

Eastern-Ukrainian Center for Civic Initiatives

# On the Edge

**Observance of Human Rights and International  
Humanitarian Law in the Village  
of Shyrokyne (Donetsk Region)  
during the Armed Conflict in the Donbas:  
Monitoring Report**



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Е 34 **Observance of Human Rights and International Humanitarian Law in the Village of Shyrokyne (Donetsk Region) during the Armed Conflict in the Donbas: Monitoring Report /** Nesterenko, N., Smirnov, V., Trofimova, M., Shcherbachenko, V. // NGO Eastern-Ukrainian Center for Civic Initiatives. – Kyiv, 2020. – 124 p.

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The report outlines the violations of human rights and international humanitarian law in the village of Shyrokyne (Donetsk region) documented by the Eastern-Ukrainian Center for Civic Initiatives during the armed conflict in the Donbas. The documented violations take place against the background of military events in the village in 2014-2016. The study pays considerable attention to shelling of the village and its consequences, deaths and injuries among civilians, and the looting of residents' property. The report examines the socio-economic and legal problems of Shyrokyne residents forced to leave the village. An important part of the report concerns participation of representatives of the Russian Federation in the military operations in the South of Donetsk region, as well as investigation of crimes committed in the village of Shyrokyne.

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The opinions, conclusions, and recommendations are those of the authors and do not necessarily reflect the views of the Ministry of Foreign Affairs of Denmark, the United Nations Development Programme, or other UN agencies.



**MINISTRY OF  
FOREIGN AFFAIRS  
OF DENMARK**  
*Danida*



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# LIST OF ABBREVIATIONS

AFU	Armed Forces of Ukraine
ATO	anti-terrorist operation
CCU	Criminal Code of Ukraine
CMA	civil-military administration
CMU	Cabinet of Ministers of Ukraine
CSO	civil society organization
“DPR”/“LPR”	the self-proclaimed “Donetsk People’s Republic”/“Luhansk People’s Republic”
ECtHR	European Court of Human Rights
EUCCI/Center	Eastern-Ukrainian Center for Civic Initiatives
GCA	government-controlled areas
IAC	Information-Analytical Center of The National Security and Defense Council of Ukraine
IAG	illegal armed group
ICC	International Criminal Court
ICTY	International Criminal Tribunal for the former Yugoslavia
IDP	internally displaced person
IHL	international humanitarian law
IOM	International Organization for Migration
JFO	Joint Forces Operation
MLRS	multiple launch rocket system
MoD	Ministry of Defence of Ukraine
NGU	National Guard of Ukraine
NSDC	National Security and Defense Council
OSCE SMM	OSCE Special Monitoring Mission to Ukraine
OTP	Office of the Prosecutor of the International Criminal Court
PFU	Pension Fund of Ukraine
SAB	separate assault battalion
SSU	Security Service of Ukraine
TOT	temporarily occupied territory
URPTI	unified register of pre-trial investigations
UHHRU	Ukrainian Helsinki Human Rights Union
USRCD	Unified State Register of Court Decisions

***“I remember the terrified people from Shyrokyne. Scared, hungry people, blown up stores. There were shellings, yet they would wait for bread from 8 o’clock in the morning. Locals, there were many of them”.***

“Chenya”, commander of ZU-23 calculation, 2nd hundred, infantry battalion, the “Azov” regiment<sup>1</sup>

## SUMMARY

27 August 2014, marked the beginning of the third phase of the Russian Federation’s armed aggression against Ukraine accompanied by a mass invasion of Donetsk and Luhansk regions by the regular units of the Russian Armed Forces. The village of Shyrokyne was in the way of further Russian advance from the Ukrainian-Russian border towards Mariupol. The parties to the conflict held the actual control over the village in turns.

On 10 February 2015, the Ukrainian “Azov” regiment launched the Pavlopil-Shyrokyne offensive operation (“the Shyrokyne operation”), and its active phase lasted for the following five days<sup>2</sup>.

At the beginning of the military operation, Ukrainian forces managed to establish control over the village of Shyrokyne and attempt an advance towards the Ukrainian-Russian border. However, the counter-offensive actions of the illegal armed groups (IAGs) supported by heavy artillery stopped the further advance of “Azov” and allowed the illegal armed groups to regain control of part of the village.

The Ukrainian military was able to gain a foothold in the dominant Shyrokyne heights, i.e. hills located in the western outskirts of the village. Ukrainian forces still maintain control over these heights.

In the process of hastily evacuation, almost all its residents were forced to leave in the first days of the military operation.

During the entire year of 2015, the settlement was divided in half. Members of IAGs equipped their military positions in the abandoned residential buildings in the eastern part of the village, while western part of the village, with its dominant heights, was under the control of the Ukrainian military.

The village regularly came under to massive shelling. The use of residential buildings as defensive structures was often accompanied by damage/destruction and looting.

However, by the summer of 2015, several dozen locals continued living in the village, refusing to leave their

homes for various reasons. Hiding from shelling and street fighting, people lived in basements, without heating, light, gas, sufficient food or drinking water, and medicine. Almost all of them suffered, at the minimum, from minor injuries, contusions, complex chronic diseases, and some of them died or were killed.

In general, the EUCCI was able to identify the names of the 12 dead and 24 wounded civilians in Shyrokyne (4 September 2014 – 16 June 2015). The last residents (which is approximately 12 people) left the village only on 16 June 2015.

Since February 2016, the Ukrainian military has had full control of the village, but the locality remains on the contact line. The armed confrontation in the area of the village continues to this day. The residents are forbidden from entering.

At least 58 Ukrainian soldiers were killed in hostilities in Shyrokyne. According to IAG representatives, more than 80 members of the IAGs were killed in the fights over the village. During the study, we were able to identify the names of 40 of them. Twelve of the forty identified dead members of the IAGs were highly likely to have Russian citizenship.

During the armed confrontation over the village, both parties to the conflict have violated international humanitarian law. Residents of the village have been affected to varying degrees by deliberate killings and injuries of varying severity, indiscriminate shelling, ill-treatment, enforced disappearances, and the destruction and looting of property. There were cases of involvement of children in the IAGs, as well as sexual violence.

Events around the village were widely covered in the media on both sides of the conflict. Publications and stories often contained manipulations and became part of the “information warfare”.

<sup>1</sup> Shirokins'ka operacija. Spogadi uchasnikiv nastupu [Shyrokyne operation. Memories of participants of the offensive.]. Azov Regiment. Kyiv-Mariupol-MENA: “Dominant”, 2016, p. 33.

<sup>2</sup> “Azov” is a separate special-purpose unit of the National Guard of Ukraine widely known as the “Azov” regiment.

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The authors of the publication and the Eastern-Ukrainian Center for Civic Initiatives express their gratitude to the victims from Shyrokyne and their families, as well as to the relatives and friends of the Ukrainian soldiers who died protecting the territorial integrity and sovereignty of our state, in particular in the south of Donetsk region.

We are grateful to the residents of Shyrokyne, public activists in Mariupol, and other people who shared their life stories, professional experience, or otherwise contributed to the preparation of this report, including **Tetiana Podobna, Oleksandr Pylypenko, Natalia Lohozynska, Vadym Dzhuvaha, Halyna Odnoroh, Uliana Tokareva, Inna Varenysia, Liubov Halchenko, Tetiana Karpukhina, Eduard Temnyi, Albert Khomiak**, and those whose names we cannot disclose due to security reasons.

Special gratitude to the members of **“Saving Shyrokyne” CSO, Oleksiy Bida, Head of the UHHRU Documentation Center, and Kostiantyn Reutskyi, Executive Director of Vostok SOS Charitable Foundation**. Documents, photos, and other information

kindly provided by these organizations became a valuable source of information for the report.

With words of gratitude, we recall our colleagues, documentators of the Eastern-Ukrainian Center for Civic Initiatives, who made a significant contribution to the search for materials that formed the foundation of this report.

We hope that the facts published in the report will help recreate an impartial narrative of the military events that unfolded in the village and prevent the human rights violations resulting from the hostilities from neglect. We sincerely hope that the issues raised in this study will help find ways to restore justice for the victims and prevent impunity of those responsible for inciting the conflict and committing gross violations of human rights and international humanitarian law.

The appearance of this report was made possible with the financial support from the **United Nations Development Programme and the International Renaissance Foundation**.

# INTRODUCTION

Since 2014, the EUCCI in collaboration with partner organizations from the “Justice for Peace in Donbas” coalition has been documenting human rights violations committed during the war in the Donbas.

The Center’s interviewers visited almost every Ukrainian government-controlled city in Donetsk and Luhansk oblasts (regions) to collect hundreds of pieces of first-hand evidence of human rights violations.

After the armed confrontation in the east of Ukraine has become positional, a number of settlements ended up along the contact line and in the so-called grey zones for long periods.

The range of human rights violations and breaches of international humanitarian law (IHL) in such settlements concerned almost all the rights and freedoms guaranteed by international legal acts. Therefore, the Center could not ignore the situation with human rights in the front-line settlements.

A once prosperous village of Shyrokyne in the Volnovakha district of Donetsk region is currently among the settlements located along the contact line.

At this time, materials and human resources at the disposal of the EUCCI are insufficient to cover all the front-line settlements and towns at once. However, a preliminary study of the situation showed that the nature of the problems in all settlements is similar.

Therefore, the Center decided to concentrate on the human rights situation in one settlement as the object of the study and use its example to illustrate general trends.

This report summarizes the results of a study conducted by the EUCCI in 2019, which included documenting and analyzing violations of human rights and IHL norms in the village of Shyrokyne.

The village was selected because its example demonstrates how the armed conflict affected the rights and lives of people in a small settlement.

Construction of fortifications near the settlement, artillery shelling, military operations, subsequent evacuation of civilians, looting of movable property, destruction of people’s houses and social infrastructure of the village, death and injuries, deprivation of basic state social guarantees even in the government-controlled areas (GCA) – all these are merely a cursory description of issues faced by families in Shyrokyne. In the course of the study, we could not ignore violations of the laws and customs of war relating to the military.

Since the beginning of the “Shyrokyne operation” and until this day, Shyrokyne and the events surrounding it are mentioned almost daily in regional, national, and, sometimes, in the international media. All this makes the village an exemplary case study for human rights research.

In order to minimize the negative consequences of military actions for the population – because the armed conflict in eastern Ukraine is still ongoing – the EUCCI sees the need for documenting and publicizing the facts of violations of human rights and IHL norms by both sides of the conflict. We expect that the documented facts will later be added to the evidence in cases against war criminals, which will certainly eventually be considered by international tribunals.

The Center highly appreciates the efforts of the Ukrainian military to ensure the independence, unity and territorial integrity of Ukraine, but we could not ignore the alleged violations of Ukrainian side and describe only the offenses committed by members of the IAGs.

The EUCCI sincerely sympathizes with all residents of Shyrokyne who were forced to leave their homes, suffered health damages or lost relatives, and apologizes in advance for any inaccurate or incomplete representation of certain circumstances of events.



# RESEARCH METHODOLOGY

## Goals and objectives

The main goal of this study was to document, analyze, and subsequently publicize violations of human rights and IHL norms committed in the village of Shyrokyne, to facilitate the restoration of violated rights, and to draw attention of the State and international organizations to the facts of such violations in order to avoid such actions in the future.

According to this goal, the following **objectives** were defined:

1. To collect general information about the conditions of social and economic development of the village before the armed conflict and in the period from the beginning of the anti-terrorist operation (ATO) (14 April 2014) to the date when regular military units of the Russian Federation invaded the territory of Ukraine (24 August 2014).
2. To collect general information about the armed confrontation in Shyrokyne: to establish the timeline and preconditions of events in the village from 24 August 2014 to 9 February 2015, from the beginning of “Shyrokyne operation” (10 February 2015) until today, in particular, information on Russian engagement in the events around the village.
3. To analyze national legislation and international legal norms that relate to the subject matter of the study.
4. To document and analyze the facts of violations of IHL norms during military actions in the village.
5. To investigate the current humanitarian and legal problems of the villagers after the resettlement.
6. To conduct general analysis of the activities of government authorities and law enforcement bodies responsible for restoration of the rights of village residents.
7. To develop recommendations aimed at eliminating the identified violations.

## Data collection methodology

The study used data collection methods such as interviews, content analysis of open sources, content analysis of documents, photos and videos received from public entities (government authorities, local authorities, other government institutions and organizations) and private individuals, as well as comparative analysis of legal sources.

## Interviews

The EUCCI conducted interviews with the following categories of people:

- individuals affected by violations;

- individuals who witnessed violations (in particular, relatives and neighbors of the victims);

- experts who have information about violations committed in the village (military, journalists, public activists, representatives of social services, etc.).

Interviews were conducted in the form of oral private dialogue with respondents, during which the respondent was asked predetermined questions, which were supplemented with additional questions to verify and clarify the respondent’s testimony. In several interviews, two individuals were interviewed at the same time.

The EUCCI conducted second-round interviews with several respondents, during which the respondents clarified the details of previous interviews and reported new important facts.

In total, the Center conducted **22 semi-structured interviews** with former residents of Shyrokyne (victims and witnesses of violations), **5 interviews** with experts (public activists, military, etc.), and **1 group interview** with representatives of local governments

Each interview consists of an audio recording, a transcript of the interview, and the respondent’s written consent for the use of collected information.

Interviewers from among the members of the Center, having the necessary training and experience, introduced the respondents to the purpose of data collection, the storage conditions and further use of the collected information before the interview.

Despite repeated attempts by the Center to get comments on the current problems from the civil-military administrations (CMAs) of the villages of Shyrokyne and Berdianske, and the joint Civil-Military Cooperation Center (Mariupol), it was impossible to obtain this information because the Ukrainian military and the acting CMA head refused meetings.

In the course of the study, the Center also used testimony from **33 interview reports conducted** by the Ukrainian Helsinki Human Rights Union (**UHHRU**) with the village residents in the previous years. The information collected by the UHHRU is in a different format than that of the EUCCI, namely a condensed rendering of the victims’ testimony. Some of these reports contained information used for research purposes that confirmed or supplemented the data collected by the Center.

The testimony of village residents was the main source of information on violations of human rights and IHL norms against the civilian population. The study was conducted based on the statements of victims and witnesses, but the EUCCI cannot assert its objectivity and guaranteed reliability.

## Open-source content analysis

During the study, the Center conducted content analysis of open sources to find data relevant to the subject matter of the study.

The following open sources were investigated:

1. News reports, articles, interviews, reports and video reports of news media. Both, news media from the GCA (Censor.net, BBC Ukraine, Channel 24, Channel 5, Hromadkse.ua etc.), and the temporarily occupied territories (Donetsk News Agency, News of the Donetsk Republic, News-Front etc.) were analyzed. Russian media (RIA Novosti, Russia 24, REN TV, Lenta.ru, ANNA-News, Newspaper.ru", etc.) were also analyzed.

The analysis of news reports helped to establish the timeline and course of events around Shyrokyne and find out the decisions made by important military and civilian actors on both sides of the conflict regarding separate military events in Shyrokyne. Analysis of news reports helped find materials pointing to the participation of Russian citizens in military operations in the village, information about cases of captivity and conditions of detention, information about the abuse of dead bodies, and other important facts for the study.

2. Personal blogs, in particular video blogs. The video published by residents of Shyrokyne and persons who took part in military operations or visited Shyrokyne (Olena Bilozerska's video blog, Spartak Kotilevsky's video blog, Oleg Kornilov's video blog, Yuri Kotenok's video blog, Mykhailo Polynkov's blog in LiveJournal, etc.) was studied. The data obtained from personal blogs was an important source of information about the shelling of civilian objects, conditions of detention of prisoners of war, military losses, and participation of the Russian Federation in military operations in Shyrokyne etc.

3. Messages on official websites of government bodies and other information resources (Security Service of Ukraine, Prosecutor General's Office, Ministry of Defense of Ukraine, the ATO headquarters, the "Azov" regiment etc.). The summarized data of the Information-Analytical Center (IAC) of the National Security and Defense Council of Ukraine based on reports on hostilities in the village published on the IAC website was a particularly valuable source for the purposes of the study. This data was compared with the local press reports, OSCE data, and information from other sources. Analysis of these sources helped establish the timeline and course of military operations in Shyrokyne, find information about the Russian-made weapons discovered in Shyrokyne etc.

4. Websites of authorities and other resources of the "republican" government ("DPR People's Council", "Council of Ministers of the DPR", "DPR Army", "Administration of the National Police of DPR", etc.).

These resources were used to search for information about the proposal of the "DPR" leadership regarding the events in Shyrokyne, the actions of the military units of the self-proclaimed republic in the south of Donetsk region, and about the losses among the IAG members.

5. Websites of Ukrainian and pro-Russian projects aimed at preserving the memory and identification of dead soldiers ("The memory book of the dead", "Remember Donbass" and "White cranes"). Analysis of the content of these resources helped collect information about the military losses on both sides.

6. Social networks. This source was used mainly to search for information about the losses of the parties and identify foreign citizens involved in military operations in Shyrokyne. Messages of Shyrokyne residents on personal pages in social networks and in thematic groups dedicated to the village were used to collect information about human rights violations and the course of events in the village.

7. Data of the Unified State Register of Court Decisions (USRCD) for the period from September 2014 to May 2019 (sentences, rulings, decisions of courts in cases related to Shyrokyne).

8. Spot reports of the OSCE Special Monitoring Mission (OSCE SMM) in Ukraine published on its website, as well as reports of other international governmental and non-governmental organizations from their web resources, in particular the reports of the Office of the United Nations High Commissioner for Human Rights (OHCHR) on the human rights situation in Ukraine based on the work of the UN Human Rights Monitoring Mission in Ukraine. Analysis of these sources helped find additional information about human rights violations in the village.

9. A book "Shyrokyne operation. Memories of the offense participants" published by the "Azov" regiment. This publication contains the views of the soldiers of the "Azov" regiment on the purpose and objectives of the Shyrokyne operation, its progress and results<sup>3</sup>. The publication describes in detail the timeline of events of the Shyrokyne operation. As of today, the book is almost the only public documentary source of information about the events of the offensive.

A significant part of the publications analyzed and used in the report were prepared by participants of the conflict (combatants, war correspondents, persons who provided assistance to the military etc.), and official media of the state parties to the conflict.

In particular, authors of this report approached the analysis of publications in the media with caution, especially those that operate on the temporarily occupied territories (TOT) and in the Russian Federation. We took into account the fact that the activities of the media on these territories are subject to censorship and self-censorship more

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<sup>3</sup> Shyrokyńska operacija. Spogadi učasnikiv nastupu. [Shyrokyne operation. Memories of participants of the offensive.]

than in other cases, and the media themselves have repeatedly become a source of false information, myths and propaganda.

