golovchenko family and said: “Take your most important belongings. A military truck will be here soon”. It turned out that their neighbor **Nikolay Ivanovych Shchukyn** had made an agreement with the soldiers that they would take some civilians away to the Luhansk airport⁶³. The refugees could make there own way from there.

Nikolay Ivanovych informed to his daughter who lived across the street with her husband and children.

The military truck came soon,⁶⁴ open and with other civilians from the village inside. Among them was a 6 year-old child. Nikolay Ivanovych and Natalia Vaentynovna also got in, as well as her mother, the 78 year-old **Raisa Ivanovna Mamchenko**, their son, their daughter, **Alla Nikolaevna Golovchenko**, their son-in-law, and two grandchildren, one 7 years-old, the other 17.

There were no attacks while they were getting in to the truck, but the soldiers hurried them: “*Be quick! There'll be chaos here in a minute!*”

There were 20 citizens of the village in total inside the truck. The Golovchenko family were in the rear. There two Ukrainian soldiers in the cabin, the driver and the attendant. Nikolay Ivanovych asked them before getting in: “*Will they be attacking the road?*” - “*No, we'll take you to a safe place*”.

The soldiers said there would be a second truck with refugees from the village that had left earlier. They were to meet on the road. They left at **06:30**. They drove out of the village and proceeded about one kilometer. The second truck with refugees was waiting for them at the entrance to the highway highway. Nikolay Ivanovych learned later that there were 25 citizens of the village inside.

Moreover, there were 3 or 4 passenger cars filled with people.

The motorcade moved on after a short stop. The Golovchenko family were in the second truck. The first explosion happened almost immediately. The soldiers stopped the truck and ran out. Another 3 or 4 explosions followed. Everyone started screaming. **Raisa Ivanovna Mamchenko**⁶⁵ was killed by a

⁶² http://news.liga.net/news/politics/2970594-vyzhivshie_pereselentsy_soobshchili_podrobnosti_ataki_boevikov_video.htm; <http://podrobnosti.ua/podrobnosti/2014/08/19/989637.html>

⁶³ Luhansk airport, located 11km South of the village, was previously controlled by Ukrainian forces and could actually be called a quiet spot (in comparison with Hryashevatoe)

⁶⁴ According to interviewees it was a KAMAZ, however the internet video shows that (http://news.liga.net/news/politics/2970594-vyzhivshie_pereselentsy_soobshchili_podrobnosti_ataki_boevikov_video.htm), the driver of the truck, captain Kovalskiy Roman Vladymyrovych, the man “executing an order on civil transportation”, says that people were transported in two trucks ЗИЛ 131.

⁶⁵ Her death certificate states: “*Golovchenko Alla Nikolaevna, born on 19.04.1979, Death location: highway, Date of death: 18.08.2014, Cause of death: major blood vessel damage*”

piece of shrapnel. **Natalia Valentynovna Golovchenko** was injured as well as her daughter, **Alla Nikolaevna Golovchenko**, and 17-year-old grandson.

The first truck was hit by a shell and had lit on fire.

The shelling stopped. The soldiers quickly got into the truck and continued on. The injured and the dead were collected and transported to the airport by other soldiers.

The motorcade drove into the middle of a field and stayed there for around an hour as the driver was talking to someone on the phone. He was apparently afraid of new artillery attacks. At last they reached the airport. The injured were aided straight away at the military hospital and were later were taken to *Lutugino* hospital.

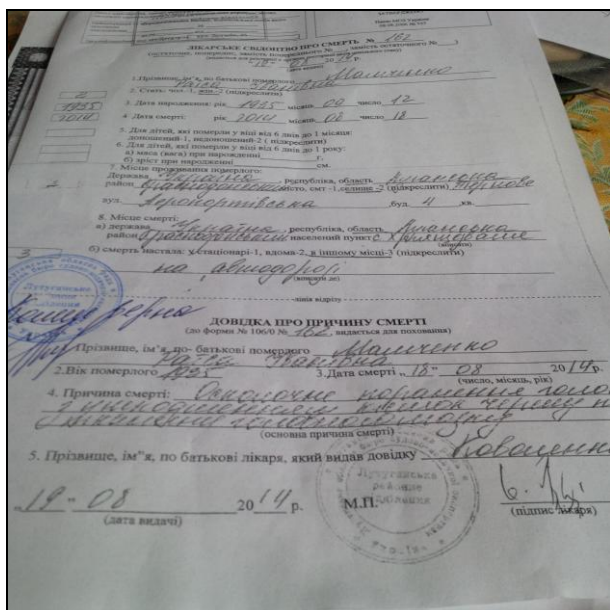
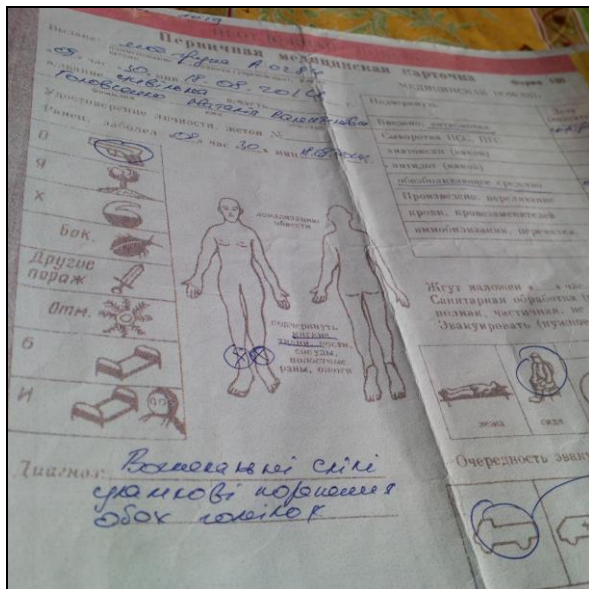
However Alla Nikolaevna Golovchenko, the daughter of our interviewees Nikolay and Natalia Golovchenko, did not survive. The doctors stated that she died of blood loss. Her death certificate states:

"Golovchenko Alla Nikolaevna, born on 19.04.1979

Death location: Highway

Date of death: 18.08.2014

Cause of death: Damage to Major Blood Vessels"



Natalia Golovchenko suffered a light leg injury and was soon out of hospital. Her grandson's leg injury was far more serious. Nikolay Ivanovych and Natalia Valentynovna Golovchenko buried their dead relatives in *Lutugino*, took their injured grandson from the hospital, and brought him to *Kharkiv*. There he was treated in the hospital until **November 2014**. His grandparents went away to visit their relatives in *Zaporizhya* and then returned to their destroyed home in *Hryashevatoe* in the middle of **September 2014**.



Regarding the lives of citizens of Hryashevatoe who were inside the first truck, Nikolay Golovchenko mentioned that he met a man who was in that vehicle. The man told him that those inside the truck had been thrown out of it by the explosion. 18 out of 25 had died. The survivors were taken to Novosvetlovka by Ukrainian forces but had suffered shelling again. One woman died.

The passenger cars were undamaged.

We interviewed a few women, who lived nearby in partly destroyed apartment buildings, about the incident. They said they knew that there was a motorcade leaving **on the 18th of August** with civilians. One of the trucks exploded and there were 17 or 18 people dead. The second truck also contained dead and injured.

They also added their own version of what happened. Ukrainian forces had deliberately mined their trucks to blow the refugees up as an act of provocation. The same version, although not as surely, was given to us earlier by Nikolay Ivanovych Golovchenko.

One of the women we interviewed told us that the day after the tragedy, **on the 19th of August**, she and other inhabitants of her village were taken away by Ukrainian forces to the town of Lutugino. According to her, the refugees were placed in one bus, and there were passenger cars behind them, but she did not see how many. There was no bombing during their journey. In Lutugino, people from Hryashevatoe were temporarily housed inside an orphanage school. Another woman told her that “Aydar” soldiers also offered to take people away, but she declined their offer, preferring to stay in her basement.

The press office of the “Aydar” battalion told us that when soldiers were evacuating a few dozen families from Novosvetlovka, a tank was attacking them at point-blank range⁶⁶. We could neither prove nor refute this information.

We found the location where this tragedy took place on the **18th of August** and photographed the remains of the truck ЗИЛ-131.

⁶⁶ <http://www.segodnya.ua/regions/donetsk/voyska-rf-razgromili-selo-hryashchevatoe-pod-luganskom-549168.htm>



So what really happened **on 18th of August 2014** near *Hryashevatoe*?

Compiling all the information we had collected from the media, officials, survivors, and the statements that driver of the truck had published on the Internet, we came to the following conclusion:

1. The fact that Ukrainian forces were transporting people out of the battlefield area as well as the fact that many of those people died **on 18th of August 2014** absolutely take place.

2. Obviously, the evacuation was not preliminarily planned and prepared. According to the Golovchnko couple the evacuation was a surprise for them and the other refugees. A local man, N.I. Shchukin, had arranged for the evacuation with the Ukrainian forces⁶⁷. The soldiers had not come on the trucks to transport the refugees. They had brought some military cargo and agreed to take some people to the airport on their way back. It also obvious that there was no agreement with the separatists about safe passage for the refugees.

3. The fact that civilians were transported in military trucks that had brought military cargo into the village endangered the refugees. White flags on the trucks only slightly decreased this danger.

4. The motorcade was attacked. We could not determine precisely whether the attack was carried out with “Grad” rocket launchers, mortars or any other artillery weapon. However, the damage dealt to the truck indicates that it may have suffered from a direct hit by a “Grad” shell.

The version of the deliberate mining and then blowing up of the truck is absurd and does not require any criticism. However, the fact that this version exists points to the degree of near-mythological perception of the current events by the people who live inside the conflict area.

5. The trucks were moving through territory controlled by Ukrainian forces and systematically bombed by the separatists. There is no doubt that this time the motorcade was attacked by either LNR forces or Russian troops that had entered the territory of Ukraine and were taking part in the pushing of Ukrainian forces out of *Hryashevatoe*.

6. The death of at least 17 (or even 20, according to one of the survivors) refugees and the injuries of several others was the result of maleficent negligence from both sides of the conflict towards providing safety for civilians inside the conflict.

⁶⁷ See video for detailed information.: http://news.liga.net/news/politics/2970594-vyzhivshie_pereselentsy_sobshchili_podrobnosti_ataki_boevikov_video.htm

2.3. The town of Pervomaysk

The town of *Pervomaysk in the Luhansk region* is located 50 kilometers West of *Luhansk*. Our team visited the town on the **29th of November, 2014**.

We had detailed conversations with local officials⁶⁸, interviewed a number of local inhabitants, talked to the staff of a local hospital and to armed combatants, examined \ provisional warehouses, and visited the local cafeteria. We also spoke to inhabitants of the bomb shelter. We then moved around the town recording the damage and destruction.

The towns of *Pervomaysk, Kirov, Irmino, Almazna, Stahanov, and Bryanka* form a conglomerate of small towns connected to each other. They are all under control of the separatists. Moreover, the local armed groups call themselves the “Cossack partss” of the Great Don army,⁶⁹ and seek to establish a “true democracy” there. That is how they differentiate themselves from the authorities of the LNR. Those combatants of the local armed groups whom we talked to were strongly against “the FSB-appointed **Igor Plotnickiy**”⁷⁰. In their opinion, he and his associates “represent the interests of a mafia.” They were the ones who told us of the “fixed elections for the heads of the LNR and DNR parliaments”. However, the current “mayor” **Ievheniy Ishchenko**⁷¹ openly stated his position despite serious differences with the position of the leaders of the LNR, claiming that, the whole “Cossack” territory is part of the LNR but is autonomous. Thus some checkpoints of the area actually displayed two flags: those of the LNR and of the Don army.

The centre of *Pervomaysk* is made up of multiple-story buildings, but the majority of the town consists of private single-story homes. Before the war, **in 2013**, the town's population was 38,435 people.⁷² People worked in six mines, at the railway station, and at three factories. There were 17 schools, two “lycees”, a technical college, a branch of a medical institute, the engineering department of Donbass University, and a branch of the Kharkiv Management University. But all of this was before the war.

During our visit to *Pervomaysk*, the city resembled *Hroznii*, in terms of the level of destruction. We saw similar degrees of absolute destruction only in *Hryashevatoe and Novosvetlovka*. Nothing like this could be seen in Donetsk, Luhansk, or even in Debaltsevo and Ilovaysk, which had both suffered intense bombing during the summer by both sides of the conflict.

During their summer advance in 2014, Ukrainian forces came directly to *Pervomaysk* in the **third week of July**. Slightly earlier, they had easily crushed the resistance in the town of *Popasnaya*, located 7.5 kilometers to the East, but were unable to move further. They faced serious resistance in *Pervomaysk*.

Separatists placed military equipment inside inhabited, residential districts not only on the outskirts of the town but also in the centre. One of the combatants told us: “*We station ourselves in residential districts, Ukrainians start attacking them and destroy them. Then we are forced to move but they keep attacking us wherever we stand.*”

⁶⁸ When we say city authorities we mean the people factually in charge. It doesn't mean we agree with their administrative positions

⁶⁹ It doesn't mean that these people came from Russia. It is possible that there are volunteers from Russian Cossack associations. However those combatants and their commanders in Pervomaysk were local

⁷⁰ Igor Plotnickiy – LNR leader since 4th of November 2014, who had been acting as the chief of LNR up to that moment.

⁷¹ Ievheniy Ishchenko, commander of armed Cossack volunteer units in Pervomaysk, commandant of the town and then additionally a mayor. Shot dead in Pervomaysk on 22nd January 2015

⁷² National statistics department of Ukraine. The population of Ukraine on the 1st of January 2013, Kiev-2013 http://www.ukrstat.gov.ua/druk/publicat/kat_u/2013/sb/06_13/sb_nnas_2012.zip



During our visit to Pervomaysk we approached one of the schools, destroyed and out of service. It turned out that there was some sort of military equipment right behind the school (or even in the gym).

Defense positions were located on the outskirts of the town. In fact, multi-story buildings served as shields for those positions. These buildings had already been seriously damaged by the attacks of the Ukrainian forces, and thus no one lived in them.

By such actions, the separatists only provoke Ukrainian forces to continue to attack the town. However, this does not justify the Ukrainian attacks against residential localities with multiple-rocket launchers.

Some districts of the town were almost completely destroyed by Ukrainian artillery. The town has almost no undamaged buildings.





According to locals, **beginning from the third week of July** and continuing throughout **August**, the town was systematically bombed by multiple-rocket launchers, among other weapons. The majority of civilians had already fled, but a few thousand non-combatants remained. During the days worst days of they bombing, they could not even leave their bomb shelters, so the rebel soldiers brought them water, or else many would have died of thirst. Those who died were buried in the backyards of homes. Local authorities told us that during the July-August bombing around 700 civilians died. We could neither prove nor refute this information, but all the people we spoke to indicated that hundreds died during that period.

Ievheniy Ishchenko showed us a horrifying collection of pictures on his computer of the people killed during this time.



After the Minsk agreements **on the 5th of September, 2014** a lull in the fighting began, and people who still had their homes, even half-destroyed, started returning in September-October. According to local authorities and local inhabitants, there were around 10-20 thousand civilians in *Pervomaysk* during the time of our visit. Obviously, nobody had collected precise figures.

Those we spoke to explained that many people had endured “a difficult period” away from their homes in September and came back hoping to spend winter at home. They started repairing their homes. But in November attacks against the town began again, although not as intensively as in summer.

We talked to the staff of the maternity hospital. The hospital was struck by a mine **on November 15th**, and another five exploded close by⁷³. There was a premature 7-month-old girl inside. The doctors say that her survival is a miracle. During our visit the hospital was disinfecting after its repairs. But the doctors have 4 pregnant women under observation in town who will probably give birth there in the

hospital.

We talked to the residents of a multi-story building that was hit by shells **on the 18th of November**(photo 83). There were no victims – many apartments were left empty, and those apartments still inhabited see their owners running down to the basement as soon as they hear the sound of shells exploding. But the next day, when repairers came to remove the debris from the bombing, another bombing began and one of the workers died.



⁷³ The insurgent accompanying us supposed that the target of the attack had been the commanders office located 500 metres to the north of maternity home.



We were shown a few single-story homes, destroyed **on the 23rd of November** as result of “Grad” shell explosions.



One hospital building was seriously damaged, but doctors continued working in the other building.



During the shelling people hide in bomb shelters. The day we came there was no shelling so the shelter only housed its permanent inhabitants with nowhere else to go.

Many houses have no electricity, gas or water supply. They are impossible to live in during the winter. Those houses where there was electricity, gas, and water still had issues. Their supplies were sometimes cut off because of the bombing. Some houses even had warm radiators (although very weakly so), when their boiler rooms were not destroyed.

Repair brigades were somehow working in these tough conditions, repairing heating and electrical systems in damaged houses. However, their efforts were not particularly effective because of continuous attacks and a lack of building materials. The conditions in the town are close to those of a humanitarian catastrophe⁷⁴.

2.4. The Town Popasnaya

The town of Popasnaya in the Luhansk region of Ukraine is located 7.5 kilometers to the West of the town of Pervomaysk.

Its population was 21917 people in 2013⁷⁵.

The town had a functioning carriage-repair factory, a sewing factory, and a milk factory. The

⁷⁴ http://www.echo.msk.ru/blog/orlov_oleg/1454246-echo

⁷⁵ National statistics department of Ukraine. The population of Ukraine on the 1st of January 2013, Kiev-2013 http://www.ukrstat.gov.ua/druk/publicat/kat_u/2013/sb/06_13/sb_nnas_2012.zip

economy of the town was based mainly on railway transportation and the coal industry.

Currently, the carriage-repair factory is still running. The Popasnaya locomotive and carriage depot is the biggest in the Luhansk region.

Our team visited the town **on the 3rd of December 2014**. During our visit, the town was under the control of Ukrainian forces (since **24th of July 2014**).

As a whole, the town is not nearly as damaged as the neighboring town Pervomaysk. There were, however, still separate instances of destroyed infrastructure.



We talked to local authorities, local inhabitants including the victims of artillery shelling, the teachers of school №1, the head of the kindergarten “Romashka,” and also people who took part in the resistance back in **April-July 2014**.

We were able to put together the next picture from the information we collected about the situation in the town during **April-July 2014**.

April 2014 was the start of civilian resistance. Locals split into two groups: those in support of the creating of the LNR and those supporting a united Ukraine. Even though both sides were armed, weapons were not being used.