Given the above, during the analysis of each publication, we took into account its authorship, the position and role of the author in the armed conflict and its impact on the content of the message. All the information received was critically evaluated, and the facts presented were compared with the data from other sources.

## Content analysis of the news channel messages

The study included an analysis of the use of military events in Shyrokyne in the information warfare. To study this topic, it was decided to analyze the reports of influential TV channels in Ukraine and Russia, which created television segments on the events in the village. To prepare the relevant section of the report, all news and information stories of nine influential TV channels in Ukraine and Russia that mentioned Shyrokyne in their news reports from August 2014 to June 2019 were selected and analyzed.

Among the different types of media, television was selected for this study because it has the most influence among other types of media. The TV product is easy to understand and creates the effect of the viewer's personal presence at the event site. TV messages are easily accessible, which is important due to the limited resources of the study.

Five Russian state and semi-state TV channels that broadcast on the territory of Ukraine (Russia-24, First Channel, NTV, Russia, RT) were selected for analysis. The ownership structure of TV channels and the content of information distributed by TV channels indicate that they represent the official policy of the aggressor state. Russia-1 and Russia-24 are state channels and are part of the all-Russian state television and radio broadcasting company<sup>4</sup>. NTV channel is owned by a subsidiary holding of Gazprom, 50 % of which is owned by the state<sup>5</sup>. The Russian state also controls 51 % of the First Channel shares<sup>6</sup>. RT channel was founded by the Russian state holding "RIA Novosti" and is financed from the state budget of the Russian Federation<sup>7</sup>.

Media resources of the so-called DPR were not included in the sample, as they have little broadcast coverage and a limited audience. For the same reason, the sample did not include Russian TV channels that position themselves as oppositional.

Four influential national TV channels were selected from Ukrainian TV channels (1+1, Channel 5, Inter, UA: Pershiy). Since there are not as many influential state TV channels in Ukraine as there are in the Russian Federation, the study selected channels that have a significant audience coverage and reflect the point of view of significant and, at the same time, diverse subjects of Ukrainian politics – their owners. Channel 5 was and is still owned by Petro Poroshenko<sup>8</sup>, the President of Ukraine in 2014-2019. The owner of 1+1 was and remains an oligarch Ihor Kolomoiskyi<sup>9</sup>, who made a significant contribution to deterring Russian aggression during the deployment of the military conflict in the east of Ukraine. In particular, he was appointed the Head of Dnipropetrovsk regional state administration and contributed to the creation of Dnipro-1 Regiment, which subsequently took part in military operations in the "M" sector. Inter channel was selected for monitoring because its owners represented the opposite political side to the government at that time. The channel belongs to the oligarch Dmytro Firtash, former Head of the Presidential Administration of Ukraine during the times of Yanukovich, one of the opposition leaders Serhii Liovochkin, and Valerii Khoroshkovskiy, an oligarch and former Head of the SSU and ex-Vice Prime Minister during the presidency of Viktor Yanukovich<sup>10</sup>. Materials of the First National state TV channel were impossible to include in the monitoring because, at the time of writing the report, it ceased to exist, and its materials became unavailable in public domain. Instead, we analyzed the stories of its successor, public TV channel UA: First starting from its launch on 7 April 2015. The monitoring did not include regional TV channels operating on the GCA, due to the lack of their archival materials in the public domain, small audience coverage and limited influence.

On the websites and YouTube channels of the mentioned TV channels, stories related to Shyrokyne were selected using keywords. Selected stories were checked for the presence of references to the village. Duplicating stories published both on the TV channel's website and on YouTube channels were excluded from the analysis.

<sup>4</sup> Kto vladeet SMI v Rossii: vedushhie holding [Who owns the media in Russia: leading holdings]. BBC Russian service. Available at: [https://www.bbc.com/russian/russia/2014/07/140711\\_russia\\_media\\_/](https://www.bbc.com/russian/russia/2014/07/140711_russia_media_/). (Retrieved: 23 September 2019).

<sup>5</sup> Ibid; Na golubom glazu: kto oni, poveliteli telejefira Rossii i Tatarstana. [On the blue eye: who are the lords of the Russian and Tatarstan TV]. Real time. Available at: <https://realnoevremya.ru/articles/53920-komu-prinadlezhat-telekanaly-rossii>. (Retrieved: 23 September 2019).

<sup>6</sup> Abramovich prodal VTB 20% akciij "Pervogo kanala" [Abramovich sold VTB a 20% stake in channel One] Interfax. Available at: <https://www.interfax.ru/business/653378>. (Retrieved: 23 September 2019).]

<sup>7</sup> Kto vladeet SMI v Rossii: vedushhie holdingi [Who owns the media in Russia: leading holdings]. BBC Russian service. Available at: [https://www.bbc.com/russian/russia/2014/07/140711\\_russia\\_media\\_/](https://www.bbc.com/russian/russia/2014/07/140711_russia_media_/). (Retrieved: 23 September 2019)

<sup>8</sup> Struktura vlasnosti [Ownership structure]. Channel 5. Available at: <https://www.5.ua/about/struktura-vlasnosti/>. (Retrieved: 23 September 2019).

<sup>9</sup> Struktura vlasnosti [Ownership structure] 1+1. Available at: <https://1plus1.ua/struktura-vlasnosti>. (Retrieved: 23 September 2019).

<sup>10</sup> Struktura vlasnosti [Ownership structure] Inter. Available at: <http://inter.ukr>. (Retrieved: 23 September 2019).

In total, 362 reports of Russian TV channels and 1,392 reports of Ukrainian TV channels that mentioned Shyrokyne were selected. The study analyzed 176 reports about Shyrokyne of Russia-24 TV channel (Russia), 90 reports of the First Channel, 85 reports of NTV, 6 reports of Russia-1, and 5 reports from RT. From Ukrainian media reports about Shyrokyne, 417 stories of 1+1 TV channel, 870 reports of Inter, 57 reports of Channel 5, and 49 reports of UA: First were analyzed.

The content analysis of TV channel messages allowed us to collect not only the data necessary for preparing the section of the report devoted to the use of Shyrokyne events in the information warfare, but also to identify and clarify numerous facts that are important for writing other sections of the report.

## Content analysis of documents received from public entities and private individuals

The study also incorporated information and documents received from government agencies and individuals, including:

1. Documents, photos and videos collected by the “Saving Shyrokyne” CSO, individual villagers and journalists.
2. Individual legal documents of villagers who were interviewed (appeals to authorities and law enforcement agencies, references, letters of response to requests, etc.).
3. Responses to requests submitted by the Center to officials of state and local government authorities (SSU, MoD, National Guard of Ukraine, National Police, bodies of state registration of civil acts, hospitals, Volnovakha district state administration, department of social protection of the population of Mariupol City Council, department of statistics etc.) regarding the provision of anonymized statistical and other public information.

## Comparative analysis of legal sources

The study analyzed the provisions of the four Geneva Conventions and the Additional Protocols, other international law documents, as well as the provisions of the national legislation of Ukraine (in particular, the provisions of the Criminal Code of Ukraine and the Criminal Procedure Code of Ukraine). This analysis provided an objective and competent assessment of the facts associated with military operations in Shyrokyne.

## Counting deaths and injuries among civilians

The main source of information for counting civilian deaths and injuries in Shyrokyne was the testimony of former residents of the village. Therefore, information about the number of deceased and injured, their personal data and

information about the circumstances of death or injury may be inaccurate. First, data on the number of people who were injured may be inaccurate, since a significant number of those residents who suffered minor injuries (scratches, minor contusions, etc.) later sought medical help and did not publicize the facts of their injury.

Through interviews, the Center was able to establish the names of **12 dead and 24 injured civilians** with relative certainty.

While counting the number of dead and injured, the Center tried to obtain data on the issue from various government agencies, but these efforts did not have significant success. Requests were sent to the Ministry of Defence of Ukraine (MoD), the National Guard, the Main Department of the SSU in Donetsk and Luhansk regions, the health department of Mariupol City Council, Volnovakha district state administration, and Donetsk regional bureau of forensic medical examination (Mariupol), the Main Department of Statistics in Donetsk region, 7 bodies of state registration of civil acts (Donetsk region, Volnovakha district, Mariupol) and all hospital institutions in Mariupol (15 institutions in total).

Thus, the Ministry of Defense represented by the military unit A0135 (letter from 08.07.2019) and the National Guard of Ukraine (letter from 05.07.2019) replied to the Center that they do not keep records of losses among civilians.

The Main Department of the SSU in the Donetsk and Luhansk regions in a letter from 2 May 2019, reported that only two dead and five wounded civilians from Shyrokyne appear in the criminal proceedings investigated by this authority.

The health department of Mariupol City Council did not provide any response to the Center’s request.

Donetsk regional bureau of forensic medical examination in a letter from 26 June 2019 reported on the examination of seven corpses of civilians with signs of violent death delivered from Shyrokyne. However, there were no victims with injuries sent for the examination by the judicial investigation authorities.

Dmytro Takadzhy, head of the Volnovakha district state administration, in a letter dated 26 April 2019 informed the Center that the administration is not a “holder or administrator of the information regarding the number of dead and wounded in Shyrokyne” and noted that he has forwarded our request to the CMA of Shyrokyne and Berdianske with the following mailing address: Shyrokyne village, 41 Radianska Str. It is not known for sure whether the request was received by the addressee (the request was sent to the territory where only the military are present), but we have not received a response from the CMA.

All bodies of state civil acts registration in response to requests from the Center regarding the provision of anonymized statistical information on the number

of Shyrokyne residents who died during the armed conflict from 14 April 2014 till 31 March 2019 in the government-controlled areas, and/or anonymized statistical information on the number of records compiled on the state registration of the death of persons whose place of birth was the village of Shyrokyne from 14 April 2014 till 31 March 2019, provided almost identical answers that these bodies do not keep statistics with such parameters.

The answer regarding the lack of relevant statistics was also provided by the Main Department of Statistics in Donetsk region in a letter from 10 April 2019.

From 15 hospital institutions to which requests were sent (regarding the provision of anonymized information about the number of wounded, sick/dead civilians who received injuries in the settlement of Shyrokyne, were delivered or those who independently applied to a medical institution for a medical care in the period from 1 September 2014 to 20 June 2015), 12 institutions responded. From these responses, it is clear that only three of these 12 medical institutions have information about the facts of treatment of the wounded in Shyrokyne (in general, four wounded civilians).

It is a known fact that some of the wounded residents of Shyrokyne were delivered to hospitals of the city of Novoazovsk. However, since the city has been part of the occupied territory since 2014, it was not possible to get relevant information from these institutions during the study.

## Counting deaths and injuries among combatants<sup>11</sup>

The calculation of losses of the Ukrainian military and members of the IAGs in the battle for Shyrokyne was carried out primarily based on monitoring open sources. The calculation of losses on both sides was based on information found in online media, online memorial projects, social networks, TV reports, and YouTube videos. Thus, the Center was able to establish the names of 58 dead Ukrainian soldiers and 40 IAG participants. Each identified case was accompanied by a search for additional and supporting information in open sources.

At the same time, Russian citizen Andrey Kurshin, who was in command positions on the IAG side and took part in military operations in Shyrokyne, wrote that 82 members of the IAG were killed in the battles for the village as of the beginning of 2019; however, he does not provide the names of the victims<sup>12</sup>.

The center also asked the MoD to provide information about the number of wounded and dead soldiers during the military operations in Shyrokyne. In response to the request, the Ministry noted that during the operation of

the Joint Forces in Shyrokyne, one soldier of the Armed Forces of Ukraine (AFU) was killed and 13 were injured. During this time, there were 3 dead members of the IAGs and 13 wounded.

The Center did not count the injured on both sides due to the large number of such cases and difficulties in identifying the victims.

According to the Center's data, the greatest losses on the Ukrainian side were suffered by the "Azov" regiment (15 dead), 36<sup>th</sup> brigade (nine dead), and the "Donbas" battalion (7 dead). The 54<sup>th</sup> battalion suffered five military casualties, 79<sup>th</sup> brigade – 4 casualties, 23<sup>rd</sup> battalion – 3 casualties, and the Ukrainian Volunteer Army – 3 casualties. 93<sup>rd</sup> brigade, 59<sup>th</sup> brigade, and the Ukrainian Volunteer Corps "Right sector" lost two fighters each. 95<sup>th</sup> brigade, the 56<sup>th</sup> battalion, 17<sup>th</sup> brigade, 74<sup>th</sup> battalion, and 80<sup>th</sup> brigade each lost one person.

The greatest losses on the part of the IAGs were suffered by the 9<sup>th</sup> separate marine regiment of the so-called DPR (21 dead) and the "Sparta" battalion (3 dead). The "Oplot" battalion and the republican guard of the so-called DPR each had one fighter killed. Another 14 dead militants could not be identified as belonging to a specific military unit. Most of the participants in the IAGs were killed in April 2015.

Information from the online memorial projects was analyzed to identify and count the dead. To search for a Ukrainian military killed in Shyrokyne, the data of the "The memory book of the dead" was used. Materials of the online projects "Remember Donbass" and "White cranes" were used to compile a list of participants of the IAGs who died in Shyrokyne.

Information was also searched in thematic groups of social networks. In the calculation of the numbers of IAG participants, materials of the following groups were used: "Book of memory" group in Odnoklassniki social network, "Novorossiya – land of heroes", "Memorial to the heroes of the militia of Novorossiya", and "Heroes of Novorossiya" groups in Vkontakte social network.

We used materials from projects that keep lists of combatants who died in the course of military operations in the Donbas - "Gruz 200" and the results of the monitoring of Twitter of Necro Mancer user.

## Limitations of the study

The study was limited to the factors listed below:

1. The lack of access to the territory of the village prevented the research team from independently inspecting and determining the nature of damages, assessing the extent of looting of private property (for

<sup>11</sup> The term "combatant" is used in the general context, defining individuals who do not enjoy the protection afforded to civilians.

<sup>12</sup> Povjornutye na vojne. Zapiski o staryh vremenah: obnovenie statusa gruppy na stranice v "VKontakte". [Turned on the war. Notes about old times: updating the group's status on the Vkontakte page.] 11.01.2019. Available at: [https://vk.com/wall-151878956\\_336446](https://vk.com/wall-151878956_336446). (Retrieved: 12 September 2019).

example, verifying the facts of dismantling of metal structures indicated by some residents).

2. Lack of access to the temporarily occupied territories makes it impossible to interview residents of Shyrokyne living in these territories.

3. Inaccurate and sometimes contradictory statements given by victims and witnesses made it difficult to reproduce the chronology and course of events in the village. More than five years have passed since the beginning of hostilities, and the respondents were often unable to reproduce the details of individual events. The stay of individual witnesses in the village was a short-term.

4. The reluctance of respondents to talk about certain topics related to the period of military operations in the village. Guided by their political views, in particular regarding the assessment of the causes of the Russian-Ukrainian conflict and the role of each state in it, some respondents suppressed certain facts or covered them with bias.

For most residents of the village, the problem of restoring real estate lost during the war remains acute (obtainment of financial compensation from the state for destroyed housing). While waiting for future judicial or administrative procedures that may result in financial compensation, some villagers prefer not to talk about facts that, in their opinion, may negatively affect important decisions. Thus, some of the respondents avoid answering the question about which side of the conflict caused injuries or death, and damage to property, explaining that it is impossible to identify the party that launched fire. Many interviewed villagers refused to talk about the details of the fighting in the village on 10-15 February 2015, limiting themselves to general responses. Some of the respondents also did not want to talk in detail about the facts of the stay of members of illegal armed groups in the village in the period of September 2014 to 10 February 2015, about the carrying out of the pseudo-referendum in village, the participation of some residents of the village in the IAGs.

A significant number of victims and witnesses continue to live in the area close to the contact line, where the likelihood of violence remains high. Given this, and the trauma experienced, the topics of illegal detention, ill-treatment, torture, and looting committed by both sides of the conflict remains a taboo. Fearing further persecution, victims in most cases refuse to testify about these violations. Information about these crimes is often available only from relatives, acquaintances, or neighbors of the victims of violations.

5. The non-public nature of information about the purpose and objectives of military operations, the location of positions, losses of the parties, etc. makes this data inaccessible for research. Since the armed conflict is still ongoing, this information is considered sensitive and is not made public in full by the parties to the conflict.

In order to overcome these restrictions, the research group actively collected additional information, in particular documents, photos and videos from open sources (Internet sources, USRCDC) and asked for additional data from government bodies. The research group contacted people with different political views, both civil and military, representatives of various social layers and organizations, and state authorities; people who visited temporarily occupied territories or had the opportunity to visit the part of the village that was under the control of the IAGs.

Because of an integrated approach to information collection, the research team was able to fill in information gaps and overcome these limitations.

The EUCCI recognizes its interest in restoring Ukraine's sovereignty over the temporarily occupied territories as soon as possible and condemns Russia's armed aggression against Ukraine. At the same time, when presenting the established facts of violations of human rights and IHL norms, in their interpretation and assessment, the Center tried to be as objective and impartial as possible with respect to both sides of the conflict.

# 1. APPLICABLE LAW

## 1.1. International law

During the military actions in Shyrokyne, the rules of IHL and international human rights were violated systematically. Ukraine is a State party to the four Geneva Conventions<sup>13</sup> and the Additional Protocols<sup>14</sup>, which set standards and prohibitions in the treatment of prisoners of war and the civilian population during the war. These international legal acts, among other things, are aimed at protecting the rights of persons who do not participate in hostilities. The Geneva Conventions differ and apply depending on the type of armed conflict: in international armed conflict or non-international armed conflict.

The Russian Federation is also a State party to the above-mentioned Conventions. However, contrary to its obligations under the Conventions, the Russian Federation continues to violate its obligations by committing illegal actions in the east of Ukraine. Quasi-state entities created by the Russian Federation, the so-called DPR / LPR do not have all the attributes of a State and/or international recognition, and the IAGs operating in their territories are not subjects of international law with the full legal personality. However, the lack of recognition of IAGs as subjects of international law does not deprive them of responsibility for violations of customary international law committed during the armed conflict in eastern Ukraine. Participants of the IAG may face individual criminal liability in accordance with the national legislation of Ukraine and international criminal law.

The situation with the establishment of the nature of the armed conflict in the Donbas has remained uncertain for a long time because the Russian Federation does not recognize its involvement. Ukraine is forced to make significant efforts to prove the Russian Federation's control over the IAGs of the self-proclaimed republics in the international courts. First, this is important for the application of IHL rules, which, depending on the type of conflict, afford different degrees of protection to civilians and combatants.

Another important issue in bringing those responsible for war crimes to justice is the legal qualification of armed conflict. Thus, the standards and prohibitions applied in non-international armed conflict are much narrower than those of an international armed conflict are.

The list of major international crimes is provided in the Rome Statute of the International Criminal Court (ICC), which contains most of the violations of IHL defined by international conventions and customary international law. One of the international crimes under the Rome Statute is a war crime as defined by Article 8. War crimes are violations of IHL norms that are committed during an international armed conflict or an armed conflict of a non-international character as part of a plan or policy or as part of a large-scale commission of such crimes. Another type of crime that is considered by the Office of the Prosecutor (OTP) of the ICC in the context of the situation with Ukraine is crimes against humanity defined in Article 7. Criteria for large-scale and/or systematic attacks on civilians within the framework of a specific policy are an important factor in determining whether such crimes have been committed.

The ICC investigates crimes and prosecutes those perpetrators who bear the greatest responsibility at the international level. Ukraine is not party to the Rome Statute, but it has issued two declarations (statements), one of which recognized the ICC's jurisdiction over crimes committed on the territory of Ukraine since 20 February 2014 until present time<sup>15</sup>. Based on this, the Office of the Prosecutor has combined both declarations and is conducting a preliminary examination of the situation in Ukraine. The Office of the Prosecutor published reports on preliminary examination activities for 2017 and 2018<sup>16</sup> which indicate, *"by 30 April 2014 the level of intensity of hostilities between Ukrainian government forces and anti-government armed elements in eastern Ukraine had reached a level that would trigger the application of the law of armed conflict and that the armed groups*

<sup>13</sup> Geneva Convention for the amelioration of the condition of the wounded and sick in armies in the field from 12.08.1949 (I Geneva Convention); Geneva Convention for the amelioration of the condition of wounded, sick and victims of shipwrecked members of armed forces at sea of 12.08.1949 (II Geneva Convention); Geneva Convention relative to the treatment of prisoners of war from 12.08.1949 (III Geneva Convention); Geneva Convention relative to the protection of civilian persons in time of war, of 12.08.1949 (IV Geneva Convention).

<sup>14</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, of 8 June 1977 (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts, of 8 June 1977 (Protocol II); Protocol Additional to the Geneva Conventions of 12.08.1949, to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem, of 8 December 2005 (Protocol III).

<sup>15</sup> According to Article 12(3) of the Rome Statute as of 17.07.1998.

<sup>16</sup> A report on preliminary examination activities is not a legally binding document.

*operating in eastern Ukraine, including the LPR and DPR, were sufficiently organized to qualify as parties to a non-international armed conflict*<sup>17</sup>.

The OTP also pointed to the direct military engagement between the respective armed forces of the Russian Federation and Ukraine, therefore, suggesting the existence of an international armed conflict in parallel to the non-international armed conflict<sup>18</sup>. At the time of this report, the OTP was conducting the second stage of the preliminary examination of the situation in Ukraine, i.e. it has been reviewing all available information about the conflict to determine the subject-matter jurisdiction of the ICC. This will be followed by a review of admissibility of the alleged crimes at the ICC (stage three) and a determination as to whether proceeding to an official investigation would serve the “interests of justice” (stage four).

Since the fighting in Shyrokyne took place within the framework of the armed conflict in eastern Ukraine, they fall under the above-mentioned examination of the OTP. The International Criminal Tribunal for the former Yugoslavia, which preceded the creation of the ICC, found that an armed conflict exists whenever there is a resort to armed force between States or protracted armed violence between governmental authorities and organized armed groups or between such groups within a State<sup>19</sup>.

The armed conflict in eastern Ukraine falls under this definition and contains signs of both an international armed conflict and a non-international armed conflict. Article 3, common to the four Geneva Conventions, which defines guarantees of protection for victims, as well as Additional Protocol II, can be applied to non-national armed conflicts.

With regard to international armed conflict, the ICTY has applied the concept of “overall control”, according to which an armed conflict is considered international if a State wields overall control over armed forces or military groups that take part in an armed conflict against another State. It concerns not only equipping and financing the group, but also coordinating or helping in the general planning of its military activity oversight<sup>20</sup>. Since the Russian Federation exercises overall control over the

IAGs, the law of international armed conflicts applies to the events in Shyrokyne, namely four Geneva Conventions of 12 August 1949 for the protection of victims of war and Additional Protocol I, which is significantly higher than the norms applicable to non-international armed conflict.

Participation of Russian combatants in the military operations around Shyrokyne has been confirmed by the testimony of Russian citizens, residents of Shyrokyne, the Ukrainian military and the discovered Russian-made weapons. The facts discussed in chapter 2.5 “Participation of the Russian Federation in the armed conflict in the Donbas (south of Donetsk region)” of this report support the fact that the Russian Federation wields control over the participants of the IAG in Shyrokyne.

The conducted study gives grounds to assert that during the fighting in Shyrokyne there were frequent cases of **violations of the principle of distinction**. IHL states that parties to an armed conflict must distinguish between civilians and combatants, and attacks can only be directed against combatants<sup>21</sup>. Among the recorded violations of international law, **artillery shelling** conducted in Shyrokyne should be highlighted. International law imposes restrictions on the conduct of military operations against the civilian population and objects: it is forbidden to carry out an attack, in particular, to fire at unprotected settlements, housing, and buildings that are not military objectives<sup>22</sup>.

Shelling in Shyrokyne resulted in a number of civilian deaths and injuries, as well as the destruction and damage of civilian objects. After the evacuation in February 2015, civilian objects were actively used by both sides of the conflict as positions and lost their immunity. Despite the fact that both sides of the military operations in Shyrokyne had to adhere to the principle of distinction, the combatants attacked not only military targets and persons directly involved in the armed conflict. In particular, there have been cases of attacks on civilian targets that have affected the civilian population.

The analysis also identified the location of military objects in Shyrokyne and the surrounding area. According to IHL rules, each party to the conflict must, to the extent feasible, avoid **locating military objectives within or near**

<sup>17</sup> Report on Preliminary Examination Activities 2017 / The OTP of the ICC. Para. 94. 04.12.2017. Available at: [https://www.icc-cpi.int/itemsDocuments/2017-PE-rep/2017-otp-rep-PE\\_ENG.pdf](https://www.icc-cpi.int/itemsDocuments/2017-PE-rep/2017-otp-rep-PE_ENG.pdf) (Retrieved: 12 September 2019).

<sup>18</sup> Report on Preliminary Examination Activities 2018 / The OTP of the ICC. Para. 72. 05.12.2018. Available at: <https://www.icc-cpi.int/itemsDocuments/181205-rep-otp-PE-ENG.pdf> (Retrieved: 12 September 2019).

<sup>19</sup> Prosecutor v. Dusko Tadic, Case No. IT-94-1 (Decision on the Defense Motion for Interlocutory Appeal on Jurisdiction). The ICTY (Appeals Chamber). Para. 70. 02.10.1995. Available at: <http://www.icty.org/x/cases/tadic/acdec/en/51002.htm> (Retrieved: 11 September 2019).

<sup>20</sup> Prosecutor v. Dusko Tadic, Case No. IT-94-1-A (Judgement). The ICTY (Appeals Chamber). Para. 131. 15.07.1999. Available at: <http://www.icty.org/x/cases/tadic/acjug/en/tad-aj990715e.pdf> (Retrieved: 11 September 2019).

<sup>21</sup> During international armed conflict– Art. 48, 51(2) and 52(2) of the Additional Protocol I; during non-international armed conflict– Art. 13(2) of the Additional Protocol II; Art. 8(2)(e)(i) of the RS ICC.

<sup>22</sup> Art. 85(3)(d) the Additional Protocol I; Art. 8(2)(b)(iv), 8(2)(b)(v), Art. 8(2)(b)(i)/(ii) (During international armed conflict) and Art. 8(2)(e)(i) (during non-international armed conflict) of the RS ICC.



**densely populated areas.** The Armed Forces of Ukraine (AFU) and the IAGs had weapons in the populated areas of Shyrokyne, which can be interpreted as a violation of Additional Protocol II, in particular Article 13(1), according to which “the civilian population and individual civilians shall enjoy general protection against the dangers arising from military operations”<sup>23</sup>.

Another manifestation of the application of the principle of distinction is the requirement for each party to the conflict, to the extent feasible, remove the civilian population, individual civilians and civilian objects under their control from the vicinity of military objectives<sup>24</sup>. In particular, this implies the need **to do take all action to evacuate the civilian population** from the vicinity of military objectives. The indiscriminate use of heavy weapons by members of the IAGs in residential areas and the unpredictability of attacks, including those against civilian objects, have created a threat to the lives of village residents. In February 2015, Ukrainian military personnel evacuated most residents of Shyrokyne in order to avoid civilian casualties. Evacuation measures reduced the number of civilian casualties, but at the same time led to restrictions on the access of villagers to their own property.

Residents of Shyrokyne are not allowed to drive into the village and visit their homes. In addition, there was no compensation provided for the housing destroyed by the attacks neither by Ukraine nor by the Russian Federation, which exercises effective control over the territory of the so-called DPR, where Shyrokyne residents also reside. Such **actions of state violate the right to peaceful possession of the property**, which is guaranteed by a number of international legal documents<sup>25</sup>. Access to the houses for Shyrokyne residents is further complicated since part of the village is mined, i.e. is potentially dangerous to visit. However, this does not preclude the possibility of paying restitution or compensation for lost property. The UN approved recommendations on issues related to housing and property restitution in the Principles on Housing and Property Restitution for Refugees and Displaced Persons<sup>26</sup>. In particular, in the context of

Shyrokyne, “displaced persons have the right to have restored to them any housing, land and/or property of which they were arbitrarily or unlawfully deprived, or to be compensated for any housing, land and/ or property that is factually impossible to restore as determined by an independent, impartial tribunal”<sup>27</sup>. This approach is also supported by the Parliamentary Assembly of the Council of Europe in its Resolution “Solving property issues of refugees and internally displaced persons”, which emphasizes the importance of ensuring restitution in the event of destruction, occupation, and confiscation of abandoned property: “The Parliamentary Assembly considers that restitution is the optimal response to the loss of access and rights to housing, land, and property because, alone among forms of redress, it facilitates choice between three “durable solutions” to displacement: return to one’s original home in safety and dignity; local integration at the site of displacement; or resettlement either at some other site within the country of origin or outside its borders”<sup>28</sup>.

In the absence of the owners, houses and property in Shyrokyne suffered from **pillage of civilian property**. IHL rules prohibit pillage both in international armed conflicts<sup>29</sup> and in non-international armed conflicts<sup>30</sup>. Pillage is forbidden even in situations where the town is taken by assault. Since September 2014, there have been cases of looting of civilian housing and shelling of civilian areas in Shyrokyne<sup>31</sup>.

In addition, the fighting in Shyrokyne was accompanied by violations such as **murder, torture, ill-treatment, arbitrary detention and detention in illegal places of detention**. IHL contains a number of rules that set standards for the treatment of war victims for their protection, depending on the status of war victims and the type of armed conflict. Article 3 (common to all four Geneva Conventions of 12 August 1949) contains principles relating to the treatment of persons under the authority of belligerents. The above-mentioned illegal acts constitute serious breaches of Article 3 and, according to Articles 7 and 8 of the Rome Statute, such actions in the framework of

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<sup>23</sup> Additional Protocol II.

<sup>24</sup> During international armed conflict – Art. 58(a) the Additional Protocol I; arguable for non-international armed conflict.

<sup>25</sup> Art. 17 of the Universal Declaration of Human Rights (10 December 1948); Article 1 of Protocol 1 of the Convention for the Protection of Human Rights and Fundamental Freedoms (4 November 1950).

<sup>26</sup> Known as the Pinheiro Principles.

<sup>27</sup> Economic, social and cultural rights. Housing and property restitution in the context of the return of refugees and internally displaced persons, Final report of the Special Rapporteur, Paulo Sérgio Pinheiro, Principles on housing and property restitution for refugees and displaced persons / UN Commission on Human Rights, Sub-Commission on the Promotion and Protection of Human Rights. 28 June 2005. Available at: <https://www.unhcr.org/protection/idps/50f94d849/principles-housing-property-restitution-refugees-displaced-persons-pinheiro.html> (Retrieved: 11 September 2019).

<sup>28</sup> Resolution 1708 (2010). Resolving property issues of refugees and internally displaced persons / Parliamentary Assembly of the Council of Europe. 28.01.2010. Available at: <https://rm.coe.int/16806b5a6d> (Retrieved: 12 September 2019).

<sup>29</sup> Art. 33, Geneva Convention IV; Art. 8(2)(b)(xvi), Rome Statute.

<sup>30</sup> Art. 4(2)(g) of the Additional Protocol II; Art. 8(2)(e)(v), Rome Statute.

<sup>31</sup> Report on the human rights situation in Ukraine, 16.11.2015-15.02.2016 / OHCHR. Para. 161. Available at: [https://www.ohchr.org/Documents/Countries/UA/Ukraine\\_13th\\_HRMMU\\_Report\\_3March2016\\_Ukrainian.pdf](https://www.ohchr.org/Documents/Countries/UA/Ukraine_13th_HRMMU_Report_3March2016_Ukrainian.pdf) (Retrieved: 09 September 2019).

the armed conflict in the Donbas, in particular in Shyrokyne, can constitute war crimes and crimes against humanity.

The study found cases of the **involvement of children in the armed conflict** in Shyrokyne by participants of illegal armed groups, which is prohibited by IHL, international criminal law and other international legal documents. The Parties to the conflict shall take all feasible measures in order that children who have not attained the age of fifteen years do not take a direct part in hostilities<sup>32</sup>. The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict prohibits the conscription into the military of persons under the age of 18. Therefore, State parties to the Protocol should ensure that persons under the age of 18 are not subject to mandatory conscription into their armed forces and that armed groups do not recruit them or use in hostilities<sup>33</sup>.

This study identified cases of **violations of restrictions on the use of permitted weapons and methods of warfare** by members of the IAGs. Thus, in Shyrokyne, there were violations of restrictions on the use of mines, the deliberate shelling of an ambulance vehicle, and the mining of dead bodies. In both international armed conflict<sup>34</sup> and non-international armed conflict<sup>35</sup>, medical personnel performing their professional duties are entitled to respect and protection in all circumstances. In the same way, Article 3, common to all four Geneva Conventions, requires the protection of medical vehicles, as this is an auxiliary form for providing medical care to the injured and sick<sup>36</sup>.

At all times, and particularly after an engagement, Parties to the conflict shall, without delay, take all possible measures to search for the dead and prevent their being despoiled without adverse distinction<sup>37</sup>. All Parties are forbidden from mutilating the dead bodies<sup>38</sup>. The prohibition of desecration of dead bodies in international armed conflicts stems from the definition of the war crime

of outrages upon personal dignity in accordance with the Rome Statute, which also applies to the deceased in accordance with the Elements of Crimes<sup>39</sup>.

According to the 1997 The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, States parties must not use, develop, produce, stockpile or transfer anti-personnel mines or assist anyone engaged in such activity. However, a number of States, including the Russian Federation, have not ratified the Convention on anti-personnel mines. Therefore, it cannot be argued that the use of anti-personnel mines is prohibited by customary international law. However, IHL states that when using land mines, special attention should be paid to minimizing their indiscriminate effects and that the party to the conflict that uses land mines should, if possible, register its locations. These rules apply to the use of anti-personnel mines in both international and non-international armed conflicts<sup>40</sup>. This also applies to States that have not adopted a complete ban on the use of anti-personnel mines.

The issue of responsibility of Ukraine and the Russian Federation for violations in eastern Ukraine was examined by the European Court of Human Rights (ECtHR) through interstate complaints and individual applications. To establish that a State exercises control over the territory of another State, the ECtHR uses the concept of effective control. As of today, there is no decision in the inter-State case *Ukraine v. Russia*, but the case of *Ilascu and Others v. Moldova and Russia* is a precedent where the ECtHR found that the Russian Federation exercises effective control over the territory of Transnistria and is responsible for human rights violations. The Court also recognized the existence of a duty for Moldova to protect the rights of persons in the territory of the uncontrolled Transnistria. When considering the scope of State's obligations to

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<sup>32</sup> Art. 77 of the Additional Protocol I; Art. 4(2)(c) the Additional Protocol II; Art. 8(2)(b)(xxvi), 8(2)(e)(vii) of the RS ICC; Art. 38 Convention on the Rights of the child as of 20.11.1989.

<sup>33</sup> Art. 4 Optional Protocol to the Convention on the rights of the child on the involvement of children in armed conflict as of 01.01.2000.

<sup>34</sup> Art. 24 and 25 of the Geneva Convention I; Art. 36 and 37 of the Geneva Convention II; Art. 20 of the Geneva Convention IV; Art. 15 of the Additional Protocol I.

<sup>35</sup> Art. 15 of the Additional Protocol II.

<sup>36</sup> For international armed conflict– Art. 35 of the Geneva Convention I; Art. 21 of the Geneva Convention IV; Art 21 of the Additional Protocol I. For non-international armed conflict – Art. 11 of the Additional Protocol II.

<sup>37</sup> For international armed conflict– Art. 15 of the Geneva Convention I; Art. 18 of the Geneva Convention II; Art 16 of the Geneva Convention IV. For non-international armed conflict– Art. 8 of the Additional Protocol II.

<sup>38</sup> Ibid; Art. 34 of the Additional Protocol I.

<sup>39</sup> “War crime of outrages upon personal dignity” - “For this crime, “persons” can include dead persons. It is understood that the victim need not personally be aware of the existence of the humiliation or degradation or other violation. This element takes into account relevant aspects of the cultural background of the victim”. See Elements of Crimes. / The ICC. Footnote 49 relating to Article 8(2)(b)(xxi). 2013. URL: <https://www.icc-cpi.int/NR/rdonlyres/336923D8-A6AD-40EC-AD7B-45BF9DE73D56/0/ElementsOfCrimesEng.pdf> (last accessed: 12 September 2019).

<sup>40</sup> Art. 7 of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended on 3 May 1996; “[...]Hence, there is a strong case for the existence of a customary rule in non-international armed conflicts that mines must not be used in ways that amount to indiscriminate attacks and that particular care must therefore be taken to minimize their indiscriminate effects. See Rule 81. Restrictions on the Use of Landmines / The Customary IHL Database. Available at: [https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1\\_rul\\_rule81](https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule81) (Retrieved: 12 September 2019).

protect civilians from the consequences of hostilities, the ECtHR applies the criterion of responsibility for planning and monitoring operations related to armed conflicts whereby the State is obliged to plan operations involving the use of force and minimize the risk to the lives of all people<sup>41</sup>.