The police were effectively inactive, passive, and neutral. Local authorities claimed to be above politics even though the mayor, **Yriy Ivanovych Onishchenko**, was pro-Ukrainian. The only flag raised above the town administration was the flag of the town Popasnaya. Regional authorities, on the contrary, held pro-separatist positions.

Slowly but surely separatist followers increased pressure on the town's institutions. For example, school №1 raised the Ukrainian flag until the second half of June. In **June**, the head of the school, **Victor Grigorievych Suley** was visited by armed separatist followers who told him to take the flag down. He refused and they started threatening him. When he went on vacation on **23rd of June**, his colleagues had the flag taken down after being forced to do so.

On the 7th of July, armed LNR forces entered the town, coming from other inhabited areas. They positioned themselves in the prosecutor's building. In the following days, more LNR troops kept entering the town, such as Cossack divisions and the “Ghost” unit. They all positioned themselves in different administrative buildings.

On the 11th of July the town mayor was taken hostage by separatists and taken in an unknown direction. The reason for his kidnapping was his participation in the preparations to evacuate women and children due to the tense situation in the town. **On the 15th of July** separatists freed the mayor, who was then brought to the hospital as he was suffering a gunshot injury and had been beaten.

On the 18th of July, Ukrainian forces approached the town. Fighting began in the outskirts. The “Donbass” battalion failed to move through the town and suffered losses. After, separatist positions were attacked by artillery.

As we had been told by the deputy chief of the Popasnaya region administration, **Vlasenko Roman Gennadievych**, 10 multi-story buildings and dozens of single-story homes were damaged during the bombing in July.



On the 24th of July, separatist forces left the town. The most active separatist supporters took their families and left for nearby Pervomaysk. Ukrainian forces did not conduct house-to-house searches.

Since then, separatist positions have been located a few kilometers away from the Popasnaya outskirts. Significant separatist forces positioned themselves in Pervomaysk and its surroundings.

Although the cease fire agreement remained in place, the town suffered numerous bombings from separatist positions. It is important to mention that, during our visit to Popasnaya, Ukrainian forces did not position military equipment inside the town. The people we spoke to said that Ukrainian forces before had occupied the town's administrative, educational and cultural buildings, but, in **September-October**, they had all moved out⁷⁶. Even though some of the people we talked to had different attitudes towards the Ukrainian forces, and were even sometimes entirely opposed to them, none claimed that Ukrainian forces had kept their military positions inside the town.

We visited some of the positions of the Ukrainian forces. They were all based outside of any inhabited localities or residential districts.

Locals told us of some bombings that took place in October.

On the 3rd of October the carriage-repair factory was bombed, killing one man and injuring several others.

On the 7th and 8th of October, the residential areas of the town were targeted by mortar shells. This assertion, which came from locals, was proved by a summary of operations from the separatists dated on the 7th of October: "*Ukrainian artillery attacked Pervomaysk from the direction of Popasnaya. On the night of October 7th rebel troops carried out a return mortar attack against Popasnaya from the direction of Kalinovo*"⁷⁷. This summary attracts attention also because of the following statement: "<...> The Ukrainian artillery attacked Pervomaysk from the direction of Popasnaya. <...>" The return attack however, was aimed at the town itself.

On the 22nd of October Popasnaya was attacked by a multiple-rocket launcher 9K51 "Grad" system. One local was killed and two were injured.

As a result of these attacks, the town's printing house was destroyed (we examined the ruins), the first aid building was destroyed, a kindergarten was damaged, as were a shop and a few inhabited homes.

⁷⁶ For instance, the members of the Donbas Battalion were positioned in the school N1 approximately till the 10th of September. The school teachers told us that the forces left its premises in good order. Thus the classes started already on September 22nd.

⁷⁷ <http://freepublish.ru/novosti/novorossiya-operativnaya-svodka-za-7-oktyabrya-2014-goda>



The printing house destroyed

A week before our arrival the town was attacked by a multiple-rocket launcher 9K51 “Grad” system. On the morning of the **26th of November**, “Grad” shells landed and exploded in the streets *Komsomolskaya, Moscovskaya, Sovetskaya, Oboronnaya and Zhdanova*⁷⁸.

The shell which landed on *Komsomolskaya street* hit the roof of a hostel that was under construction⁷⁹.



The hostel manager whom we interviewed told us that, luckily, no one was injured. There are around 50 people who had fled Peromaysk living in this hostel, among others.

On the other streets, some houses had been destroyed. A few inhabitants were injured.

Three days before our arrival, on the **29th of November at 10:00**, a district on the eastern outskirts of Popasnaya was bombed. The numerous reports from the Ukrainian media that the bombing was carried out using “Grad” rocket launchers are incorrect. We examined the scene and the craters left after the bombing, and we saw the resulting destruction and the shrapnel, all of which indicated that the weapon used was a 120mm mortar. One of the shells landed on a five-story house, killing one man, and several nearby five-story buildings were also damaged.

⁷⁸ See video made by a local at Moscovskaya street: <http://korrespondent.net/ukraine/events/3448534-pry-obstrele-popasnoi-raneny-try-myrnykh-zhytelia-oha>

⁷⁹ <http://www.youtube.com/watch?v=RqLxQ7r0BFg>



House No. 14, Zhdanova str., an old woman who lived there was lucky to stay alive only because she went out of the building during the bombing.



Vasiliy Mazka died as a result of the shelling.

Shells also exploded near school №1. Windows were broken and glass pieces flew inside the building. One shell damaged the roof the gym. Luckily, it was Saturday, so there were no classes.



**Shrapnel from a shell broke a sink in the school bathroom.
There is no possibility of reglazing the windows, so they were covered with cardboard**

Other shells damaged the premises of the “Romashka” kindergarten №7. The building was just being repaired and the kindergarten was about to be re-opened. All windows and doors were broken and the heating system was ruined as a result of the bombing.

A Ukrainian forces checkpoint was located around 500 meters away from school №1, on the outskirts of the town. The case may be that the checkpoint was the separatists' actual target. However, not a single shell landed close by.

The soldiers that were present at the checkpoint were performing exclusively police functions; checking people who were entering and leaving the town. There was no military need to endanger civilians to attack such a military objective.

2.5. The Town of Debaltsevo

The town of Debaltsevo in the Donetsk region, Ukraine is located 29 kilometers South of Popasnaya, at the border between the Donetsk and Luhansk regions.

In 2013, it had a population of 25525 people⁸⁰. According to the population census of 2001, the following ethnicities were registered as part of the town council: 64.45% - Ukrainians, 32.57% - Russians⁸¹.

The town has the largest railway and vehicle hub in Ukraine. Debaltsevo and its surrounding areas contain the Debaltsevo factory for repairing in-service metallurgic equipment, a mechanical repair workshop, a reinforced concrete construction factory, the Debaltsevo building materials factory, a fuel-machinery factory, and several mechanized bakeries. However, during our visit, all of these factories were out of service.

The human rights team visited the town on the **4th of December 2014**. During our visit, the town was under the control of the Ukrainian government (since the **29th of July 2014**).

During our visit to Debaltsevo we spoke to representatives of local authorities and interviewed local inhabitants, including victims of the artillery bombing. We had a short conversation with Russian and Ukrainian forces from the “Joint Control Center on the Coordination of the Ceasefire and Stabilization (OSCE, Ukraine, Russian Federation)”⁸². We also drove through the town and examined the destruction.

The town suffered quite seriously from artillery attacks, with many houses having been destroyed.

Ukrainian forces took the town under their control on the **29th of July 2014**. 5 days before, a large number of separatist forces entered the town. Ukrainian forces carried out shelling against the separatist positions in the town.

According to the town council's secretary **Alexander Dmitrievych Papaniann**, 10 civilians died during the bombing. **On the 28th of July**, the majority of the population fled through a humanitarian corridor organized away from the town. Ukrainian forces entered the next day. There had been no house-to-house searches, or at least according to the locals whom we spoke with.

During our visit, according to A.D. Papaniann, the population of Debaltsevo was around 13 thousand people.

For 5 months from **July to December 2014**, Debaltsevo was half-surrounded by separatist forces. Their forces were positioned to the North, East, South and West of the town. The only road connecting Debaltsevo with the other territories controlled by Ukrainian forces was the road going North-West towards Artemovsk.

The city was constantly under bombardment⁸³.

According to the town council's secretary, the town had in total 350 buildings totally destroyed or seriously damaged: 37 apartment buildings; 285 private houses; with the rest being administrative, social and cultural buildings. The town lacks water because the pipes have been destroyed by the constant bombing. The brigade repairing water pipes from a nearby town of Uhlehorst suffered artillery shelling on the **1st of November**. In the following days, repairs continued, and, by the time we visited

⁸⁰ National statistics department of Ukraine. The population of Ukraine on the 1st of January 2013, Kiev-2013 http://www.ukrstat.gov.ua/druk/publicat/kat_u/2013/sb/06_13/sb_nnas_2012.zip

⁸¹ <http://www.webcitation.org/6CURge2tu>

⁸² Created according to Minsk agreements.