Without a doubt, these decisions set a precedent in terms of criteria for determining the effective control of the Russian Federation over the temporarily occupied territories, including Shyrokyne, but the ECtHR will later determine which of them will be decisive in specific circumstances. In the context of fighting in Shyrokyne, the Court may consider the unlawful acts that constitute interference with the right to private and family life, violations of the prohibition of torture, the right to life, liberty and security of person, and the right to property guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)<sup>42</sup>.

In 2015, the Verkhovna Rada (Parliament) of Ukraine adopted a resolution entitled “On the Declaration of the Verkhovna Rada of Ukraine “On derogation from certain obligations under the International Covenant on Civil and Political Rights and the Convention for the Protection of Human Rights and Fundamental Freedoms””, which applies to areas affected by the armed conflict. This derogation applies only to specific rights, in particular the right to liberty and security of person, the right to a fair trial, the right to respect for private and family life, and the right to an effective remedy<sup>43</sup>. However, this does not revoke the jurisdiction of Ukraine under Article 1 of the Convention but merely reduces its scope.

## 1.2. National legislation

Military personnel of the armed forces of Ukraine, the National Guard of Ukraine (NGU) and other military formations may face disciplinary and/or criminal responsibility for violation of the IHL norms.

Criminal liability of military personnel for crimes related to violation of the IHL norms is now provided, in particular, in sections XIX and XX of the Criminal Code of Ukraine (CCU).

In addition, the CCU establishes criminal liability for murder, bodily injury of varying severity, assault, torture, imprisonment or kidnapping, terrorist acts, involvement in a commission of a terrorist act, public calls to commit or facilitate the commission of a terrorist act, creation of a terrorist group or a terrorist organization, and financing of terrorism. The subject of these crimes can be any legally sane person of age who has committed the crime.

Criminal proceedings in Ukraine have several main stages. In simple terms, these include a pre-trial investigation, judicial proceedings, and the execution of a court decision.

As a rule, an investigator of a pre-trial investigation body that has jurisdiction over the area where the criminal offense was committed carries out a pre-trial investigation. Investigators of the National Police bodies carry out pre-trial investigation of criminal offenses, except for those assigned to the jurisdiction of other pre-trial investigation bodies. For example, the SSU investigates crimes against the foundations of national security of Ukraine, crimes related to terrorism, crimes against peace, human security and international law and order, and other types of crimes<sup>44</sup>.

Almost all events related to the shelling of settlements, the death and/or injuries of civilians during shelling are classified by pre-trial investigation bodies according to the relevant parts of Article 258 of the CCU as terrorist acts.

For example, in case of death of a resident of a front-line settlement due to shelling, such actions will be qualified under Article 258(3) of CCU as a terrorist act causing death of a person (a particularly serious crime). The penalty for such a crime is imprisonment for a term of 10 to 15 years or life imprisonment with or without confiscation of property.

Today, legal experts in Ukraine still debate as to whether a separate law is needed in order to consider the “DPR”/“LPR” as terrorist organizations and bring members of these organizations to criminal responsibility for crimes related to terrorism.

However, according to the legal opinion of the Supreme Court, the recognition of terrorist activities should be

<sup>41</sup> McCann and Others v. the UK, application no. 18984/91 (Judgment). The ECHR. Para. 192-194. 27.09.1995. Available at: <https://hudoc.echr.coe.int/eng#%7B%22fulltext%22:%5B%22McCann%20and%20Others%20v.%20the%20United%20Kingdom%22%5D%22documentcollectionid%22:%5B%22GRANDCHAMBER%22%22%5D%22itemid%22:%5B%22001-57943%22%5D%22%7D> (Retrieved: 11 September 2019); Andronicou and Constantinou v. Cyprus, application no. 86/1996/705/897 (Judgment). The ECHR. Para. 171. 09.10.1997. Available at: <https://hudoc.echr.coe.int/eng#%7B%22fulltext%22:%5B%22Andronicou%20and%20Constantinou%20v.%20Cyprus%22%5D%22documentcollectionid%22:%5B%22GRANDCHAMBER%22%22%5D%22itemid%22:%5B%22001-58102%22%5D%22%7D> (Retrieved: 11 September 2019).

<sup>42</sup> Articles 2, 3, 5, 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms, Art 1 of Protocol 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms.

<sup>43</sup> On the statement of the VRU “On Ukraine’s derogation from certain obligations defined by the International Covenant on Civil and Political Rights and the Convention for the Protection of Human Rights and Fundamental Freedoms”: VRU Resolution No. 462-VIII of 21.05.2015 № 462-VIII. Available at: <https://zakon.rada.gov.ua/laws/show/462-19> (Retrieved: 23 September 2019).

<sup>44</sup> Odehov, O., Hrytsenko, N. (2018). Crimes without Punishment: Human Rights Violations in the Context of the Armed Conflict in Eastern Ukraine. V.Shcherbachenko (Ed.). Kyiv: NGO Eastern-Ukrainian Center for Civic Initiatives. Kyiv, 2018. pp. 15-16. Available at: [http://totalaction.org.ua/public/upload/book/1537429558\\_Crimes\\_UKR\\_compressed.pdf](http://totalaction.org.ua/public/upload/book/1537429558_Crimes_UKR_compressed.pdf) (Retrieved: 15 August 2019).

carried out by the court in specific criminal proceedings based on the available material. In order to bring the person to criminal liability under articles of the CCU that establish liability for terrorism-related offences, individual judicial decision or decision of legislative or executive authorities on the recognition of terrorist activities is not required. The Supreme Court considers that the fact of activities of "DPR"/"LPR" as terrorist organizations is confirmed by appeals of the Parliament of Ukraine to the UN, the European Parliament, the Parliamentary Assembly of the Council of Europe, NATO Parliamentary Assembly, OSCE Parliamentary Assembly, GUAM Parliamentary Assembly, and national parliaments on the recognition of the Russian Federation as an aggressor state approved by the Parliamentary Resolution No. 129-VIII dd. 27 January 2015, the Declaration of the Verkhovna Rada "On the recognition of the jurisdiction of the International Criminal Court by Ukraine over crimes against humanity and war crimes committed by senior officials of the Russian Federation and leaders of terrorist organizations "DNR" and "LNR", which led to extremely grave consequences and mass murder of Ukrainian nationals" approved by the Resolution of VRU No. 145-VIII dd. 4 February 2015, and the Verkhovna Rada Declaration "On the response to the armed aggression of the Russian Federation and overcoming its consequences" approved by the Resolution of the Verkhovna Rada No. 337-VIII dd. April 21, 2015, in which "DPR" and "LPR" are defined as terrorist organizations (see, for example, ruling in the case no. 225/6151/15-K dd. 5 July 2018)<sup>45</sup>.

Therefore, it can be assumed that this issue is more or less settled in judicial practice.

Investigation of crimes related to terrorism is carried out by the SSU investigators. If criminal proceedings are initiated by an investigator of another pre-trial investigation body (often, police investigators who receive all initial reports), then the jurisdiction over such case is assigned by the prosecutor for the SSU investigators, and the case is transferred accordingly.

A number of illegal acts committed in areas of military operations are separately criminalized in sections XIX "War crimes" and XX "Crimes against peace, human security and international law and order" of the CCU.

Article 432 of the CCU establishes criminal liability for looting (stealing things that belong to the dead or wounded on the battlefield), whereas Article 433 establishes liability for violence against the population in the area of military operations (violence, illegal destruction of property, illegal seizure of property under the pretext of military necessity, robbery). These are crimes in the serious category.

Article 438 of the CCU establishes criminal liability for violation of the laws and customs of war (ill-treatment of prisoners of war or the civilian population, the use of means of warfare prohibited by international law, etc.), in particular, if such acts involve premeditated murder (a qualifying element of this crime). Such crimes are in the grave category.

Article 447 also sets criminal liability for mercenary activities (recruitment, financing, material support, training of mercenaries for use in armed conflicts, participation of a mercenary in an armed conflict etc.). Depending on the presence or absence of qualifying elements (for example, if such actions had lethal consequences), it is a serious or a grave crime.

On 6 June 2019, the Parliament of Ukraine in the first reading adopted a draft Law of Ukraine No. 9438 dd. 20 December 2018 "On amendments to some legislative acts of Ukraine to ensure the harmonization of the criminal legislation with the provisions of international law", which is designed to ensure maximum harmonization of the criminal procedure of Ukraine with the provisions of contemporary international law and practice, its implementation in national legal system in the aspect of responsibility for acts which constitute crimes under international law<sup>46</sup>.

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<sup>45</sup> Resolution of the panel of judges of the Second judicial chamber of the Cassation criminal court of the Supreme Court in the case № 225/6151/15-k dd. 5 July 2018, USRCD, 12.07.2018. Available at: <http://reyestr.court.gov.ua/Review/75241808> (Retrieved: 11 September 2019).

<sup>46</sup> On amendments to certain legislative acts of Ukraine concerning the harmonization of criminal legislation with the provisions of international law. Draft law as of 20.12.2018 № 9438. Available at: [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=65266](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=65266) (Retrieved: 12 September 2019).

## 2. OVERVIEW OF THE ARMED CONFRONTATION IN SHYROKYNE

### 2.1. Location, infrastructure, and population of the village

The village of Shyrokyne is located in the South of Donetsk region, along the coast of the Azov Sea between the cities of Mariupol and Novoazovsk.

The distance from the village to Mariupol via highway is 24 km, to Novoazovsk – 22 km. To the north of the village, there is an international highway M-14 “Odesa-Melitopol- Novoazovsk-checkpoint Novoazovsk”. The distance from the village to the border with the Russian Federation is 57 km.

Pikuzy village (former Kominternove) is located approximately 15 km to north of Shyrokyne. From that village, two wide valleys stretch in the direction of Shyrokyne forming a natural barrier to the movement of wheeled vehicles. Near Shyrokyne, the valleys merge into one valley, which later crosses the entire western edge of the village. In the same area, in the western part of the village, there are hills (“Shyrokyne heights”). The hills provide a clear view of the entire surrounding area.

The described landscape has largely contributed to the development of military events near Shyrokyne.

Until 2014, the village belonged to the Novoazovsk district (with administrative center in Novoazovsk). The local governance body is Shyrokyne village council. The council, in addition to Shyrokyne, also comprised a small village of Berdianske. After the occupation of Novoazovsk on 11 December 2014, the Ukrainian Parliament changed the borders of some districts of Donetsk oblast, and the area of Shyrokyne village council was transferred to Volnovakha district (administrative center is Volnovakha, approximately 83 km north of Shyrokyne)<sup>47</sup>.

According to the all-Ukrainian population census of 2001, the Shyrokyne village council numbered a population of 1,639, (1,411 people in Shyrokyne and 228 in Berdianske). Up to half of the population were of retirement age. According to the estimates of Shyrokyne residents themselves, in 2014 the village had a population of 1,800 people<sup>48</sup>.

A little apart from the main part of the village, on the very coast of the sea, the Khvylia housing association was located. Shyrokyne village residents believe up to 1,000<sup>49</sup> people resided there.



**Ortophotomap 1.** Landscape of the southern Volnovakha district of Donetsk region

<sup>47</sup> On amendments to the administrative-territorial structure of Donetsk region, changing and establishing borders of the city of Mariupol, Volnovakha, Novoazovsk and Telmanovo districts of Donetsk region lying from the VRU Resolution as of 11.12.2014 № 32-VIII. Available at: <https://zakon4.rada.gov.ua/laws/show/32-19> (Retrieved: 12 September 2019).

<sup>48</sup> All-Ukrainian population census / State statistics service of Ukraine, available at: [ukrcensus.gov.ua](http://ukrcensus.gov.ua) (Retrieved: 12 September 2019); Istorija sela [History of the village] “Saving Shyrokyne” CSO] Available at: <http://shirokino.net/o-nas/istoriya-sela> (Retrieved: 12 September 2019).

<sup>49</sup> Ibid.

Examining various sources of information and taking into account the processes of labor migration, the Center concluded that the figure of 1,800 people is somewhat overstated and most likely takes into account vacationers, seasonal workers and other categories of people who lived in the village only in the summer. The number of permanent residents of the Khvylya housing association is also unlikely to be true.

According to statistical information provided by the Main Department of Statistics in Donetsk region at the request

of the Center, the population of Shyrokyne as of 1 January 2014 – 2018 was 1,278 people in 2014, 1,198 people in 2015, 1,180 people in 2016, 1,166 people in 2017, and 1,150 people in 2018<sup>50</sup>.

Before the beginning of the armed conflict, the village had a medical dispensary, a library, a post office, and a cultural center. There was a school and a kindergarten, and in the summer – children’s health camps “Mayak” and “Bahryani vitryla” (the latter were located on the western outskirts of the village, on the hills already mentioned above).



**Area plan 1.** Shyrokyne village, Volnovakha district, Donetsk region



**Photo 1.** A ruined school in Shyrokyne, August 2019.  
Source: Operation of United Forces Facebook



**Screenshot 1.** A ruined school in Shyrokyne, 2016.  
Source: Maksym Nepotenko YouTube Channel

<sup>50</sup> Letter of the Main Department of Statistics in Donetsk region dd. 10.04.2019 ref. no. 12.2-05/33/ZPI-19. The letter contains a note according to which data on the population obtained in accordance with the assessment methods (calculation) the total number of the existing population in rural settlements, developed in pursuance of an order of CMU dated 04.11.2010 № 57773/3/1-10 for the purposes of budget policy, approved by the order of Goskomstat from 06.05.2011 № 111.

The nature of the main activities of residents was determined by the geographical location of the village. A significant number of people received their main income from the seasonal lease of their real estate, providing accommodation for summer holidays on the beach. Residents of the village earned by selling goods to vacationers (market, beach trade, etc.). Work could have been found in summer cafes and shops, in cottages, mini-hotels, and several large recreation centers (“Zoloty bereg”, “Mashinobudivnyk”, “Brygantyna”, and “Romantyk”).

Traditional employment was in fishing and agriculture sectors. Fish processing facilities and livestock farms were located in the village. According to some respondents, some local fishermen may have been involved in poaching, which is quite typical for the corresponding area<sup>51</sup>. Exaggerating the profits from illegal fishing, the inhabitants of the surrounding settlements even joked that houses in Shyrokyne were built on “black caviar”.

The short distance to Mariupol, the beach location of the village, the presence of an international highway that runs near the village, the absence of harmful industrial production in the village (unlike in Mariupol), good opportunities for running business – all this made Shyrokyne an attractive place to live. Having real estate in the village was considered by both Shyrokyne and Mariupol residents a privilege. Later, when due to the armed conflict Shyrokyne residents were forced to leave for Mariupol, the image of the inhabitants of the “rich village” would complicate the adaptation of the former residents in the city.

From February to July 2014, the village was not mentioned in the media in the context of military actions on the territory of Ukraine.

On 11 May 2014, a referendum on the state independence of the “DPR”/“LPR”, which was illegal from the point of view of Ukrainian legislation, was held in certain parts of Donetsk and Luhansk regions. In Shyrokyne, this event took place in the street near a local club. In February 2017, the Myrotvorets Center published a list of referendum participants in the village of Shyrokyne, which included 189 names of the residents<sup>52</sup>.

If one considers this list reliable, the turnout for the illegal referendum was approximately 14.68 %<sup>53</sup>. Since

the published list resembles only the list of persons who received the “ballot” for voting, and taking into account the well-known practice of voting in other localities, it can be assumed that not all participants of this event supported the independence of the “DPR”<sup>54</sup>.

In the summer of 2014, along with traditional vacationers, families from the settlements of eastern Ukraine, which were involved in the events of the “Russian spring”, started arriving at Shyrokyne in large numbers. A similar situation was observed in other settlements located on the coast of the Azov Sea.

At that time, the civilian population of eastern Ukraine shared the idea that acts of violence would not escalate into a large-scale armed confrontation, and some people tried to wait out the dangerous period in resort villages on the shore of the Azov Sea. However, even then many people lost their homes and went to the south of Donetsk oblast as internally displaced persons.

Among Shyrokyne residents, there were those who understood the problems of these people and provided them with comprehensive aid, including housing, clothing, and food. Even then, the consequences of the armed conflict were felt. However, among the respondents-residents of Shyrokyne, many estimated the date of the beginning of the armed conflict only when the military actions affected them directly, in September 2014 or even in February 2015<sup>55</sup>.

Perhaps, because the Ukrainian military considered the village a strategic point during a possible Russian offensive on Mariupol, in July-August 2014, the first fortifications (trenches, dugouts, etc.) began to appear on the outskirts of Shyrokyne. Materials (in particular, slabs) were provided by metallurgical factories in Mariupol<sup>56</sup>.

Construction was carried out on the western outskirts of the village, on the “Shyrokyne heights”, next to the children’s health camps located there. *“The first defensive line in Shyrokyne was built from July 2014. The AFU built it”, a woman from Shyrokyne recalls<sup>57</sup>. “Somewhere in the middle of August 2014 [...] almost on the heights behind the church [the western edge of the village – ed.], construction of military fortifications has begun”, says another resident of Shyrokyne<sup>58</sup>.*

<sup>51</sup> EUCCI interview-21 dd. 17.01.2019.

<sup>52</sup> Spisok-1 uchastnikov prorossijskogo psevdoreferenduma v 2014 g. v Shirokino (Doneckaja obl.) [List-1 participants of the Pro-Russian pseudo-referendum in 2014 in Shyrokyne (Donetsk region)] Myrotvorets website. 12 February 2017. Available at: <https://myrotvorets.center/940079-spisok-1-uchastnikov-prorossijskogo-psevdoreferenduma-v-2014-g-v-shirokino-doneckaya-obl/> (Retrieved: 12 September 2019).

<sup>53</sup> According to official data of the Main Department of Statistics, in the Donetsk oblast, 1,278 people lived on the territory of the Shyrokyne village council in 2014.

<sup>54</sup> The published list may be incomplete (only part of the list was found and/or published).

<sup>55</sup> EUCCI interview-8 dd. 31.07.2018, EUCCI-7 interview dd. 01.08.2018, EUCCI-14 interview dd. 02.08.2018 and others.

<sup>56</sup> EUCCI Interview-2 dd. 30.05.2018; Intervju s mjerom Mariupolja Juriem Hotlubeem [Interview with Mariupol mayor Yuri Hotlubey /Hubs] 14.04.2015. Available at: <http://hubs.ua/authority/tri-linii-oborony-mariupolya-35030.html> (Retrieved: 12 September 2019). Slab – thick steel billet of rectangular cross-section. Slab width-400-2 500 mm, height (thickness) – 75-600 mm.

<sup>57</sup> EUCCI interview-1 dd. 29.05.2018.

<sup>58</sup> EUCCI interview-4 dd. 31.05.2018.

Respondents interviewed by the Center reported that civilians, including internally displaced persons from other localities affected by the armed conflict, still lived in the camps during the summer. They left the camps at the end of August 2014, with the beginning of the Russian armed forces attack (some of the personnel who served the camp continued to formally guard and maintain order in the camps until at least the end of April 2015)<sup>59</sup>.

At the same time, a small group of members of the IAG appeared in Shyrokyne; who moved without weapons and/or used civilian clothing for camouflage, but it was not difficult for the locals to recognize strangers.

## 2.2. Military actions in the village between 24 August 2014 and 9 February 2015

On 24 August 2014, regular military units of the Russian Federation invaded the territory of Ukraine; these forces later participated in the battles for Ilovaysk<sup>60</sup>. On 27 August 2014, Russian troops occupied the city of Novoazovsk<sup>61</sup>. The village of Shyrokyne was on the way of the further advance of Russians in the direction of Mariupol.

At the beginning of September 2014, the positions of the Ukrainian military were located on the western outskirts of the village, on the “Shyrokyne heights”. Probably, these were the positions of the “Azov” battalion and the 23rd separate motorized infantry battalion “Khortytsya” (23 SMIB, m / u A2988, fp B0131)<sup>62</sup>. The presence of the latter is confirmed by the fact that on 5 September three soldiers of this battalion were killed in the area of the village: **Volodymyr Popov, Vyacheslav Komar, and Yuri Demidov**.

Nevertheless, despite the presence of these positions, the Ukrainian military quite conditionally controlled the area from Shyrokyne to Mariupol. The actual line of defense of Mariupol ran along the eastern outskirts of this city (checkpoint “Skhidnyi”).

The advanced fortified positions of the IAGs (checkpoint) were located two kilometers east of Shyrokyne in the

direction of Novoazovsk, on the international highway M14, at the turn towards the settlement of Sakhanka. “Ukrainian troops were located at the “Spire”<sup>63</sup>, and the “DPR” were standing under Sakhanka”, - one of the villagers briefly sums up the location of the fighting<sup>64</sup>.

According to the OSCE SMM operational report of 4 September, neither the Ukrainian army nor the IAG members controlled the village as of that day.

On 4 September, around 3 pm, Russian artillery opened fire on the Ukrainian military from the area of the village of Bezimenne (11 km from Shyrokyne towards the Ukrainian-Russian border, which was controlled by the IAG at the time). Artillery firing positions were set up on the territory of the “Utes” boarding facility. After that, the IAG with up to five tanks, three self-propelled artillery units, Grad multiple launch rocket systems, and personnel with mortars and other heavy weapons, launched the attack in the direction of Shyrokyne. The ATO forces repulsed the attack<sup>65</sup>.



**Screenshot 2.** Shelling of Shyrokyne, 4 September 2014. Source: Andrii Dzyndzia YouTube channel



**Video:**  
the first shelling  
of Shyrokyne,  
4 September 2014

<sup>59</sup> Biji pod Shirokinim chekajut' na shturm [Soldiers near Shyrokyne are waiting for an assault] Podrobnosti (website of news program of Inter TV Channel), 29.04.2015. Available at: <https://podrobnosti.ua/2031766-bjts-pd-shirokinim-chekajut-na-shturm.html> (Retrieved: 12 September 2019).

<sup>60</sup> Jurij Lucenko prozvituvav shhodo rezul'tativ rozsliduvannja kriminal'nogo provadzhenja za faktom rozv'jazannja i vedennja predstavnikami vladi ta Zbrojnih Sil Rosijs'koy Federacii agresivnoi vijni proti Ukraini [Yuriy Lutsenko reported on the results of the investigation of criminal proceedings on the fact of starting and waging of an aggressive war against Ukraine by representatives of the government and the Armed Forces of the Russian Federation] PGO website. 02 September 2016. Available at: [https://www.gp.gov.ua/ua/news.html?\\_m=publications&\\_c=view&\\_t=rec&id=191816](https://www.gp.gov.ua/ua/news.html?_m=publications&_c=view&_t=rec&id=191816) (retrieved: 12 September 2019).

<sup>61</sup> Ukrajins'ka armija zalishila Novoazovs'k i gotuyet'sja oboronjati Mariupol' [TSN. The Ukrainian army has left Novoazovsk and is preparing to defend Mariupol: video on the YouTube channel.] 27.08.2014. Available at: <https://www.youtube.com/watch?v=DpWRV06Y3LM> (Retrieved: 09 September 2019).

<sup>62</sup> “Azov” was a battalion until 17 September 2014.

<sup>63</sup> “Shpilem” miscevi zhiteli nazivajut' pagorb, sho roztashovanij na zahidnij okolici sela (v administrativnih mezhah sela, ale vzhe poza zhitlovoju zabudovuju). [“Spire” locals call the hill that is located on the Western edge of the village (within the administrative boundaries of the village, but outside of residential buildings)]

<sup>64</sup> EUCCI interview-14 as of 02.08.2018; EUCCI interview -2 as of 30.05.2018.

<sup>65</sup> Zvedeni dani IAC RNBOU na 17:00 – 4 veresnja 2014 / IAC RNBOU [Data summary from IAC NSDC at 17:00 - 4 September 2014 / IAC NSDC: website] 04 September 2014. Available at: <http://mediarnbo.org/2014/09/04/zvedeni-dani-iats-rnbou-na-17-00-04-veresnya-2014-roku/> (retrieved: 12 September 2019).



According to the testimony of individual respondents, the shelling on 4 September was conducted from the village of Pikuzy (former Kominternove), which at that time was under the control of the IAG members, which is not entirely consistent with the above data of the IAC of the National Security and Defense Council of Ukraine (NSDC). In any case, it confirms that the shelling of the village on 4 September was carried out by the IAG<sup>66</sup>.

As a result of the Russian offensive, “Azov” soldiers were wounded and left the Shyrokyne heights, but returned to their positions on the following day<sup>67</sup>.

On 5 September, as of 4.30 pm, the fighting continued, however, according to the Ukrainian authorities, there was no further movement of the IAG towards Mariupol. There were injuries among the Ukrainian military.

During that time, the Ukrainian military checkpoints “Skhidnyi” and “Vynohradne” located on the eastern outskirts of Mariupol were shelled with the use of heavy artillery<sup>68</sup>. Given the chosen target and the losses among the Ukrainian military, there is no doubt that these bombardments were carried out by members of the IAG.

At the same time, the process of signing the First Minsk agreement (“Minsk – 1”), or the Minsk Protocol, continued in Minsk (Republic of Belarus). The aim was to ensure an immediate bilateral cessation of the use of weapons, monitoring, and verification of the ceasefire by the OSCE, as well as other measures aimed at ending the armed conflict. The ceasefire was scheduled to commence at 6.00 pm on 5 September<sup>69</sup>.

However, on 5 September, even before the declaration on the ceasefire, the IAG made another attempt of assault on Shyrokyne. For these purposes, 12 armored vehicles and about 60 personnel were used. The Ukrainian military repulsed the attack<sup>70</sup>.

Reporting on these events, the IAC NSDC probably was talking about the attempt of the IAG to destroy fortifications of Ukrainians located on the “Shyrokyne heights”, and thus to take control of the village, because there were no Ukrainian military in the village as of 5 September.

Massive artillery attacks on 4-5 September were the cause of the first death and destruction in Shyrokyne.

According to the Memorandum of 19 September signed in Minsk by the participants of the Trilateral contact group (Ukraine, Russia, OSCE), Shyrokyne fell into a 30-kilometer safe zone. The parties had to withdraw weapons with a caliber of more than 100 millimeters from the contact line at a distance of at least 15 kilometers on each side, including from populated areas. Thus, the village received a sort of a “neutral status”. The signed document provided for ceasing activities of units and military formations of the parties on the contact line as of 19 September 2014, as well as a ban on the use of all types of weapons and conducting offensive actions<sup>71</sup>.

Analysis of the testimony of residents suggests that, contrary to the political agreements reached, a few groups of IAG members were present in the village at least from September 2014 to February 2015. They occupied houses on the eastern outskirts of the village (in particular, along Stepova Street) abandoned by residents after the shelling on 4-5 September 2014.

One of the respondents said that the house of his neighbors had been occupied by members of the IAG who left this house only in the first decade of February 2015<sup>72</sup>. There were rumors in the village that some of the IAG participants even managed to register marriages with local women in the fall of 2014<sup>73</sup>.

Another respondent recalled 14 September, fourteen members of the IAG evacuated his neighbor, a person with a disability, from the village to Novoazovsk. During the above-mentioned period, members of the IAG detained people illegally and robbed the residents of Shyrokyne<sup>74</sup>.

<sup>66</sup> UHHRU interview-33 dd. 05.10.2015.

<sup>67</sup> Spot report by the OSCE Special Monitoring Mission to Ukraine (SMM), 5 September 2014: The Situation in Mariupol, 05 September 2014. Available at: <https://www.osce.org/ukraine-smm/123254> (retrieved: 11 September 2019).

<sup>68</sup> Protocol on the outcome of consultations of the Trilateral Contact Group on joint steps aimed at the implementation of the Peace Plan of the President of Ukraine, P. Poroshenko, and the initiatives of the President of the Russian Federation, V. Putin / OSCE. Available at: <https://www.osce.org/ru/home/123258?download=true> (retrieved: 11 September 2019).

<sup>69</sup> Zvedeni dani IAC RNBOU na 12:00 – 06 September 2014 / IAC RNBOU [Data summary from IAC NSDC at 17: 00 - 06 September 2014 / IAC NSDC: website] Available at: <http://mediarnbo.org/2014/09/06/zvedeni-dani-iats-rnbo-na-12-00-06-veresnya-2014/> (retrieved: 14 September 2019).

<sup>70</sup> Memorandum on the implementation of the Protocol on the outcome of consultations of the Trilateral Contact Group on joint steps aimed at the implementation of the Peace Plan of the President of Ukraine, P. Poroshenko, and the initiatives of the President of the Russian Federation, V. Putin, OSCE. 19 September 2014. Available at: <https://www.osce.org/ru/home/123807?download=true> (retrieved: 11 September 2019).

<sup>71</sup> UHHRU interview-30 dd. 05.10.2015

<sup>72</sup> EUCCI interview -31 dd. 06.06.2019

<sup>73</sup> UHHRU interview -30 dd. 05.10.2015

<sup>74</sup> UHHRU interview -3 dd. 08.10.2015; Bronetehnika iz Rossii zashla v Shirokino (video) [armored vehicles from Russia went to Shyrokyne (video)] Podrobnosti (website of news program of Inter TV Channel). 17.10.2014. Available at: <https://podrobnosti.ua/998521-bronetehnika-iz-rossii-zashla-v-shirokino-video.html> (retrieved: 12 September 2019); Kak poselok Shirokino prozhil nedelju bez obstreliv (video) [How the village of Shyrokyne lived without shelling for a week (video)] Podrobnosti (website of news program of Inter TV Channel). 14 September 2014. Available at: <https://podrobnosti.ua/993372-kak-poselok-shirokino-prozhil-nedelju-bez-obstreliv-video.html> (retrieved: 12 September 2019); Terroristy nanesli moshhnyj udar “Gradami” po Talakovke (video) [Terrorists launched a powerful Grad strike on Talakovka (video)]. Podrobnosti (website of news program of Inter TV Channel) 25 September 2014. Available at: <https://podrobnosti.ua/995118-terroristy-nanesli-moschnyj-udar-gradami-po-talakovke-video.html> (retrieved: 12 September 2019).



## Video: Shyrokyne in a “grey zone”, an express poll of Shyrokyne residents, September 2014

According to local residents, as well as media reports, in October and November, the village was visited by armored vehicles of the IAGs, which was a violation of Minsk agreements<sup>75</sup>.

Military presence of the IAGs in the village contradicted the Minsk agreements and posed a threat to the AFU units involved in the defense of Mariupol.

After the shelling on 4-5 September, a significant number of residents left the village for some time. Eventually, some of them returned.

From 5 September 2014 until 10 February 2015, the settlement was actually “between two fires”. Artillery shells regularly flew over the village. Sometimes, shells burst nearby in the fields, but the village itself did not seem to be hit<sup>76</sup>. People recalled that fearing a repeat of the September shelling, they hid in the basements of their homes for almost the entire autumn of 2014 and January 2015.

Some respondents mentioned artillery attacks on the village on 23 September 2014, 18-19 January, 26 January, and 6 February 2015. However, they could not remember the circumstances of these attacks, their intensity, and other details. There were no deaths, injuries, or significant damage<sup>77</sup>.

Despite the convincing facts in favor of the statement about at least the situational presence of the IAG participants in the village in the fall of 2014, some of the interviewed residents claim that they did not notice changes in the life of the village.

*“There were no militants or separatists in the village. The village lived peacefully. [...] Until February 2015, there was not a single armed person in the village”<sup>78</sup>. “[...] the village was not controlled by anyone. Neither the Ukrainian authorities nor the “DPR”. People went to work through checkpoints in both directions. They were allowed entry. There were no armed people or equipment in the village”<sup>79</sup>.*

*“We didn't see anyone: neither “DPR” nor the Ukrainian troops. They say that both came to the store. “DPR” people will buy stuff and go. Then the Ukrainians come in, buy stuff and go. No one was in conflict”<sup>80</sup>.*

Given the contradictory nature of the respondents' statements, it is difficult to make a clear conclusion about the effectiveness of the IAG's control over the territory of Shyrokyne in September 2014 – February 2015. Clearly, before the beginning of the “Shyrokyne operation”, there was no clearly defined contact line, and the territory from the Shyrokyne heights to the village of Sakhanka, including the village of Shyrokyne, was a “grey zone” in which representatives of the IAGs acted quite freely.

### 2.3. “Shyrokyne operation” and evacuation of the civilian population (10-15 February 2015)

On 24 January 2015, the leader of the self-proclaimed “DPR” Oleksandr Zakharchenko in Donetsk announced the beginning of the offensive on Mariupol<sup>81</sup>. The Russian news agency Interfax, in particular, posted a message about this<sup>82</sup>.

The “Skhidnyi” district of the city of Mariupol was shelled by artillery fire. Twenty-nine people were killed and 92 people were injured. Almost all of the victims were civilians. According to the OSCE SMM, the shelling of Mariupol was carried out by Grad and Uragan multiple rocket launchers from the northeastern direction, areas controlled by the “DPR”<sup>83</sup>.

<sup>75</sup> EUCCI interview-3 dd. 31.05.2018.

<sup>76</sup> UHHRU interview -14 dd. 05.10.2015; UHHRU-6 interview dd. 06.10.2015, UHHRU-7 interview dd. 05.10.2015; UHHRU-23 interview dd. 05.10.2015.

<sup>77</sup> EUCCI interview-4 dd. 31.05.2018.

<sup>78</sup> EUCCI interview-4 dd. 31.05.2018.

<sup>79</sup> EUCCI interview-14 dd. 02.08.2018.

<sup>80</sup> EUCCI interview-2 dd. 30.05.2018.

<sup>81</sup> Lider donec'kih bojovikiv zajaviv pro pochatok nastupu na Mariupol' [The leader of the Donetsk militants announced the beginning of the offensive on Mariupol]. Ukrainska Pravda. 24.01.2015. Available at: <https://www.pravda.com.ua/news/2015/01/24/7056249/> (retrieved: 12 September 2019); Zaharchenko ogolosiv pro pochatok nastupu “DNR” na Mariupol' [Zakharchenko announced the beginning of the “DPR” offensive on Mariupol / UNIAN news agency. 24.01.2015. Available at: <https://www.unian.net/politics/1035832-zaharchenko-obyavil-o-nachale-nastupleniya-dnr-na-mariupol.html> (retrieved: 12 September 2019).

<sup>82</sup> Glava DNR objavil o nachale nastuplenija na Mariupol' [The head of the DPR announced the beginning of the offensive on Mariupol], Interfax. 24.01.2015. Available at: <https://www.interfax.ru/world/419891> (retrieved: 12 September 2019).

<sup>83</sup> Zvedeni dani IAC RNBOU na 12:30 – 25.01.2015 / IAC RNBOU [Data summary from IAC NSDC at 12:30 – 25.01.2015 / IAC NSDC: website] 25.01.2015. Available at: <http://mediarnbo.org/2015/01/25/zvedeni-dani-iats-rnbo-na-1230-25-sichnya/> (retrieved: 11 September 2019); Spot report by the OSCE SMM to Ukraine (SMM), 24.01.2015: Shelling Incident on Olimpiiska Street in Mariupol / OSCE SMM to Ukraine. 24.01.2015. Available at: <https://www.osce.org/ukraine-smm/136061> (retrieved: 11 September 2019).

In subsequent reports, the Russians have already clarified that Zakharchenko allegedly gave the order only to suppress Ukrainian troops to the east of Mariupol, and the attack on the city was not planned<sup>84</sup>.

As of February 2015, fierce fighting continued for the city of Debaltseve and Donetsk airport. These important events at that time could not but influence the decisions made by the commanders of both sides of the conflict in the Mariupol direction.

At that time, the territory from the eastern outskirts of Mariupol and conditionally to the settlement of Sakhanka was not actually under the constant control of any of the parties to the conflict.

The location of certain positions of the Ukrainian military near Mariupol caused a sharp discontent among the local population. According to people, this state of affairs exposed the city to a real danger of artillery attacks – a repeat of the events of 24 January 2015 in the “Skhidnyi” district. The situation in Mariupol was tense.

On 5 February 2015, the media reported that Ukrainian soldiers were killed and wounded in Shyrokyne. A Ukrainian intelligence unit on a combat mission entered the village and encountered the IAG positions. Two soldiers were killed and three others were wounded<sup>85</sup>. In the testimony collected by the EUCCI, one of the villagers also mentions that a skirmish between Ukrainian army units and armed groups of the “DPR” occurred in the center of the village approximately on 3 February<sup>86</sup>. We can assume that the tactical intelligence of Ukrainian forces in those days was part of the last preparation for an offensive operation.

On 10 February, the NGU units (“Azov”, “Skhidnyi Korpus”, “Berda”, “Sokol”, “Skif”, “Donbas”) launched a military operation, which later became known as the **“Shyrokyne operation”** or **“Pavlopil-Shyrokyne offensive operation”**. The main role in the operation was played by the “Azov” regiment<sup>87</sup>.

A respondent from among military experts interviewed by the Center put forward a version that this was primarily an army operation for the 72nd brigade (72 Ombr m/u

A2167, fp B0849) together with the 131st intelligence battalion (131 ORB, m/u A1445), and the “Azov” regiment performed only a certain auxiliary function<sup>88</sup>. This version is, however, less likely for the previous statement and currently does not find its confirmation in open sources.