⁸³ <http://ru.tsn.ua/foto/zhutkie-foto-debalcevo-posle-obstrela-doma-bez-sveta-i-okon-pohorony-bez-groba-388029.html>;

<http://podrobnosti.ua/996403-zhilye-doma-debaltsevo-obstreljali-gradami-video.html>;

<http://hvylyia.net/news/video-posledstviy-obstrela-debaltsevo-iz-gradov.html>;

<http://telegraf.com.ua/ukraina/obshchestvo/1524548-obstrel-debaltsevo-est-zhertvyi-sredi-mirnyih-zhiteley.html>;

<http://cxid.info/stanciya-debalcevo-popala-pod-obstrel-est-postradavshie-n116731>;

<http://www.ua-ru.info/news/31421-zhurnalisty-popali-pod-obstrel-v-debalcevo-video-ataki.html>;

<http://gordonua.com/news/war/Press-centr-ATO-Boeviki-iz-Gradov-obstrelyali-zhilye-kvartaly-v-Debalcevo-51802.html>;

Debaltsevo, water supplies had been restored but were still insufficient.

According to the locals we talked to, 12 days before our arrival Debaltsevo was heavily bombed. 13 civilians were injured.

The night before our arrival on the **4th of December**, at around 03:00, Debaltsevo was attacked using a multiple-rocket launcher. The shells landed in a number of places at considerable distances from each other.

We visited some of the areas where the shells had landed.

In “*Cheremushki*” district, which has numerous apartment five-story houses, “Grad” shells hit two homes. One man was killed.

Other shells landed in the backyards of other houses. A tailpiece of one of the shells was sticking out of the ground.



400-500 meters from that scene, at Parkhomenko street, a “Grad” shelling completely destroyed a garage next to a single-story house, №168. The tractor inside the garage was also destroyed. Luckily, no one was injured. The angry tractor owner swore while addressing both sides of the conflict: “They're fighting but we suffer!”...



One of the craters had a tailpiece of a “Grad” shell sticking out. The angle at which the shell landed left no doubt about the direction from which it came – South-West from between Enakievo and Horlovka villages (both villages are under the control of DNR forces).

Another location is a personal single-story house, №128, on Kirova street, approximately 400 meters away from “Cheremushki” area and approximately 200 meters away from house №168 on Parkhomenko street. The house was completely destroyed. It had been empty during the shelling. This scene was similar to the previous one, a “Grad” shell tailpiece was sticking out of the ground. The angle at which it landed also indicated the same incoming direction: South-West.

Approximately 500 meters away, on Krupskaya street, house №164 was also destroyed by the shelling. The elderly owner died and his adult



daughter was seriously injured and hospitalized. Two girls (the daughters of the injured woman), luckily were not injured.

It seems however, that these were not all the victims – Ukrainian media reported 4 civilian deaths⁸⁴.

There was some military equipment under guard on the outskirts of the town, over 500 meters away from “Cheremushki” area. Locals told us that there were rumors that a “Grad” shell landed on that checkpoint and killed one soldier. Ukrainian media confirmed this information later. They state that “the terrorists have attacked the headquarters of the No.128 infantry brigade.” Their captain died and two soldiers were injured. Two Armored Personnel Carriers (APC) were burnt during the attack⁸⁵.

Most likely, the headquarters were the initial target of the attack. Such a military objective, even based close to inhabited areas, is a permissible target. However, using weaponry not meant for precise fire lead only to the unjustified deaths of civilians and the destruction of civilian infrastructure.

It should be mentioned that we have not seen any firing positions inside of the town. Locals, including those against the Ukrainian government, told us that the artillery positions of Ukrainian forces (including multiple-rocket launchers) are located outside of Debaltsevo. Having traveled both in and out of the town, we could verify this ourselves.

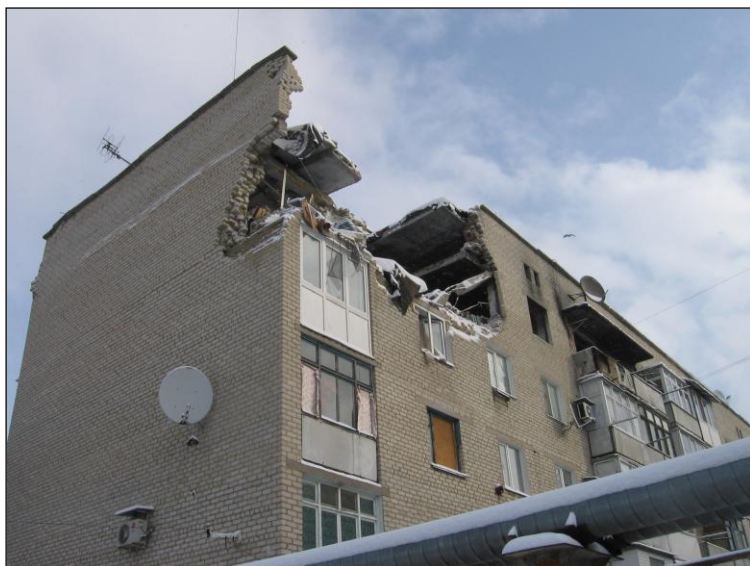
2.6. The town of Maryinka

Maryinka is a small town (the population in 2011 was 9978 people) located 10 kilometers south-west of the outskirts of Donetsk (where the DNR positions are), along the highway leading west to the Dnipropetrovsk region.

We visited this town **on the 30th of November 2014**. We interviewed a number of locals and examined a number of the town's blocks.

The center of Maryinka is made up of three- and five-story apartment buildings, but the majority of the town's buildings are personal single-story homes.

During our visit, the town was under the control of Ukrainian governmental forces which took hold of it on the **4th of August 2014** as part of their advancement towards Donetsk. Before this, during July, the town was constantly bombed by Ukrainian forces.



According to locals, the heaviest bombing took place on the **11th of July** and then **from the 31st of July to the 4th of August**. Advancing Ukrainian forces carried out these attacks. For example, on July 11th, a shell landed on apartment building No.15 on Zavodskaya street(photo 99). A man and a woman were found dead in the destroyed apartment. A passerby was also killed from the shrapnel of the shell that hit that house.

The same day, another apartment building, No. 6, on Zavodskaya street was damaged and then burnt down completely after being struck by another shell(photo

100). The majority of its inhabitants were hiding in the basement, but one man still died. Those who told this to us stressed the fact that there were no DNR soldiers or positions anywhere close by. The closest

⁸⁴ <http://ru.tsn.ua/ukrayina/obstrel-debalcevo-stal-samym-moschnym-za-poslednie-dva-mesyaca-399686.html>

⁸⁵ <http://ru.tsn.ua/ukrayina/obstrel-debalcevo-stal-samym-moschnym-za-poslednie-dva-mesyaca-399686.html>

DNR military equipment was 1 kilometer away.



There had been other shelling of apartment buildings in this part of town.



Other locals that we interviewed spoke of the Novomaryinka neighborhood of the same town where the Ukrainian forces were positioned. From there, they carry out artillery attacks towards Donetsk against separatist positions. The other side keeps sending “returns”. As a result, this part of town, comprised of just single-story houses, is heavily damaged. We could not verify this information..

The media reported constant shelling of certain residential areas in Maryinka⁸⁶.

Local authorities strongly recommended that Maryinka schools (as for all front-line towns) continue their work at a distance, given the current unsafe situation. This means that pupils come to school twice a week from 09:00 to 10:00 to receive homework. According to locals, even these “classes” take place only because of the teachers initiative. All of the schools are officially closed.

We were also told that on the **22nd of November**, a “Grad” shell landed on a house on Ordzhonikidze street. The attack was carried out from Ukrainian positions located near Kurahovo village⁸⁷, on the way towards Donetsk. In connection with this, a commission arrived and declared that “there had been a mistake”. We visited the scene where the shell landed. Indeed, house No.183 at Ordzhonikidze street had received some insignificant damage. The neighbors told us that the owner of

⁸⁶ <http://uapress.info/ru/news/show/49383>
<http://ej.by/news/world/2014/10/03/reportazh-iz-marinki-nas-bombili-dlya-telekartinki.html>;
<http://nv.ua/ukraine/zhenshchina-pogibla-v-rezultate-obstrelya-terroristami-marinki-19579.html>;
<http://www.segodnya.ua/regions/donetsk/v-marinke-snova-proizoshli-obstrely-pozicij-sil-ato-563239.html>;
<http://kumar.dn.ua/news/polurazrushennye-krasnogorovka-i-marinka-derzhat-oboronu-video/2014-11-16-860>;

⁸⁷ Maryinka is located between these positions and Donetsk

the house, a female, was not killed by the shelling (as we had previously been told) but was injured. The shell landed and exploded in front of the house. We examined and photographed the crater and the tailpiece of the “Grad” shell sticking out. The angle at which the shell had landed left no doubt about where it came from: from the West, from territories totally under the control of Ukrainian forces. Kurahovo village is indeed located in that direction and there are Ukrainian firing points in front of that village in a field. Locals told us that the “Grad” shelling comes from that direction, and that they see it in the night.

Thus, we established an incontrovertible fact: Ukrainian forces are using 9K51 “Grad” multiple-rocket launchers to carry out attacks against DNR positions, located in the outskirts of Donetsk. The “accuracy” of such attacks is so low that civilians suffer.

3. The Humanitarian Situation

3.1. The Humanitarian Situation on Territories Controlled by the Separatists

The humanitarian situation here at the end of **November 2014** was extremely problematic. Moreover, it has only become worse in the long run. We could have made this conclusion having seen and compared the situations now and the previous time we investigated these locations in **spring and summer 2014**.

Most people had seen their finances and food supplies nearly entirely depleted.

In the absence of pensions, salaries and social benefits, food supplies grown in personal gardens have been used up significantly quickly, and, additionally, most people fled in August and September during the war, and thus were unable to harvest their crops.