According to the “Azov” regiment, the **task of the operation** was to ease the pressure on Debaltseve by conducting an offensive operation in other directions, as well as to create a buffer zone that would protect Mariupol from repeated enemy attacks<sup>89</sup>.

**Andrii Biletsky**, first commander of the “Azov” regiment (at that time Deputy Chairman of the Parliamentary Committee for National Security and Defense) and **Ihor Mykhailenko**, the second commander of “Azov” (nickname “Cherkas”) planned and organized the operation<sup>90</sup>.

It is not yet known for certain whether officers of the general staff of the AFU (“M” sector command) took part in the preparation of this military operation and whether the military operation as a whole was coordinated by the AFU (“M” sector command).



**Photo 2.** Andrii Biletsky, ex-commander of “Azov” regiment, 2017. Source: Polk\_Azov Twitter

<sup>84</sup> Zaharchenko objavil o nachale nastuplenija na Mariupol': "luchshij pamjatnik nashim pogibshim" / MKRU [Zakharchenko announced the beginning of the attack on Mariupol: "the best monument to our dead"] 24.01.2015. Available at: <https://www.mk.ru/politics/2015/01/24/zakharchenko-obyavil-o-nachale-nastupleniya-na-mariupol-luchshiy-pamyatnik-nashim-pogibshim.html> (retrieved: 12 September 2019).

<sup>85</sup> Naseleennyj punkt Shirokino nedaleko ot Mariupolja zanjali terroristy [The settlement of Shyrokyne near Mariupol was occupied by terrorists] / TSN. 05.02.2015. Available at: <https://ru.tsn.ua/video/video-novini/naseleennyj-punkt-shirokino-nedaleko-ot-mariupolja-zanyali-terroristy.html> (retrieved: 13 September 2019).

<sup>86</sup> UHHRU interview-12, nd.

<sup>87</sup> “Skhidnyi Korpus”, “Berda”, “Sokol”, “SKIF” - volunteer special forces created in 2014 in the structure of the Main departments of the Ministry of Internal Affairs of Ukraine in oblasts. The “Donbas” joined the operation on 15.02.2015; Details of the assault see, e.g. in: Radio “Svoboda” Ukraina. Nastup polku “Azov” pid Mariupolem [Offensive of the “Azov” regiment near Mariupol: video on YouTube channel]. Radio Svoboda. 11.02.2015. Available at: <https://www.youtube.com/watch?v=sN2BM0XeryU> (retrieved: 14 September 2019).

<sup>88</sup> EUCCI interview -21 dd. 17.01.2019.

<sup>89</sup> Shirokins'ka operacija. Spogadi uchasnikiv nastupu. [The Shyrokyne operation. Memories of the offensive participants.] p. 2.

<sup>90</sup> Ibid. p. 14.


**Andrii Biletsky**, an ex-commander of the “Azov” regiment, describes the preparation for the military operation: *“The operation was planned in two stages. The first was the creation of a line of defense from north to south, which is based on settlements, and their liberation – Pavlopil, Pyshevyk, Kominternove, Shyrokyne. They were supposed to block the line in the south of Mariupol. We completed this stage at one hundred percent. The second stage involved a defeat of the enemy on the flanks of their fortified line, which stretched through Oktyabr (now Verkhnoшыrokivske), Zaichenko, Dzerzhinsky, Leninske, Sakhanka. There was a liberation of Sakhanka and Zaichenko. This completely broke the entire line of defense of the enemy and would have opened a free road to the takeover of Bezimenne, which contained large warehouses of equipment and weapons of the enemy. This was a key rear base. And, perhaps, all these factors would have opened the way to the capture of Novoazovsk”*<sup>91</sup>.

Settlements of Pavlopil, Pyshevyk, and Pikuzy (primary Kominternove) and Shyrokyne were taken over quite rapidly. Shyrokyne was cleared by the 2<sup>nd</sup> company of the “Azov” regiment<sup>92</sup>. The main military operations took place outside the village.

IAC NSDC, referring to the NSDC Secretary Oleksandr Turchynov, reported on the success of the military operation<sup>93</sup>. This indicates that the then top military and political leadership of Ukraine supported at least the decision to launch this operation.

Judging by further events, and general tasks of the “Shyrokyne operation”, we can assume that the Ukrainian forces, according to the command, had to move further east towards the Russian-Ukrainian border and the village would remain safe behind the Ukrainian troops. However, given the operational situation and the IAG’s counter-attack, the Ukrainian forces’ offensive stopped outside the eastern outskirts of the village of Shyrokyne.

*“The task was not to demolish Shyrokyne or gain a foothold in the village. The task was to liberate the village. “To go through” the village and to make the line of defense somewhere in the field. [ ... ] Their advance just stopped where it stopped. Then they have already established themselves where they were. They could not come any further”,* one of the military experts who later participated in the battles near Shyrokyne interprets the events of the winter of 2015<sup>94</sup>.



**Video: commander of the “Azov” battalion about the “Pavlopil-Shyrokyne offensive operation”, February 2015**



**Photo 3.** Oleksandr Turchynov, NSDC Secretary, and Andrii Biletsky, “Azov” regiment commander, at the Ukrainian military positions in the south of Donetsk region, 2 March 2015. *Source: NSDC website*

<sup>91</sup> Ibid. p. 4, 6.

<sup>92</sup> Ibid. p. 6, 9.

<sup>93</sup> Oleksandr Turchynov: ZSU zabezpechili nadijnu oboronu Mariupolja [Oleksandr Turchynov, armed forces ensured a reliable defense of Mariupol], IAC NSDC: website. 10.02.2015. Available at: <http://mediarnbo.org/2015/02/10/oleksandr-turchinov-zsu-zabezpechili-nadijnu-oboronu-mariupolja/> (retrieved 12 September 2019).

<sup>94</sup> EUCCI interview-29 dd. 04.05.2019.

“Since “Azov” had no reserve, even the infantry, the second stage fell through due to the fact that, despite a clear verbal agreement at the level of Ministers, chiefs of the General staff, the commander of the Sector “M”, on the last night, we were refused to receive any reserves. On the first day of the offensive, no one helped us in any way”, says Andrii Biletsky, ex-commander of the “Azov” regiment<sup>95</sup>.

On the same day, 10 February, at 11:15, heavy artillery fire was carried out on the city of Kramatorsk (Donetsk oblast) and the airfield located within the city limits. The attack was carried out using BM-30 Smerch multiple launch rocket systems. Subsequently, the OSCE SMM concluded that the attack was conducted from the southeastern direction (the temporarily occupied territory

of Ukraine)<sup>96</sup>. As a result of the shelling, 17 people were killed and 64 were injured. It can be assumed that this attack could have been a reaction of the IAG to the offensive actions of “Azov” in the Mariupol direction, in particular, an attempt to destroy the headquarters of the ATO forces, which, according to some reports, could be located on the territory of the airfield.

On 13 February, the IAGs launched another massive counter-attack, trying to take control of Shyrokyne and Chermalyk<sup>97</sup>. The artillery support of the reactive action started working<sup>98</sup>.

On 14 February, Ukrainian artillery destroyed the MT-12 “Rapira” anti-tank gun that the enemy had deployed to fire at Shyrokyne. Two mortars were also destroyed<sup>99</sup>.



**Screenshot 3.** Ukrainian military regain control over Shyrokyne, 11 February 2015. Source: Andrii Dzyndzia YouTube channel



**Video: the liberation of the village of Shyrokyne by “Azov” regiment, February 2015**



**Photo 4.** MT-12 “Rapira” Canon. Source: military website voenchel.ru

<sup>95</sup> Shirokins'ka operacija. Spogadi uchasnikiv nastupu [The Shyrokyne operation. Memories of the offensive participants], p.6.

<sup>96</sup> Latest from OSCE SMM to Ukraine based on information received as of 18:00 (Kyiv time), 11.02.2015 / OSCE SMM to Ukraine. 12.02.2015. URL: <https://www.osce.org/ukraine-smm/140271> (retrieved: 11 September 2019).

<sup>97</sup> Zvedeni dani IAC RNBOU na 12:30 – 13.02.2015/ IAC RNBOU [Data summary from IAC NSDC at 12:30 - 13.02.2015/ IAC NSDC: website] Available at <http://mediambo.org/2015/02/13/zvedeni-dani-iats-rnbo-na-12-30-13-lyutogo/> (retrieved: 12 September 2019).

<sup>98</sup> Shirokins'ka operacija. Spogadi uchasnikiv nastupu [The Shyrokyne operation. Memories of the offensive participants.] P. 7

<sup>99</sup> Zvedeni dani IAC RNBOU na 12:30 – 14.02.2015/ IAC RNBOU [Data summary from IAC NSDC at 12:30 - 14.02.2015/ IAC NSDC: website] Available at <http://mediambo.org/2015/02/14/zvedeni-dani-iats-rnbo-na-12-30-14-lyutogo/> (retrieved: 12 September 2019).

February 13<sup>th</sup> and 14<sup>th</sup> should probably be considered the most difficult days of the “Shyrokyne operation”. The “Azov” regiment lost at least eight persons. Three dead were from the “Donbas” battalion.

A little earlier, on 12 February, in Minsk, after lengthy negotiations between the heads of states of Germany, France, Ukraine, and Russia, participants of the Trilateral contact group signed a Package of measures for the implementation of the Minsk agreements (the “Second Minsk agreement”). The first paragraph contained a commitment to an immediate and comprehensive cease-fire in certain areas of Donetsk and Luhansk oblast of Ukraine, starting at 00 hours 00 min Kyiv time on **15 February 2015**. The agreements provided for the withdrawal of all heavy weapons by both parties at equal distances to create a security zone with a width of at least 50 km from each other for artillery systems with a caliber of 100 mm or more, a security zone with a width of 70 km for MLRS and with a width of 140 km for MLRS “Tornado-s”, “Uragan”, “Smerch” and tactical missile systems “Tochka” (“Tochka U”) – for Ukrainian troops, from actual contact line; for the armed forces of individual districts of Donetsk and Lugansk oblast of Ukraine: from the contact line under the Minsk Memorandum of 19 September 2014.

Probably, as a result of these political agreements, 15 February became the last day of the active phase of the “Shyrokyne operation”.

It is confirmed that on 11-15 February, the Ukrainian military carried out the evacuation of residents. Separate evacuation measures were carried out later.

In the conditions of military operations, the evacuation was carried out quickly enough, and people were not able to take with them even the minimum amount of necessary personal items. Often they did not have time to take real estate documents, certificates of registration of acts of civilian status (birth, marriage, or death) and other personal documents certifying certain legal facts. Some people did not even try to take many things because they thought they had to leave the house only for a few days. Residents who left the village in private vehicles were in a slightly better situation, yet they were able to take out a limited number of items.



**Photo 5.** Evacuation of civilians, Shyrokyne village, 13 February 2015. Source: news site “0629.com.ua - site of Mariupol city”



**Photo 6.** Evacuation of civilians, Shyrokyne village, 13 February 2015. Source: news site “0629.com.ua - site of Mariupol city”



**Photo 7.** Evacuation of civilians, Shyrokyne village, 13 February 2015. *Source: news site "0629.com.ua - site of Mariupol city"*



**Video: evacuation of Shyrokyne residents from the village, February 2015**



**Video: evacuation of Shyrokyne residents from the village, February 2015**

Videos online show the evacuation process: people with hand luggage (some even with pets) getting on military trucks. The "Azov" soldiers coordinate the process<sup>100</sup>.

One of the residents of the village recalls her evacuation: *"On 12 February 2015, we were taken to Mariupol. Soldiers came, knocked on the gate and said, "Grandma, get ready quickly. You have 15 minutes to collect your belongings and leave for Mariupol. It will be terrible". [...] I say, "Son, we're not leaving. How can we leave?" They say, "Grandma if you don't make it on time, it is up to you..." And the husband says, "Where will I go? We have a farm: poultry, pigs. Many. You get ready, leave, and I'll stay at home. I will cut the poultry". He stayed at home and we were evacuated. Daughter-in-law, granddaughter, my son, and me. We were brought to Vynohradne<sup>101</sup> by a large car. They dropped us off and said that we can go whenever we want to. It was already evening. There was*

*a checkpoint. The soldier said, "Grandma, wait, you will be allocated". There were a lot of us. We waited for an hour or two. No one came for us. What should we do? We got on the bus and went to relatives"*<sup>102</sup>.

Residents interviewed by the Center argued that the evacuation was not forced, and noted that people had the opportunity to refuse to leave the village.

## 2.4. Hostilities in the village following 15 February 2015 and eviction of the last residents

Since 15 February, the fighting in Shyrokyne has been taking on a positional character and has continued with varying intensity until this day. Local residents are not allowed to enter the village.

<sup>100</sup> See, for example: Andriy Dzindzja. Evakuacija civil'nogo naselennja z Shirokino [Andrii Dzyndzia. Evacuation of the civilian population from Shyrokyne: video on personal YouTube channel], 12.02.2015. Available at: <https://www.youtube.com/watch?v=Ew4udMlr0pQ> (retrieved: 09 September 2019).

<sup>101</sup> Vynohradne village is located in the western outskirts of Mariupol.

<sup>102</sup> EUCCI interview-39 dd. 01.08.2018.

<sup>103</sup> See the Report on the human rights situation in Ukraine: 16.11.2015-15.02.2016 / OHCHR. Paragraphs 3, 8. Available at: [https://www.ohchr.org/Documents/Countries/UA/Ukraine\\_13th\\_HRMMU\\_Report\\_3March2016\\_Ukrainian.pdf](https://www.ohchr.org/Documents/Countries/UA/Ukraine_13th_HRMMU_Report_3March2016_Ukrainian.pdf) (retrieved: 09 September 2019).

After 15 February, the village was divided in half<sup>103</sup>. The Ukrainian military held the commanding heights on the western outskirts of the village, on the territory of the former camps; the IAG position was located in the eastern part of the village, in civilian houses. A Ukrainian soldier involved in the battle for Shyrokyne describes the events of the spring of 2015, “[...] almost the entire territory of Shyrokyne, the residential sector, was occupied by separatists. And we occupied the first street on the western side”<sup>104</sup>. The distance between the positions of the parties was 300-400 m.

After the Ukrainian military carried out the evacuation in the village, some civilians remained voluntarily. Their exact number is unknown. Based on the recollections of respondents interviewed by the Center among those who remained in the village after 15 February 2015), it can be assumed that about 30-35 people remained in the village. Among them were three minors (one of them is in one of the videos)<sup>105</sup>. In March-June 2015, some of these people suffered shrapnel and gunshot wounds.

As of mid-June 2015, about 12 civilians remained in the village. All of them were located in the eastern part controlled by the IAGs. In the western and central parts of the village, there were probably no civilians.

On 15 June, one civilian was seriously injured by a mine explosion. The next day, on 16 June, participants of the IAGs forced the last residents – about 12 people – to leave the village for good. Up to half of these people were injured.

Since 16 June 2015, civilians have probably no longer lived in the village.

In February 2016, the members of the IAG left their positions in the village and moved slightly to the east (about 2 km), to pre-equipped defense lines, leaving the village under their fire control. The reasons for such actions are not exactly known. Presumably, the village has lost its strategic interest for the IAGs. Constant

fire contact with the Ukrainian military and the gradual destruction of previously equipped positions (in the eastern part of the village) resulted in losses of personnel for the IAG, which were not comparable to the military from controlling part of the village.

However, the IAG itself started making statements about leaving the village in June 2015, positioning these actions as a gesture of goodwill and “implementation of the Minsk agreements”<sup>106</sup>.

The transition of the village under the full control of the Ukrainian military did not lead to the end of the armed confrontation. Regular military operations in the vicinity of the village (mainly in the format of a positional confrontation) continued throughout 2016 and the subsequent 2017 and 2018. In 2019, the situation has not changed.

Participants of the IAG equipped artillery positions near Novoazovsk wind farm (Bezimmenne village), which is located on a hill with a view to the territory of Shyrokyne. From this hill, the IAG carried out regular attacks on Ukrainian military positions from self-propelled artillery units (SPA). The specified hill was chosen by the IAG also because the Ukrainian military often did not open fire in response, so as not to damage the wind farm.

In addition to the “Azov” regiment, which played a major role in the “Shyrokyne operation” itself and the first half of the positional battles (until June-July 2015); other military units participated in the battles for the village from the Ukrainian side at various times<sup>107</sup>.

On the part of the IAGs, the armed groups that took part in the battles for the village referred to themselves as the “9th separate marine regiment”, “Separate intelligence company “Typhoon”, “Sparta Battalion”, “Oplot Battalion”, “Republican Guard of the “DPR” and others. Information about the participation of these armed groups in the battle for Shyrokyne was obtained from open sources.

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<sup>104</sup> EUCCI interview-29 dd. 04.05.2019.

<sup>105</sup> 5 kanal. Yak #Shirokine zarobljae na zhittja narodnim remeslom [How #Shirokino earns a living by folk craft]. Channel 5. 30.04.2015. Available at: <https://www.youtube.com/watch?v=hok0rOz1Hoo> (retrieved: 09 September 2019).

<sup>106</sup> See, for example “Donbass” i “Azov” ne slyshat prikazov Poroshenko [“Donbass” and “Azov” do not hear Poroshenko’s orders]. NationNews. 27.07.2015. Available at: <https://nation-news.ru/133161-donbass-i-azov-ne-slyishat-prikazov-poroshenko>(retrieved: 12 September 2019).

<sup>107</sup> In open sources, it was possible to find information about the participation in the battles for Shyrokyne of such military units: 37th separate motorized infantry battalion “Zaporizhzhia” (37 SMIB, m / u A3137, fp B6266); 3rd airborne assault battalion “Phoenix” (a linear division of the 79th separate airborne assault brigade (79 SAAB, m/u A0224, f/p B4174)); 80th separate airborne assault brigade (80 SAAB, m / u A0284, fp B3720) and 87th separate airmobile battalion (87 SAB, m / u A2582, fp B0377); 11th separate motorized infantry battalion (11 SMIB, m / u A2980, fp B2262); 36th separate brigade of naval infantry (36th SBNI, m/u A2802) and 501st separate marine battalion (01 SMB, m / u A1965 (A0669)); 54th separate intelligence battalion (54 SIB, b / h A2076); 18th operational regiment named after Dmytro Vyshnevetsky (18 OR, m / u 3057). It is also possible that other military units from the Ukrainian forces were engaged. The relevant information currently remains undisclosed.





Место: Новоазовский район, Украина  
Добавлена 21 сентября 2015 | Мне нравится ❤️ 5



Павел Донецкой  
арл

**Screenshot 4.** Participants of IAGs near Novoazovsk wind farm, 2015. Source: *InformNapalm* website



**Photo 8.** IAG member in Russian uniform and with a radio intelligence complex at Novoazovsk wind farm, 2018. Source: *IgorGirkin* Twitter page

## 2.5. Participation of the Russian Federation in the armed conflict in the Donbas (southern Donetsk region)

The Russian Federation has denied the presence of its troops in eastern Ukraine since the beginning of the military conflict. In contrast, in 2018, the Verkhovna Rada adopted the Law “On the Special Features of State Policy on Ensuring State Sovereignty of Ukraine in the Temporarily Occupied Territories of Donetsk and Luhansk Regions”, which recognizes separate territories of the Donetsk and Luhansk oblasts as temporarily occupied by Russia.

Some international organizations and institutions recognized the fact that the Russian Federation used armed force against Ukraine. In a 2014 report, the OHCHR stated that from 24 August to 5 September armed groups of the so-called DPR/LPR received reinforcements in the form of foreign fighters, including citizens from the Russian Federation. The Office of the Prosecutor of the ICC in its reports established direct military confrontation between the armed forces of the

Russian Federation and Ukraine; in particular suggesting the existence of an international armed conflict in eastern Ukraine from 14 July 2014 at the latest, in parallel to the non-international armed conflict. In October 2016, the Parliamentary Assembly of the Council of Europe adopted a Resolution that defines the Russian-Ukrainian war as “Russian aggression” and calls on the Russian Federation to withdraw its troops from the Donbas.

The presence of Russian troops in Shyrokyne and the military and material support of the IAGs by Russia is also confirmed by the data collected during the monitoring, in particular:

- analysis of biographical data of combatants from the Russian Federation;
- testimonies of citizens of the Russian Federation, in particular, those who took part in the fighting in Shyrokyne in the composition of the IAGs;
- the testimony of the inhabitants of Shyrokyne;
- testimonies of the Ukrainian military;
- Russian-made weapons and military items of the combatants of the IAGs.



Photo 9. Vladimir Putin, President of the RF. Source: stock.adobe.com



**Video: Russian President Vladimir Putin says there are no Russian military in Ukraine**

On 25 August 2014, the IAC NSDC reported that a column of armored vehicles invaded Ukraine from the territory of the Russian Federation at 5:20 a.m. near the village of Shcherbak and the city of Novoazovsk<sup>108</sup>. Ukrainian border guards joined the battle and called for reinforcements. On 27 August, Novoazovsk was captured by the occupying forces<sup>109</sup>.

Russian media tried to hide the involvement of troops attacking the territory of Ukraine from the territory of the Russian Federation and spread false information about the attack by “separatist” forces in Novoazovsk from the north<sup>110</sup>.

Bellingcat network journalists provided evidence of the invasion of troops from the Russian territory<sup>111</sup>. Their investigation is based on satellite images that show the movement of armored vehicles from the territory of a neighboring state into Ukraine.

According to the main intelligence directorate of the MoD of Ukraine, in 2014, the “1st army corps” of the IAG was located in the Mariupol direction. According to Ukrainian intelligence, the 1st and 2nd army corps of the so-called DPR consisted of 70% of Russian military personnel and

Russian mercenaries, while the rest (30 %) were locals. Among the high command of the 1st and 2nd army corps of the so-called DPR, there were former commanders of military formations of the Russian armed forces<sup>112</sup>.

The 9<sup>th</sup> separate marine regiment of the “1st army corps” of the so-called DPR, which was stationed in Novoazovsk, directly participated in the military operations for Shyrokyne. The MoD also identified 14 people involved in the shelling of Shyrokyne, including five citizens of the Russian Federation<sup>113</sup>. All of them belonged to the 9th separate marine regiment.

Dmitry Bondarev, a citizen of the Russian Federation, commanded the 9th separate marine regiment in 2013-2015. He was the commander of the 51st regiment of the 106th airborne division of the Russian Federation and a participant of the first Russian-Chechen war<sup>114</sup>. Yevgeny Ivanov took part in the command of the Republican Guard units of the so-called DPR in Shyrokyne. This man is a citizen of the Russian Federation who also participated in the first Russian-Chechen war<sup>115</sup>. The citizen of the Russian Federation Vladimir Polyakov commanded the intelligence platoon of the 9th marine regiment<sup>116</sup>. An important figure in the command of the Semyonov

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<sup>108</sup> Operativna informacija IAC RNBOU za 25 serpnja + Karta: [Operational information, 25 August+ Map], IAC NSDC: website. 25.08.2014. Available at: <http://www.rnbo.gov.ua/news/1790.html> (retrieved: 12 September 2019); Dmitry Tymchuk. Po operativnym dannym gruppy “Informacionnoe Soprotivlenie”, segodnja utrom kolonna rossijskoj voennoj tehniky popytalas’ sovershit’ proryv s territorii Rossii v Ukrainu v rajone n. p. Novoazovsk: obnovlenie statusa Facebook-stranicy. [According to operational data group “Information Resistance”, this morning a column of Russian military vehicles tried to make a breakthrough from Russia into Ukraine near Novoazovsk: update status Facebook-page] 25.08.2014. Available at: <https://www.facebook.com/dmitry.tymchuk/posts/548137738648219> (retrieved: 11 September 2019).

<sup>109</sup> Operativna informacija IAC RNBOU za 29 serpnja + Karta /RNBOU [Operational information IAC NSDC 29 August + Map] / NSDC: website. 29.08.2014. Available at: <http://www.rnbo.gov.ua/news/1796.html> (retrieved: 11 September 2019).

<sup>110</sup> Opolchency DNR soobshhajut ob uspešnyh operacijah na juzhnom napravlenii / [DPR militia members report on successful operations in the southern direction] Channel One. 26.08.2014. Available at: [https://www.1tv.ru/news/2014-08-26/40380-opolchentsy\\_dnr\\_soobschajut\\_ob\\_uspešnyh\\_operatsiyah\\_na\\_yuzhnom\\_napravlenii](https://www.1tv.ru/news/2014-08-26/40380-opolchentsy_dnr_soobschajut_ob_uspešnyh_operatsiyah_na_yuzhnom_napravlenii) (retrieved: 24 September 2019); Exclusive: In Ukraine, an armored column appears out of nowhere/ Reuters: website. 26.08.2014. Available at: <https://www.reuters.com/article/us-ukraine-crisis-novoazovsk-exclusive/exclusive-in-ukraine-an-armored-column-appears-out-of-nowhere-idUSKBN0GQ19U20140826> (retrieved: 24 September 2019).

<sup>111</sup> Gorjashhaja doroga k Mariupolju: Ataki s territorii Rossii v hode nastuplenija pod Novoazovskom v avguste 2014 goda / Rassledovanie bellŕngcat [Burning road to Mariupol: Attacks from Russia during the offensive near Novoazovsk in August 2014] Available at: [https://www.bellingcat.com/wp-content/uploads/2015/12/the\\_burning\\_road\\_to\\_mariupol\\_RU\\_FINAL-2.pdf](https://www.bellingcat.com/wp-content/uploads/2015/12/the_burning_road_to_mariupol_RU_FINAL-2.pdf) (retrieved: 12 September 2019).

<sup>112</sup> Agresija Rosii proti Ukraini: osoblivosti dijali’nosti okupacijnih vijs’k. [Russia’s aggression against Ukraine: features of the occupation forces’ activity] Censor.net. Available at: [https://censor.net.ua/photo\\_news/410985/agresiya\\_rosiyyi\\_proty\\_ukrayiny\\_osoblivosti\\_diyalnosti\\_okupatsiyinyh\\_viyisk\\_infografika](https://censor.net.ua/photo_news/410985/agresiya_rosiyyi_proty_ukrayiny_osoblivosti_diyalnosti_okupatsiyinyh_viyisk_infografika) (retrieved: 17 September 2019); Russian Armed aggression against Ukraine / Main Intelligence Department of the Ministry of defense of Ukraine: website. Available at: <http://archive.fo/4ehxm> (retrieved: 17 September 2019).

<sup>113</sup> Vijs’kovosluzhbovcı ZS Rosii, jaki brali uchast’ u bojovih dijah na teritorii Ukraïni / GUR MOU: [Military personnel of the Russian armed forces who took part in combat operations on the territory of Ukraine] / Main Intelligence Directorate, MoD website Available at: <http://gur.gov.ua/content/shchodo-viiskovosluzhbovtiv-artylerskykh-pidrozdiliv-9-okremoho-shturmovohto-motostriletskoho-polku-morskoi-pikhoty-novoazovsk-1-ak-donetsk.html> (retrieved: 12 September 2019); Situation in the ATO zone as of September 20: Facebook page status update, Main Intelligence Directorate, MoD, 20.06.2016. Available at: <https://www.facebook.com/theDefenceIntelligence.ua/posts/775162102625514/> (retrieved: 09 September 2019).

<sup>114</sup> Vijs’kovij zlochinec’, polkovnik ZS RF Bondaryev Dmitro Yevgenovich (prizvishhe prikrittja – Kovalenko) / GUR MOU [War criminal, Colonel of the Russian armed forces Dmitry Bondarev (cover name – Kovalenko)]. Available at: <http://gur.gov.ua/content/polkovnyk-zs-rf-bondaryev-dmytro-ievhenovych.html> (retrieved: 12 September 2019).

<sup>115</sup> Aleks Kluchov. Oborona Shirokinogo Kombat [Defense of Shyrokyne Kombat: video on a personal YouTube channel] 21 September 2016. Available at: <https://www.youtube.com/watch?v=2I9AD2YK8FI> (retrieved: 09 September 2019).

<sup>116</sup> Polynkov M. Segodnja den’ rozhdenija u otca [Today is my father’s birthday: status update on the page in “Odnoklassniki”] 23.05.2019. Available at: <https://ok.ru/polynkov/statuses/69370099788707> (retrieved: 23 September 2019); Mikhail Polynkov. U otca, ja by skazal, prosto giperobostrennoe chuvstvo spravedlivosti: [My father, I would say, just has a hyper-acute sense of justice], Status update, V Kontakte, 28.12.2017. Available at: [https://vk.com/wall6117102\\_30708](https://vk.com/wall6117102_30708) (retrieved: 23 September 2019).

battalion in Shyrokyne was also a citizen of the Russian Federation Mikhail Fedorov. He had information about the timing of the issuance of monetary support to participants of the IAG<sup>117</sup>, had the authority to contact the former head of the Shyrokyne village Council for the evacuation of citizens of Shyrokyne<sup>118</sup>, and with the command of other armed groups for assistance provision<sup>119</sup>.

According to one of the Russian combatants who took part in the battle for Shyrokyne, the losses of representatives of the IAG in the village as of January 2019 amounted to 82 people<sup>120</sup>. The EUCCI was able to identify the names of 40 people. Among the 40 identified dead members of the IAG, 12 were Russian citizens. Thus, given calculations show that approximately every third identified participant of the IAG who died in Shyrokyne was a citizen of the Russian Federation. Given that a significant portion of Russians who participated in the conflict in the Donbas had previous military experience, it can be predicted that the losses among Russian combatants were less than among local participants in the IAG, and the total share of Russians in the IAG could be proportionally greater than among the dead.

As part of the study, 67 Russian citizens who fought on the part of the IAG in Shyrokyne were identified. Among them, a significant part was persons with experience in the marine corps, special forces or amphibious forces of

the Russian Federation, military reserves of the Russian armed forces, and former participants in the armed conflict in the North Caucasus<sup>121</sup>. It was the citizens of the Russian Federation who often held important command positions in the units of the IAG that were engaged in planning military operations and training of the IAG combatants. Later, some of these people took part in the conflict in Syria. Thus, Russian citizen Konstantyn Zadorozhnyi went to fight in Syria after taking part in the battle for Shyrokyne, where he died in February 2017<sup>122</sup>. The average age of members of the IAG with Russian citizenship who participated in military operations in Shyrokyne is 33 years.

It is known that some of the combatants who were part of the so-called DPR, at the same time were soldiers of the armed forces of the Russian Federation. In connection with the InformNapalm investigation, a Russian citizen Maxim Apanasov, who, in particular, fought in Shyrokyne, combined a contract in the 22nd special forces brigade of the Main Directorate of the General Staff of the Armed Forces of the Russian Federation with the service in the special forces of the Main Directorate of the Armed Forces of the so-called DPR<sup>123</sup>. This was established during the study of Apanasov's photos in the social network "Vkontakte". After the investigation was published, Apanasov's page was deleted. Russian citizen Andrey Spekhov, who in 2017 posted photos on social networks with weapons in Shyrokyne, has a tattoo with the emblem

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<sup>117</sup> Minja Fedorov. Mnogo pisat' ne mogu vremena sovsem netu, no po krajnej mere tu zadachu kotoruju ja pered soboj postavil segodnja byla polnost'ju zavershena! [Minja Fedorov. I can't write much I don't have time at all, but at least the task I set for myself today was completed], page status in Vkontakte. 16.06.2015. Available at: [https://vk.com/id167124096?w=wall167124096\\_151%2Fall](https://vk.com/id167124096?w=wall167124096_151%2Fall) (retrieved: 11 September 2019); Sergej Logozinskij. Shirokino, ul. Voroshilova. 15.05.2015 [Sergey Logozinskiy. Shyrokyne, Voroshilova street. 15.05.2015: video from the page in "Odnoklassniki"] 20.05.2015. Available at: <https://ok.ru/video/27843496673> (retrieved: 12 September 2019).

<sup>118</sup> Ibid.

<sup>119</sup> Minja Fedorov. Chto proizoshlo za poslednij mesjac [Minja Fedorov. What happened in the last month: status update on the Vkontakte page] 29.05.2015. Available at: [https://vk.com/id167124096?w=wall167124096\\_145%2Fall](https://vk.com/id167124096?w=wall167124096_145%2Fall) (retrieved: 22 September 2019).

<sup>120</sup> Povjornutye na vojne. Zapiski o staryh vremenah [Turned on the war. Notes about old times: updating the group's status on the Vkontakte page] 11.01.2019. Available at: [https://vk.com/wall-151878956\\_336446](https://vk.com/wall-151878956_336446) (retrieved: 12 September 2019).

<sup>121</sup> Zachem ja poehal voevat' v Doneck / Novosibirsk onlajn. [Why I went to fight in Donetsk / Novosibirsk online.] 19.03.2015. Available at: <https://news.ngs.ru/conference/3122> (retrieved: 12 September 2019); Roman Vislobokov. [Roman Vislobokov. Photo from the Vkontakte page.] 27.11.2015. Available at: [https://vk.com/id308009615?z=photo308009615\\_388908892%2Fphoto308009615](https://vk.com/id308009615?z=photo308009615_388908892%2Fphoto308009615) (retrieved: 12 September 2019); Alexander Zonger. Roman Voropaev, opolchenec, Komsomol'sk-na-Amure, Dal'nij Vostok, 31 god, pozyvnoj "Gross", pogib v Shirokino 26 fevralja 2015 goda [Roman Voropaev, a volunteer, Komsomolsk-on-Amur, far East, 31 y.o., call sign "Gross", died in Shyrokyne on February 26, 2015: status update of the Vkontakte page] 31.03.2015. Available at: <http://archive.fo/YYM6Q> (retrieved: 12 September 2019).

<sup>122</sup> Stalo izvestno o gibeli eshhe devjati rossijan v Sirii [It became known about the death of nine more Russians in Syria / RBC] 22.03.2017. Available at: <https://www.rbc.ru/politics/22/03/2017/58d12a109a79472fff285192> (retrieved: 12 September 2019); Mihail Polynkov. Segodnja 40 dnei, kak pogib Kostja Zadorozhnyj i jetot vypusk Soldatskoj pravdy poluchilsja ochen' lichnym [Mikhail Polynkov. It has been 40 days, since the death of Kostya Zadorozhnyi and this issue of Soldier's truth is very personal: status update of "Vkontakte."] 11.03.2017. Available at: [https://vk.com/wall6117102\\_23066](https://vk.com/wall6117102_23066) (retrieved: 12 September 2019); Kogo Rossija poterjala v Sirii/ Fontanka [the man Russia has lost in Syria/ Fontanka] 21.08.2017. Available at: <https://www.fontanka.ru/2017/08/19/050/> (retrieved: 24 September 2019).

<sup>123</sup> Identifikovaniy perevertent' 22-i brigadi GRU ZS RF, za sumisnicvom – "boyets' specnazu GRU" teroristichnoï organizacii "DNR" [Identified werewolf of the 22nd MD GSAFRF, part-time "MD special forces fighter" of the terrorist organization "DPR" / InformNapalm: website of the volunteer project.] 08.03.2017. Available at: <https://informnapalm.org/ua/perevertent-22-yi-brygady-gru-zs-rf/> (retrieved: 12 September 2019); Apanasov Maxim Vitalevich / Apanasov Maxim Vitalevich / Apanasov Maksim Vitalevich / center "Mirotvorets": website.] 04.06.2015. Available at: <https://myrotvorets.center/criminal/apanasov-maksim-vitalevich/> (retrieved: 12 September 2019).

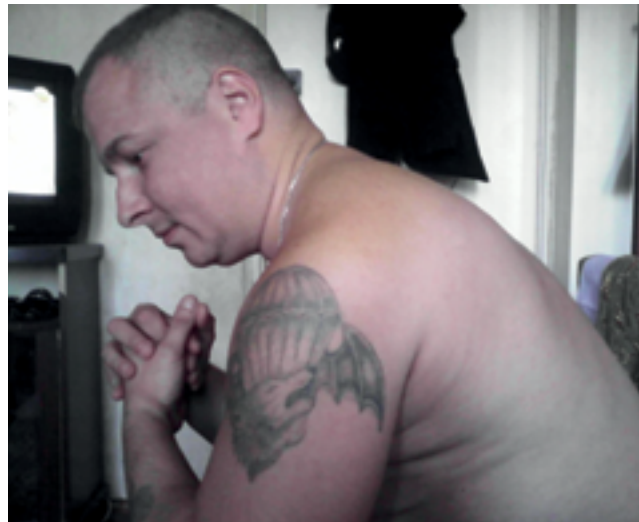
of the 45th separate special forces brigade of the Russian armed forces<sup>124</sup>.

Volodymyr Polynkov, a citizen of the Russian Federation and commander of the intelligence platoon of the 9th marine regiment, posted a photo on the social network from the positions of the IAG combatants in Shyrokyne, which shows the flag of the military intelligence of the Russian armed forces<sup>125</sup>.