There are very few places of paid employment, and most businesses have stopped working.

During our conversation with the head of the Committee of Human Rights and Societal Development Committee of the government of the DNR, **Daria Vasilievna Morozova** in Donetsk on the **26th of November**, we were shown a list of vacancies available in the city. These vacancies were open for IDPs (Internally Displaced Persons) – mostly Donetsk citizens whose homes were destroyed or rendered uninhabitable because of the shelling. These people, accommodated in hostels and dormitories, numbered approximately 2000 individuals during the time of our visit. That list we were shown contained 300 vacancies, from loaders to system administrators, but the offered salaries were quite low – not higher than 1.5-2 thousand UAH. The exchange rate was then around 10 RUR/3.3 UAH; 15 UAH/1 USD.

This difficult humanitarian situation was made worse by the Cabinet of the Minister of Ukraine’s resolution №595, issued on the 7th of November 2014⁸⁸ and the President’s decree N 875/2014 from the 14th of November 2014 regarding “Urgent means of stabilizing the social-economic situation in the Donetsk and Luhansk regions”⁸⁹. The President’s decree called for “the cessation of the activities of state-run factories, enterprises, and organizations, their affiliates (departments), and agencies on separate territories in the area of the anti-terrorist operation in the Donetsk and Luhansk regions; the evacuation of workers (if they agree); the transportation of their belongings and the documentation of their transportation from the area of the anti-terrorist operation, if possible”. With these decrees, the territories controlled by separatists have had their banks, pension and salary payments, social benefits payments, and the financing of their budgets, including law enforcement, the office of the prosecutor, hospitals, clinics, schools, etc stopped.

It is easy to understand why the government of Ukraine believes it impossible to transfer money to territories controlled by armed separatists; there are no guarantees that the money would not be immediately taken by the separatist authorities or other armed groups that are not always subordinate to the authorities of the DNR and LNR. Moreover, the self-proclaimed government has started collecting

⁸⁸ <http://jurinform.com.ua/poleznaya-informaciya/zakonodatelstvo-ukrainy/postanovleniya-ukazy-podzakonnye-akty/1309-postanovlenie-kmu-ot-7-noyabrya-2014-595.html>

⁸⁹ <http://jurinform.com.ua/poleznaya-informaciya/zakonodatelstvo-ukrainy/postanovleniya-ukazy-podzakonnye-akty/1369-ukaz-prezidenta-ukrainy-875-2014-ot-14-noyabrya-2014-goda.html>

taxes on the territories under their control.

It is also easy to understand why the government of Ukraine has decided to stop financing police activity in the rebellious territories; they have been almost entirely inactive from the beginning of the conflict in the Eastern parts of the country. It is additionally easy to understand why the Ukrainian government ceased supporting its prosecutors and courts in these territories, as the separatists have effectively abolished the function of Ukrainian legislation and started implementing their own “laws”.

However there are two areas that a responsible country cannot ignore even in such difficult times: pension and social benefits payments and the financing of hospitals, clinics, and doctors.

On the other hand, Ukrainian authorities have announced that they are not depriving pensioners of their owed payments. Money continues to be transferred to their accounts, as it should. However, to use this money, pensioners must leave the territories occupied by separatists, register at their new location, prove their new place of registration with the necessary documents, and only then can they use their pension payments.

It is obvious that for most elderly people living in the DNR and LNR territories, these instructions are impossible to follow. There are very few who would agree to travel to an unknown location and search for a place in the refugee camps or spend their pension on renting an apartment. Those who fled were mostly those who had relatives prepared to shelter them.

Additionally, in November, certain “bypass” schemes began working full-scale. At many checkpoints in the Donbass that were controlled by the Ukrainian government, one could find intermediaries, who, for a certain fee, were prepared to organize a forged registration note and any other necessary documents, proving that the pensioner had “moved” from the separatist-controlled territories and were now in possession of new registration. From this we have seen the emergence of so-called “pension tourism,” in which pensioners or their relatives travel across the front to receive their money, pay certain amount to their agent, and then return home.

Most of those, however, living on territories controlled by the separatists have not even had this opportunity to receive their pensions.

We believe that a responsible government in this terribly complex situation that is unraveling in the Donetsk and Luhansk regions should first of all think of the fulfillment of its duty to the most vulnerable of its citizens, pensioners in particular. Ukrainian authorities must make it possible for pensions to be received by those people who are owed them on all the territories controlled by the government, without any additional terms and conditions. This would have made a difference at least for those pensioners who still possess their pension cards.

The same goes for the salaries of medical personnel. Doctors continue to work on the territories occupied by separatists. They continue to save the lives and health of civilians in the East of Ukraine. The same people that the Ukrainian government claims to be protecting by carrying out the “anti-terrorist operation”.

There are no technical difficulties in providing salaries to the doctors working in Donetsk, Luhansk, Horlovka, Makeevka and the other hospitals of the LNR and DNR territories onto their bank cards. These people continue to perform their extremely important duty; protecting the lives and health of Ukrainian citizens in these two Eastern regions of this country.

Fortunately, however, the blockade is not complete. We should not forget that the territories controlled by separatists are still using Ukrainian gas supplies without any sort of payment. Without this, life in some regions would have simply stopped during the winter.

Even though many shops continue to work and there is food available, many people simply cannot afford to buy it.

Many people are only saved from starvation by humanitarian aid, of which there are two major sources.

The supply of medication and other products coming from the territory controlled by the Ukrainian government primarily to Donetsk but also to other towns and villages of the Donetsk and Luhansk regions is mostly due to the charity of **Rinat Akhmetov**. The employees of this

organization regularly give out food supplies according to several lists. These food supplies help people survive for 2-3 weeks each. These food kits are handed out in several locations in the city.



Of course, there are long queues for such food kits. Of course, people quarrel and sometimes even fight in the queues, ignoring the occasional rudeness of those who hand out the kits. But all of this is inevitable in such conditions. The main thing that the citizens of Donetsk have pointed out was that the Fund works well and is quite organized.

The Fund has aided the most vulnerable people: the disabled of categories I and II; single mothers with children of 18 years old and younger; large families; pensioners over 65 years old; families with disabled children; the veterans and disabled of World War II; veterans disabled in Afghanistan and other wars; pregnant women; those made homeless as a result of the shelling; orphans, and IDPs from other ATO zones. For those who cannot bring themselves to the lines, their kits are delivered to their location.

According to the Rinat Akhmetov Foundation, in the **middle of November 2014**, they delivered 859,000 food kits in total to the Donetsk and Luhansk regions. We cannot prove or refute this information, but this aid is much more noticeable than Russian aid in Donetsk, and is very important for the population.

Apart from this, the Fund helped supply medicine and medical equipment to a number of medical institutions in Donetsk.

It is precisely this sort of aid that makes the situation in Donetsk significantly better than that of other towns, especially in the Luhansk region.

Russian humanitarian aid is handed over to the governments of the self-proclaimed DNR and LNR, who then distribute it among the population and other institutions. The distribution of Russian humanitarian aid is much less transparent than the activities of Rinat Akhmetov's Foundation.

On the 7th of August, it was reported that DNR authorities had decided to establish a national Commission on record-keeping and the national control of the importing, keeping, and distribution of humanitarian aid. It was also reported that a number of DNR Ministers became part of this new commission, “the National commission will have a number of Novorossiia deputies participate”, as well as representatives from the Foundation of the Fraternity of Donbass and the People’s Foundation of

Novorossiia.. **Alexander Karaman**, the Deputy Chairman of Social Matters of the DNR Council of Ministers, was made the head of the commission⁹⁰. Soon after that, however, A. Karaman was reappointed to the position of the Minister of Foreign Affairs of the DNR.

On the 26th of August ,it was reported that the “*Commission on Humanitarian Aid and the deputies of the Supreme Council of the proclaimed Donetsk People’s Republic had developed a plan for the distribution of humanitarian aid <...> The participants of the conference decided to make specialized points for the handing out of humanitarian aid their main plan for humanitarian aid distribution. The mentioned points will open very soon in every district of the city as well as in other inhabited localities of the DNR.*”⁹¹.

That was the only announcement on the activities of that commission.

However, **on the 24th of October 2014**, the Center for the Management of the Recovery of the DNR opened in Donetsk⁹². Russian humanitarian aid has been under the control of this organization ever since. The main recipients of this aid are ministries, departments and institutions⁹³. There is, of course, a basis for the distribution of this aid through official departments, but such a distribution plan is absolutely different from what the commission had initially announced.

Even more chaos has been added by **Oleg Tsarev**, “the Chairman of the Parliament of Novorossiia”⁹⁴: “*We have organized and implemented the distribution of humanitarian aid through the deputies of the Parliament of Novorossiia. We divided Novorossiia into counties, and the deputies are accepting people and distributing humanitarian aid to those who need it the most.*”

The DNR and LNR also have governmental commissions that organize the distribution of humanitarian aid”⁹⁵.

It's unclear who will distribute the humanitarian aid between all these different commissions and deputies and how it will be done, as well as how the deputies determined those who “need it the most.”

On the 30th of October, the head of the DNR **A. Zakharchenko** commented on recent information regarding cases of the theft of humanitarian aid in the DNR and claimed that those responsible will be shot⁹⁶.

What is even more unclear is how Russian humanitarian aid is distributed on the territories controlled by the LNR. The Government Commission, overseen by O. Tsarev, on international humanitarian aid issues in the LNR is not active the public sphere at all.

Upon our return from the East of Ukraine, certain media outlets published a message that the LNR leader **Igor Plotnitskiy** had met representatives of the organization “Luhansk Guard”⁹⁷ but refused to answer any of their questions related to the distribution humanitarian aid or the statistics of incoming aid regarding the amounts given away. He said that certain aspects of these questions are a military secret but that all questions related to the actual distribution of such aid should be posed to the responsible ministries⁹⁸.

Russian humanitarian aid is very important for the stabilization of the situation and the avoiding of humanitarian catastrophe on the territories controlled by the self-proclaimed DNR and LNR, regardless, even, of the low level of transparency concerning its distribution.

During our visit to Donetsk (**25-30 of November**), locals we managed to interview told us that Russian humanitarian aid is given to women with children under 14 years old, the disabled of categories I and II, “liquidators” of the Chernobyl incident, family members of the rebels, and pensioners of over

⁹⁰ <http://newsinmir.com/novosti/ukraine/58039-pravitelstvo-dnr-sozdalo-goskomissiyu-po-gumanitarnoy-pomoschi.html>

⁹¹ <http://itar-tass.com/mezhdunarodnaya-panorama/1400562>

⁹² http://www.rusdialog.ru/news/7548_1414156779

⁹³ <http://reporter.dn.ua/news/events/razdavay-gumanitarnuyu-pomoshch-iz-rossii-nachnut-12-yanvary>
<http://glav.su/forum/4-politics/38-ukraine-russia-relationships/threads/874212-thread>

⁹⁴ Fictitious department above LNR and DNR possessing no real power

⁹⁵ <http://www.nakanune.ru/articles/19657>

⁹⁶ <http://softcraze.com/rashititeley-gumanitarnoy-pomoshhi-v-dnr-budut-rasstrelyvat/>

⁹⁷ Luhansk youngster association supporting LNR

⁹⁸ <http://www.top.lg.ua/news/Igor-Plotnickij-otkazalsya-rasskazyvat-pochemu-rossijskaya-gumanitarnaya-pomoshh-ne-popadaet-k-luganchanam-36032>
<http://newsdaily.com.ua/post/617295>

65 years old. However there was no precise timetable for receiving the mentioned aid.

At the Donetsk hospitals that we visited **at the end of November** (№21, 23, 24), we were told that they would not have been able to repair the damage caused by shelling, and therefore would not have been able to work, without building materials provided by Russian humanitarian aid.

And even though Donetsk has not suffered from direct starvation thanks to this humanitarian aid, many people still lacked food supplies.

Inhabitants of one of the bomb shelters, located in a basement of house No.85 at Kievskiy Avenue, discussed this with us. We visited on the **26th of November**. This part of Donetsk, neighboring the Donetsk airport, was a constant target of shelling, thus, some of the inhabitants of Buslaeva Street were forced to move to bomb shelters⁹⁹.

Ekaterina Petrovna Stolmakh has been living in a bomb shelter with her family since August.

They only survive on humanitarian aid. Throughout their entire stay, they were only given potatoes once, and some still remain. But Ekaterina Petrovna has a dream: *"I wish they brought carrots and cabbage – we could then make borsch"*.

Another woman who had lived there since September, after a bomb exploded next to her windows, told us that they had lived 40 days in this bomb shelter without electricity.

Inhabitants of a dormitory told us that DNR followers were the ones who brought them humanitarian aid (obviously provided by Russia), as well as the International Red Cross Committee. Moreover, inhabitants of the bomb shelter receive food kits at the "Olympiyskiy" stadium – from the Rinat Akhmetov Foundation.

There are no pensions; the last transaction of money to pension credit cards was in July. They managed to buy food with those cards in August 2014.

All medical personnel whom we visited in Donetsk, Lutugino and Novosvetlovka complained about the lack of medication. "We are surviving on the leftovers we had, or on the medicine patients get themselves," we were told at the cardio department of city hospital №23 in Donetsk. In addition, the staff of hospital №21 also mentioned the lack of medicine. They also stated that humanitarian aid helps significantly. In **November**, the hospital received anabolic medicine, infusion medicine and antibiotics as part of Russian humanitarian aid – 60 brands in total. The International Committee of the Red Cross also helped with bandage materials and medications; the hospital sends a vehicle to Mariupol, which is under the control of the Ukrainian government, from time to time to collect ICRC aid. The First Aid base in Novosvetlovka receives medication from a regional center, but the local clinic and hospital do not receive anything from anywhere. The hospital is effectively out of service. A similarly difficult situation existz at Lutugino Hospital.

None of the medical staff receive their salary. We had been told that there had been no payments since July. We found out in another hospital that in October the staff received their salaries for August and September and then the payments stopped completely. *"We will soon even not be able to buy bread"* - they said.

Surprisingly in such conditions, often suffering under shelling, without payment, and lacking medication and bandage materials, most hospitals in the East of Ukraine continued to work during our visits and had kept the majority of their staff. The only hospitals out of service were those damaged or destroyed during shelling, like hospitals №19 and 20 in Donetsk.

However, with all the difficulties of life in Donetsk, the situation we faced in Luhansk region was significantly worse.

In Hryashevatoe and Novosvetlovka villages, which had been heavily damaged, the people who remained were living in partially destroyed houses with no repair materials. The only supplies they had were gas. The water systems had been destroyed back in **August** and had not been repaired. Water was brought in water tanks. There was also no electricity.

Locals told different stories of what humanitarian aid they were receiving. Some said that they had been supplied humanitarian aid three times since August, probably from Russian humanitarian convoys – 2 cans of meat and 2 or 3 kilograms of grain. Others had received aid only once, in the beginning of September from the same source – 2 cans of meat, 1 kilogram of sugar, a pack of tea and a bit of grain. All of the people we interviewed were unsatisfied with what they received. They considered

⁹⁹ See: 2.1.7. Buslaeva str., bomb shelter at Kievskiy avenue

the process of distribution poorly organized, but mainly that there was simply not enough. *“We need good control over the distribution process. But that's something we do not have”* - we were told.

There was a single-time payment of 1800 UAH to the disabled and to pensioners (5454 RUR or 120 USD).

One woman complained: *“After the war in August our child has not been given a single can of condensed milk, but the soldiers gave some to us. There's nothing to eat, we're starving.”*

In November, the humanitarian situation in Pervomaysk was also absolutely horrible. In section 2.3 “The town of Pervomaysk”, we described the condition of the town, heavily damaged by Ukrainian artillery. Most buildings were destroyed and most houses had been left without gas, electricity and water. They were impossible to live in during the winter. Repair brigades tried to work but were unable without building materials – slate, plywood, wire, plastic cover for windows. Most windows had long been broken. Without these simple materials even insignificant damage made the homes impossible to live in during the cold.

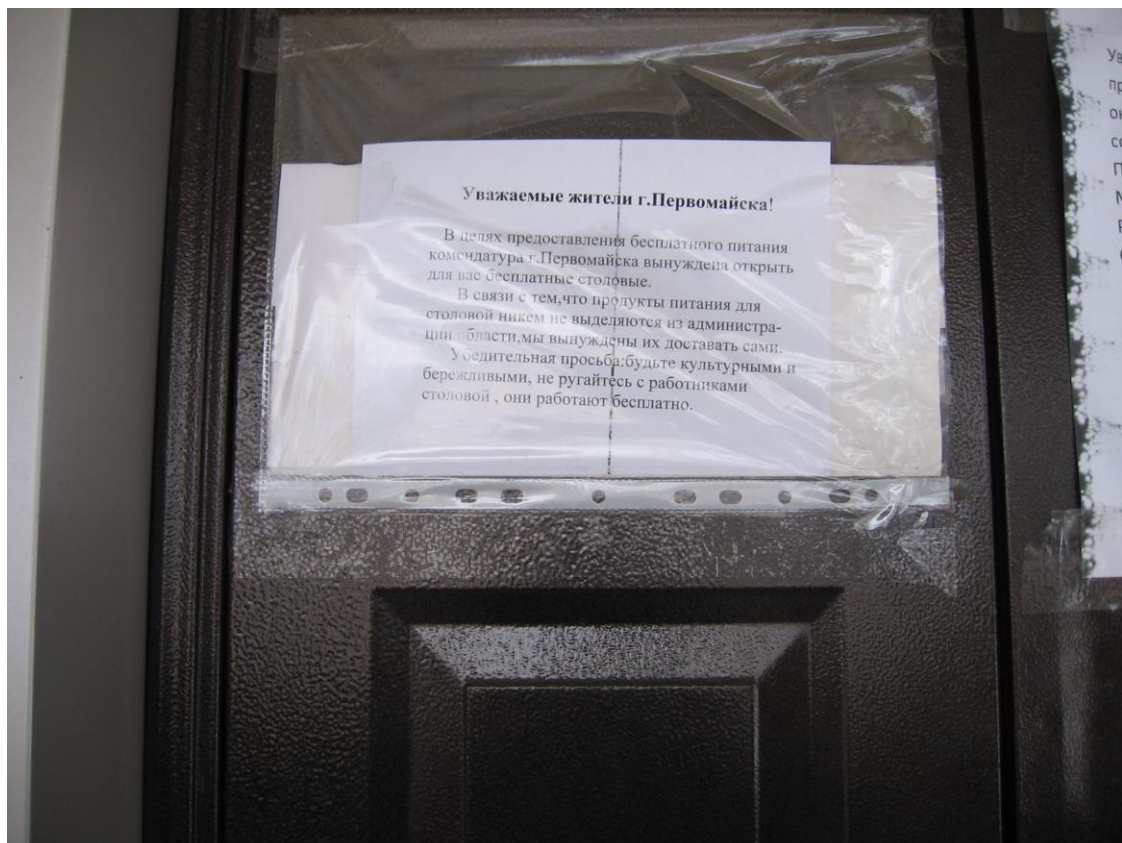
Those houses where the boiler rooms had not been destroyed had more or less warm radiators.

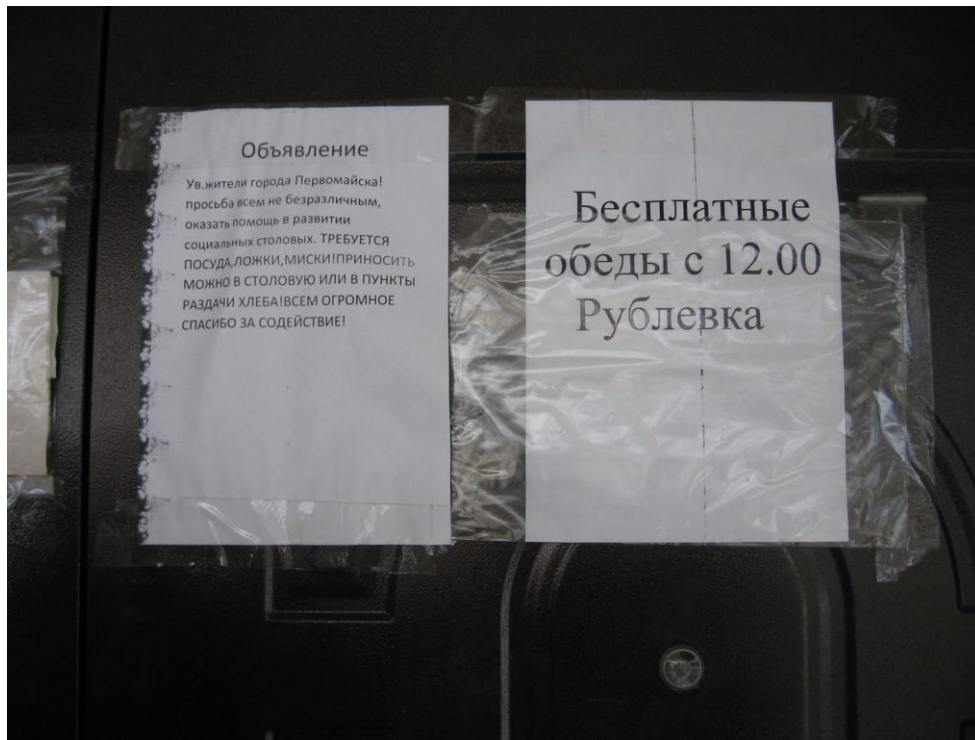
We talked to a woman who worked in one boiler room. She said that inside there she could at least wash herself with warm water. However, her elderly parents who live with her on the eighth floor cannot walk up and down the staircase, and the elevator has not worked for a long time. For this reason they seldom leave the apartment. The temperature inside the apartment, thanks to the working boiler, is around +10C. Supplies of drinking water have not returned to the upper floors of the building. It was only available in the basement, where the inhabitants could fill their containers and then carry them up the stairs.

None of the workers received salaries. They kept working hoping to receive at least part of the what was owed them in the future. On the other hand, as one of the armed “cossacks” told us: *“sometimes we have to stimulate emergency workers and the first aid workers by shooting at their feet”*.

The town seriously lacks food supplies. And even though a few shops were open most people simply did not have any money left.

Town authorities, with their leader commandant-mayor-cossack **Ievheniy Ishchenko** (see section 2.3. The town of Pervomaysk) has tried to support life in town. They have organized 6 cafeterias and have fed around 300 people daily for free.





They planned to open another 4 cafeterias. They handed out bread to elderly people in the streets daily. However, the provision warehouses we had been shown were approaching their end. Initially, those warehouses were refilled with the help of individual Russian businessmen.



LNR authorities provided Russian humanitarian aid to the town once – in **July**. That day a truck brought 10,000 food kits – 1 kilogram of rice, 1 kilogram of buckwheat, and 3 meat cans per kit. In **November** schoolchildren, teachers, hospital staff, first aid workers, and MES (the Ministry of Extraordinary Situations) staff in Luhansk were given monthly rations that, however, had to be retrieved 50 kilometers away in Luhansk. Building materials never arrived in the town.

According to local rebel combatants, the authorities of the LNR's refusal to give Russian humanitarian aid to Pervomaysk is a conscious political action aimed at starving and freezing out local Cossack forces and independent Cossack governments.

The issue is that the villages of Pervomaysk, Kirov, Stahanov and Bryanka are under the control of so-called "Cossack bases" aiming to establish "real democracy" on their controlled territories.

"We are not separatists of the LNR. Look – here, we have two flags: the LNR flag as well as our own of the Don army. Let Plotnickiy remain the non-elected but appointed leader of the LNR in Luhansk. He is completely surrounded by mafia. But here we will not tolerate mafiosi. That's why Luhansk is punishing and the people of our cities by not allowing humanitarian aid here." - the

Cossacks explained to us.

When we were in Pervomaysk, the eighth Russian humanitarian convoy entered the Eastern regions of Ukraine. Upon our return to Moscow we learn that nothing from that convoy reached Pervomaysk.

We addressed the person responsible for human rights in Russian Federation and the Committee on Human Rights beneath the President of Russian Federation. We expressed our hope that Russian authorities would use their influence to prompt the LNR to send some part of their humanitarian aid to Pervomaysk – where Russian humanitarian aid is most needed.

We do not seek to justify the violations of international human rights norms and legislation that Russia has both committed and continues to commit by sending humanitarian aid convoys to Ukraine without any sort of agreement with the Ukrainian government and/or international organizations. But, if these convoys are delivering humanitarian aid, then that aid should be brought to where it is most needed.

In the last ten days of December 2014, Pervomaysk at last saw its first humanitarian aid convoy since **July**, containing food and building materials. It is possible that our address to the individual responsible for human rights in the Russian Federation, Ella Pamfilova, played a role. We learned that she discussed this problem with the Russian Ministry of Emergency Situations, responsible for the organization and delivery of these humanitarian convoys.

Pervomaysk also received a truck bearing medical supplies from the International Committee of the Red Cross.

LNR authorities, as they had done earlier in other towns, distributed single-time payment of 1000 UAH to pensioners.

As a whole, however, the humanitarian situation of the territories of the LNR and DNR remained quite poor. Moreover, comparing the situations in the summer, autumn and winter, it is clear that, in the long run, the situation is only getting worse.

3.2. The Humanitarian Situation on Territories Controlled by the Government of Ukraine

The humanitarian situation in the parts of the Donetsk and Luhansk regions that were under the control of the Ukrainian government in the beginning of **December 2014** was also uneasy, but significantly better than that of the territories controlled by separatists.

The town of Kramatorsk, controlled by Ukrainian forces since the **5th of July 2014**, is about 45 kilometers away from the front.

Its population in **2013** was 164,283 people¹⁰⁰.

During our visit to Kramatorsk on the **2nd of December 2014**, it was already far behind the front line of the conflict and life felt entirely peaceful. The factories were working, including the Novokramatorskiy engineering factory, “Ehergomashspecstal”, the Kramatorsk factory of heavy construction machinery, the Starokramatorskiy engineering factory, and others.

All schools were functioning as well as hospitals, clinics and shops.

In Kramatorsk, as well as in Artemovsk later on, we discovered that the schools taught half of their courses in Russian; the same as before the conflict.

We saw that destroyed and damaged buildings were being repaired, of which there were not many in Kramatorsk. One apartment building, No.2 at Dnipropetrovskaya street, had been hit numerous times by mines and other shells in **July 2014**. In our report to “Memorial” written after all our visit in **Summer 2014**, we noted that this house was partially destroyed as a result of artillery fire carried out by Ukrainian forces¹⁰¹. It was quite a pleasure to see that this home was being repaired.

In addition, there was a five-story home that had been damaged in the town – a shell had created

¹⁰⁰ National statistics department of Ukraine. The population of Ukraine on the 1st of January 2013, Kiev-2013
http://www.ukrstat.gov.ua/druk/publicat/kat_u/2013/sb/06_13/sb_nnas_2012.zip

¹⁰¹ <http://www.memo.ru/d/206141.html>

a hole in one of its walls. This house was also being repaired. A school damaged by artillery fire was already repaired and working.

Multistory homes were being repaired with funds from the town budget, and the schools had been repaired thanks to funds from the factories. The repairing of private homes is much worse – there are over ten damaged houses. Town authorities had drawn up official acts about their destruction, but the resources for their repair had not yet been found and allocated.

We were told by the local newspaper “New Kramatorsk” that only refugees from the battlefield areas really needed humanitarian aid during our visit to Kramatorsk, of which there were many in the town.. Most administrative buildings had been used for their accommodation, as there was nowhere else to place them. Rents increased sharply as a result. However, there was no official record of the refugees who had been forced to flee. Their numbers could only be calculated indirectly – schools and kindergartens accepted 1800 newcomers. There is another figure – almost 20,000 people registered in Kramatorsk to receive pensions as displaced persons from territories under separatist control. It is clear, however, that this figure is not accurate. The majority of these registered migrants used forged documents to receive these pensions (see section 3.1.).

The team visited the town of Artemovsk **from the 2nd to the 5th of December 2014**. The town was taken by Ukrainian forces with almost no fighting **on the 7th of July 2014**. There were no damaged or destroyed buildings, apart from some insignificant damage. The local population was 77,620¹⁰² people in 2013. The town was living a normal, peaceful life. We talked to people on the streets and in shops. They all had different thoughts about the Ukrainian authorities and the separatists. However, the only complaint that they all had was regarding the lack of cash and problems withdrawing money from ATMs. This problem is present not only in Artemovsk but also in other towns of Donetsk- and Luhansk regions, especially those near the conflict zone. In Debaltsevo, for example, local authorities told us that only one bank machine was in service for the entire town.

The Ukrainian authorities speak of difficulties in delivering cash to the Donetsk and Luhansk regions because of repeated attacks of vehicles carrying cash by armed robbers and ATM robberies. Most social benefit payments here are made directly to credit cards. The same is true for salaries. As such, there is now a daily limit on withdrawals – 500 UAH (around 26 Euros at the beginning of December). All this creates long queues at ATMs.

The situation in towns closer to the front is much worse. They are still in constant danger of shelling from both sides of the conflict.

There are continued electrical problems, as well as problems with water and gas supplies, as communications are constantly damaged by artillery shelling. Local authorities have tried to repair destroyed buildings and infrastructure, but the repair brigades keep falling under shelling.

Shops have a very narrow assortment of products. Some shops are closed. Medical treatment exists, but hospitals lack medication. Some schools are working only through distance learning.

In 2013 in the city of Popasnaya, the population was 21917¹⁰³ people. During our visit, according to the local authorities, around a third had already fled.

According to locals, salaries were being paid to state employees without any delay. The money was transferred to their bank accounts. However, you cannot pay with a card everywhere in town. Withdrawing cash from an ATM is also a problem.

There are 6 schools. Three of them are working full time, and the others are engaged in distance learning.

Two hospitals (the Central Regional Hospital and the Transport Hospital) and the clinics were working.

According to the deputy chief of the Popasnaya region, **R.G. Vlasenko**, Popasnaya then accommodated 1800 refugees (IDPs).

Damaged and destroyed buildings had not yet been restored. Their inhabitants were

¹⁰² National statistics department of Ukraine. The population of Ukraine on the 1st of January 2013, Kiev-2013

¹⁰³ National statistics department of Ukraine. The population of Ukraine on the 1st of January 2013, Kiev-2013
http://www.ukrstat.gov.ua/druk/publicat/kat_u/2013/sb/06_13/sb_nnas_2012.zip

accommodated in hostels.

Rinat Akhmetov's Fund offers humanitarian aid in the town. Food, medications and building materials are being brought in by Czech humanitarian organization "Man in Trouble" and from the ICRC. Humanitarian convoys are also coming in from the other regions of Ukraine. As a result, during our visit there was no threat of starvation or freezing from the cold.

According to R.G. Vlasenko, some villages and small towns were in much worse situations than Popasnaya. Chernuhino village, for example, which had a population of 6000 before the war, had lost water, gas, and electricity weeks ago. Communication lines were regularly damaged due to constant shelling from separatist positions. They are repaired, but new shelling always damages them again.

The situation in Debaltsevo, a front-line town that was half-surrounded by separatists during our last visit, was the worst of all.

There was no water as a result of the constant shelling of the water tower and water pipes. The brigade repairing those pipes, which come from the nearby town of Uhlehorst, was targeted by shelling **on the 1st of November**. Repairs started again in the following days and at the time of our visit to Debaltsevo, the town began to receive water again, although not enough. As a result, fire trucks were transporting water to fill boiler rooms in houses.

There were enough food supplies in town. In summer, food kits were distributed to all pensioners, families with underage children, disabled and other groups in need. During our visit, local authorities stated that they did not need any additional food supplies. Around 30-40% of shops and pharmacies were working.

Citizens we spoke to also did not complain about any threat of starvation.

Food supplies back **in November** had only been given to refugees and pensioners who were receiving the minimal pension.

In previous months, there were interruptions and delays with the payment of salaries and pensions to state employees. It reached the point that boiler room workers and first aid staff were paid in food kits instead of salaries. However, in **October** all debts had been paid off with money. In **November**, all pensions and salaries were also paid.

The town lacked fuel for boiler rooms and cars.

All schools offered only distance learning.

Apartment buildings that were damaged and destroyed by shelling were being repaired with funds from the town budget, although the repair of private homes was not. Rinat Akhmetov's Fund began providing humanitarian aid in the town, and food, medication, and building materials were provided by Czech humanitarian organization "Man in Trouble" and from the ICRC.

The town's difficulties were connected with the fact that there was only one road linking it to the other territories under control of the Ukrainian government, and the town itself was constantly subject to artillery fire. But, nevertheless, life was improving in this town on the front.

Special attention should be paid to the refugees, temporarily forced from the territories controlled by separatists. They should be referred to as IDPs, not refugees.

Having fled to Ukrainian-controlled territory, they have often found themselves in difficult situations.

According to the Ukrainian Ministry of Emergency Situations, by the **18th of October 2014** there were 420,000 IDPs in total. According to UNO estimates, Ukraine had around 1,000,000 IDPs in total by the end of **November**.

However, there had been no law regulating the help that these IDPs should receive from the government until October. For this reason, local governments were forced to deal with all the issues related to IDPs without support from the national government, including temporary living premises, employment, permanent accommodation, and medical and humanitarian aid. These issues were resolved differently throughout the different regions of Ukraine, with no coordination with the central authorities. There was no overall registry of IDPs. Only **on the 20th of October 2014** Ukrainian parliament adopted the law "On Providing Rights and Freedoms to IDPs", which went into effect on the **22nd of October 2014**.

In October 2014, the Ukrainian government issued two decrees determining registration procedures for IDPs as well as the amount of money they should receive as help. Regional and town

social security departments were to register all IDPs and issue their payments. These social security departments could not deal with the enormous number of people, so long queues formed for registration.

These social security departments were also required to determine whether IDPs actually lived at the address they had indicated in their documents. This only made the whole process less organized.

In fact, the issue of providing IDPs with needed services was often solved exclusively thanks to self-sacrificing volunteers that provided help to these governmental institutions.

4. Conclusions:

1) Facts collected by the “Memorial” employees and our colleagues from international and Russian human rights organizations, as well as the information gathered from different sources, provide background for concluding that starting at least from the second half of August 2014, the armed conflict in Donetsk- and Luhansk regions of Ukraine gained international character of a conflict between Ukraine and Russia due to direct involvement of military forces of the latter.

It should be noted however that existence of an international armed conflict on the territory of Ukraine does not exclude qualifying the conflict between government controlled forces and self-proclaimed DNR and LNR forces as non-international conflict.

2) Both sides of the military conflict in Eastern regions of Ukraine ignore their obligation to take on all possible measures to avoid or minimize the number of deaths and injuries among civilian population, destruction and damage of civilian objects. Such negligence results in unneeded and unjustified civil deaths in addition to destruction of towns and villages of Donbass.

3) During the armed conflict both sides set up their artillery firing positions and other military objects throughout inhabited localities and carried out attacks against the enemy located right beside civilian objects. Such actions endanger civilians and civilian objects which are then targeted by artillery weaponry of both sides of conflict and result in civil deaths and civil object destructions.

During our monitoring mission in the end of November we recorded numerous cases of artillery weaponry of DNR being located inside towns and cossack military objects situated inside Pervomaysk.

In addition, at least in towns of Popasnaya and Debaltsevo in the beginning of December, Ukrainian artillery weaponry was set up out of town. However, inhabited districts of these towns had still suffered numerous shelling, including multiple rocket launcher 9K51 “Grad” attacks against Debaltsevo.

4) The attacks carried out with weapons including multiple rocket launchers are rather worrying due to the fact that they result in civilian objects being hit by these rockets. These Rocket launchers are simply not meant for precisely aimed firing. They “cover” certain square. Use of such weapons within inhabited localities – even if against military objects – is unacceptable. Such use violated laws and traditions of war and could be qualified as war crimes, because it knowingly leads to unjustified victims among civilian population and destruction.

5) Humanitarian situation in the area where military conflict is taking place is severe.

Among the territories controlled by Ukrainian government the most difficult situation humanitarian situation was in villages and towns located closer to the separation line between conflicting sides. Humanitarian situation in towns and villages of Donetsk - and Luhansk regions, controlled by the lawful Ukrainian government and located away from the front, is normalizing.

Humanitarian situation in towns and villages controlled by self-proclaimed DNR and LNR is very worrying. It is only getting worse in the long run. The situation in some villages is almost catastrophic. Humanitarian aid convoys from Russia and the Ukrainian territories controlled by lawful government help a lot but they can not solve the problem once and for all.

6) The severity humanitarian situation on territories controlled by separatists was only worsened when hospital staff and clinic staff stopped getting their salaries even though they kept working, saving lives and health of the local population. Pension payments also stopped for pensioners living on the occupied territories. A responsible government must try to find technical means of providing its state employees with earned salaries even in dark and tough times like these.