In addition to Russian military personnel who took part in the battles near Shyrokyne, Russian citizens could join the fighting in Shyrokyne independently or with the help of recruitment centers. Dmitry Zaitsev from Kaliningrad, who fought in Shyrokyne, wrote that to get into the war zone in eastern Ukraine from the territory of the Russian Federation, “you only need to get to the checkpoint, you do not have to answer the questions of Russian border guards, because they already understand everything, and to “DPR/LPR” border guards you have to say about your plans to serve and get to the military enlistment office, where the distribution will take place”<sup>126</sup>.

The Internet resource “Volunteer.org” could have served as the recruiting center, founded by a citizen of the Russian Federation Mikhail Polynkov, call sign “Khrustalik”. In an interview, he says that he was sending fighters to Shyrokyne<sup>127</sup>. He is in many photos and videos with members of the IAG in the village<sup>128</sup>. His father, Vladimir Polyakov also fought in the 9th regiment in Shyrokyne.

The recruitment of volunteer groups to Crimea, Donetsk, Luhansk, Odesa, and Kharkiv started in February 2014, according to “Khrustalik”<sup>129</sup>. Subsequently, information about the conditions for participation in military operations both on the territory of Ukraine and in Syria was published on this resource<sup>130</sup>. Mikhail Polynkov also facilitated military



**Photo 10.** Andrey Spekhov, Russian citizen, member of special unit of the airborne forces. Spekhov has a tattoo on his arm with the emblem of the 45th separate specialized brigade of the Armed Forces of the Russian Federation. Source: Andrey Spekhov Vkontakte profile



**Photo 11.** The emblem of the 45-th separate special purpose brigade of the armed forces of the Russian Federation

<sup>124</sup> Andrey Spekhov “Vkontakte” photo. 02.03.2017. Available at: [https://vk.com/id225827699?z=photo225827699\\_456239696%2Fphotos225827699](https://vk.com/id225827699?z=photo225827699_456239696%2Fphotos225827699) (retrieved: 11 September 2019); Andrey Spekhov “Vkontakte” photo. 02.06.2015. Available at: [https://vk.com/id225827699?z=photo225827699\\_366820114%2Fphotos225827699](https://vk.com/id225827699?z=photo225827699_366820114%2Fphotos225827699) (retrieved: 11 September 2019); Andrey Spekhov “Vkontakte” photo. 25.11.2013. Available at: [https://vk.com/photo225827699\\_315091326?all=1](https://vk.com/photo225827699_315091326?all=1) (retrieved 11 September 2019).

<sup>125</sup> Volodymyr Polynkov. Nasha berloga – Shirokino [Vladimir Polynkov. Our den-Shyrokyne: photo from the page “Odnoklassniki”] Available at: <https://ok.ru/vladimir.polynkov/album/772059874982/772059911590> (retrieved: 11 September 2019).

<sup>126</sup> Narodnoe opolchenie Donbassa. Vstupit' v armiju Novorossii [People’s militia of Donbas. Join the new Russia army: update of the group’s status on the Vkontakte page.] 18.02.2017. Available at: [https://vk.com/topic-67059574\\_29521374?post=90124](https://vk.com/topic-67059574_29521374?post=90124) (retrieved: 11 September 2019).

<sup>127</sup> Uslovij Donbassa ne vyderzhivali dazhe veterany chechenskoj vojny. Interv’ju s koordinatom dobrovol’cev Mihailom Polynkovym/ Antifashist [Even veterans of the Chechen war could not withstand the conditions of Donbas. Interview with a volunteer coordinator Mikhail Polynkov/ anti-Fascist] 02.10.2016. Available at: <http://antifashist.com/item/uslovij-donbassa-ne-vyderzhivali-dazhe-veterany-chechenskoj-vojny-intervyu-s-koordinatom-dobrovolcev-mihailom-polynkovym.html> (retrieved: 25 September 2019).

<sup>128</sup> See, for example, Mihail Polynkov. Soldatskaja pravda. vypusk № 4 “Jekskursija v Shirokino” [Mikhail Polynkov. Soldier’s truth. issue # 4 “Excursion to Shyrokyne”: video on a personal YouTube channel.] 19.03.2015. Available at: [https://www.youtube.com/watch?v=O04Oq7x\\_xyA](https://www.youtube.com/watch?v=O04Oq7x_xyA) (retrieved: 24 September 2019); Mikhail Polynkov. Gde-to v Shirokino tri goda nazad s otcem i odnim iz chudo-snajperov [Somewhere in Shyrokyne three years ago with my father and one of the miracle snipers: Vkontakte status update] 14.03.2018. Available at: [https://vk.com/wall6117102\\_33683](https://vk.com/wall6117102_33683) (retrieved: 24 September 2019).

<sup>129</sup> Mihail Polynkov. 26 maja 2014 goda. Tragedija gruppy “Iskry”. Kto vinovat [Mikhail Polynkov. May 26, 2014. The tragedy of the Iskra group. Who’s to blame?: video on your personal YouTube channel] 25.05.2019. Available at: [https://www.youtube.com/watch?time\\_continue=2886&v=mdync-eH51U](https://www.youtube.com/watch?time_continue=2886&v=mdync-eH51U) (retrieved: 24 September 2019).

<sup>130</sup> Oleksandr Nikonorov, Miroslava Dz’obak. Pidkup, shantazh ta socmerezhi: Jak verbujut’ bojovikiv dlja m’jasorubok Donbasu/ DePo. [Alexander Nikonorov, Miroslav Zebak. Bribery, blackmail and social networks: how to recruit fighters for meat grinders of Donbas / Depot] 19.05.2017. Available at: <https://dn.depo.ua/ukr/dn/pidkup-shantazh-ta-socmerezhi-yak-verbuyut-boyovikiv-dlya-m-yasorubok-donbasu-20170519574260>(retrieved: 20 September 2019).

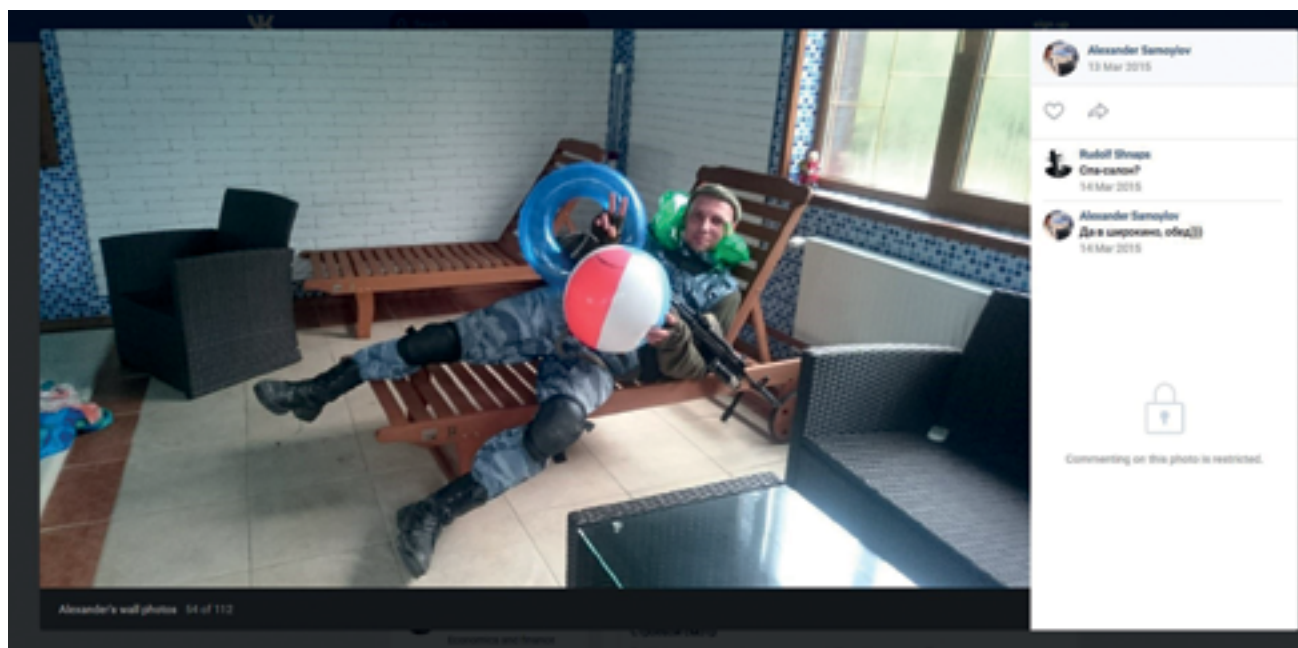
deployment to the Donbas of a US citizen William Paul Reilly who died in the “DPR”<sup>131</sup>.

Since February 2015, Polynkov has also been appointed as the head of the mobilization department of the “Novorossia” movement by Igor Girkin. The movement, among other things, provided military ammunition for the IAG in Shyrokyne<sup>132</sup>.

Several people in Shyrokyne interviewed by human rights activists mentioned participation of Russian citizens in the fighting in the village. Russians arrived to Ukraine from Rostov-on-Don<sup>133</sup>, Kaluga<sup>134</sup>, Stavropol territory<sup>135</sup>. Residents of Shyrokyne recall that some of the occupants

did not hide their country of origin<sup>136</sup>, had a military bearing and were brought to the village by the “Urals”<sup>137</sup>.

Russians among the IAG combatants were distinguished by their military uniforms, some of them by the anthropological face types typical for peoples of Siberia and the Caucasus, and their accent<sup>138</sup>. “Well, I realized that there are purely Russian: they spoke with specific accent...” one of the residents of Shyrokyne describes the occupants<sup>139</sup>. A soldier of the “Donbas” battalion, who participated in the battles for Shyrokyne and heard the enemy’s negotiations during the radio interception, also recalls language features typical for Russians<sup>140</sup>.



**Screenshot 5.** Russian citizen and IAG participant Alexandr Samoilov in Shyrokyne, 2015. Source: VKontakte page of Samoilov

<sup>131</sup> V Rostove ishnut grazhdanina SShA, propavshego bez vesti po puti v DNR [In Rostov, there is a search for a US citizen who went missing on the way to the DPR/ Site of the city of Rostov-on-don.] 10.05.2017. Available at: <https://www.1rnd.ru/news/1648213/v-rostove-isut-grazhdanina-ssha-propavshego-bez-vesti-po-puti-v-dnr> (retrieved: 25 September 2019); Grazhdanin SShA, propavshij v Rostove neskol'ko let nazad, najden pogibshim v DNR [a US Citizen who disappeared in Rostov a few years ago was found dead in the DPR/ Rostov.ru.] 01.12.2018. Available at: <https://rostov.ru/society/grazhdanin-ssha-propavshiy-v-rostove-neskolko-let-nazad-nayden-pogibshim-v-dnr.html> (retrieved: 25 September 2019).

<sup>132</sup> Hrustalik. Dlja ShiroKino [Khrustalik. For Shyrokyne: video on a personal YouTube channel.] 24.06.2015. Available at: <https://www.youtube.com/watch?v=RMCvEv5CZJ8> (retrieved: 09 September 2019).

<sup>133</sup> EUCCI interview-18 dd. 16.01.2019.

<sup>134</sup> Vojna na Donbasse: pashal'noe peremirie proderzhalos' 10 minut / [The war in the Donbas: the Easter truce lasted 10 minutes] Podrobnosti (website of news program of Inter TV Channel). 06.04.2018. Available at: <https://podrobnosti.ua/2235184-vojna-na-donbasse-pashalnoe-peremirie-proderzhalos-10-minut.html> (retrieved: 11 September 2019).

<sup>135</sup> Reportazh iz sela Shirokino – edinstvennogo v seroj zone, kuda ne mogut vernut'sja zhiteli [Report from the village of Shyrokyne-the only one in the grey zone where residents can not return: public television YouTube channel]. Gromadskoe. 17.11.2017. Available at: <https://www.youtube.com/watch?v=MOLyH4zBUFY> (retrieved: 09 September 2019).

<sup>136</sup> Ibid

<sup>137</sup> UHHRU interview-4, nd.

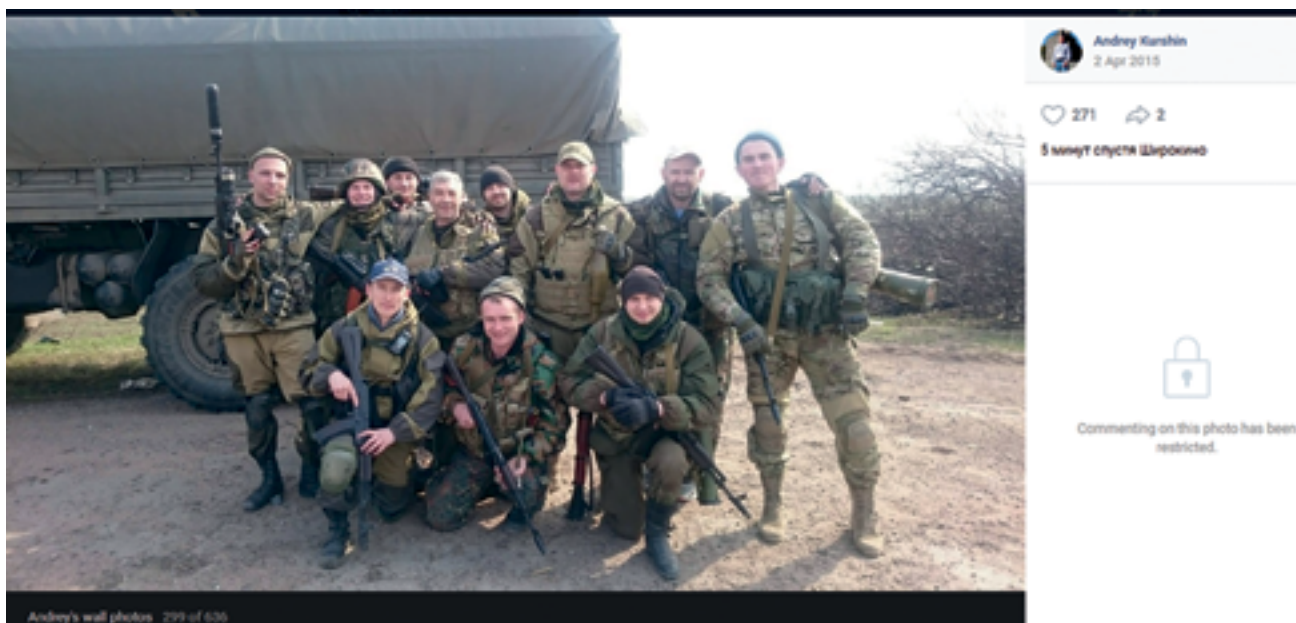
<sup>138</sup> EUCCI interview -16 dd. 15.01.2019, EUCCI-18 dd. 16.01.2019, EUCCI-22 dd. 16.01.2019, UHHRU-3 dd. 08.10.2015, UHHRU-4, nd.

<sup>139</sup> EUCCI interview -16 dd. 15.01.2019.

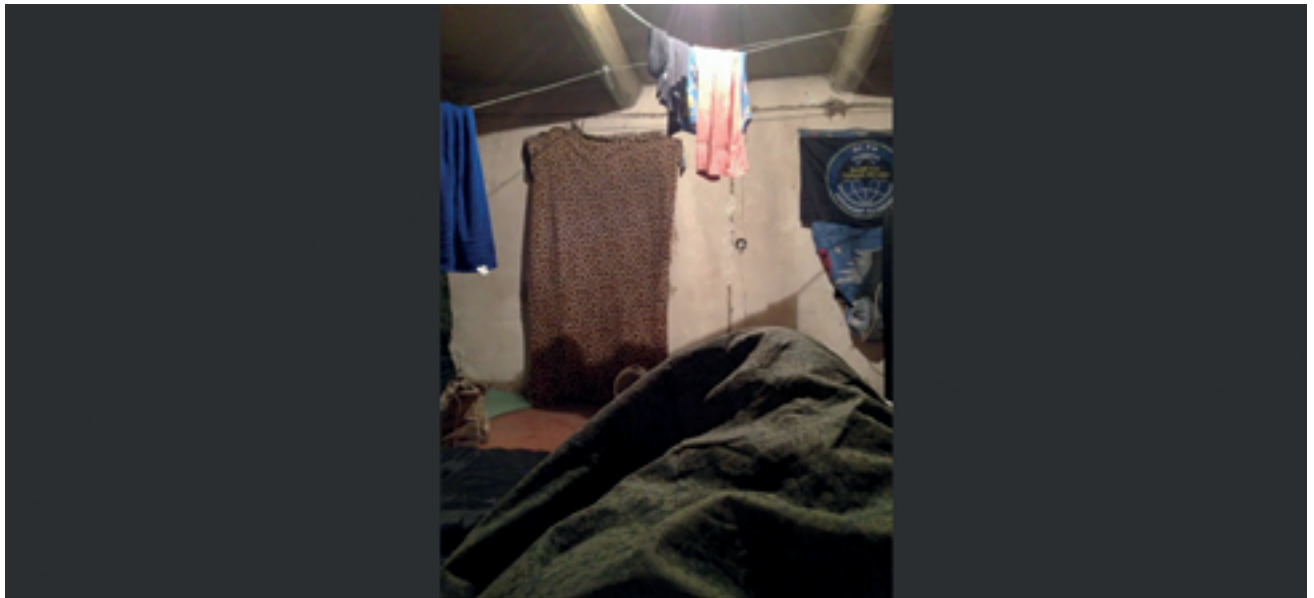
<sup>140</sup> EUCCI interview -29 dd. 04.05.2019.



**Photo 12.** Russian citizen and IAG member Manzhiiev Dzhangar in Shyrokyne.  
Source: Myrotvorets website Myrotvorets.center



**Screenshot 6.** Citizens of the Russian Federation and the participants of the IAGs Kurshin Andrey and Samoilov Alexandr in Shyrokyne, 2015. Source: VKontakte page of Andrey Kurshin



Comment 1 Like 3

Владимир Поляков  
Магадан - Услован, Russia  
Широкино  
April 18 2015

Владимир Поляков  
Наша берлога - Широкино

**Screenshot 7.** Flag of the Russian military intelligence in the premises used as a barracks by IAG combatants in the village. Shyrokyne, 2015. Source: “Odnoklassniki” page of Vladimir Polynkov

**Video:**  
Russian citizens at  
positions in the village  
of Shyrokyne,  
June 2015

**Video:**  
Russian citizen  
mentions his  
participation in the  
fighting in Shyrokyne

A female volunteer who helped with the evacuation of villagers in February 2015 also recalls how she was stopped in Shyrokyne by a group of Russians: “Well, about 20-22 people [...] And they were in such hats. They were Cossacks. You know, these fleece hats. Fleece hats in the form of ‘papakha’”<sup>141</sup>.

An officer of the “Donbas” battalion recalls that the presence of Russian troops in the positions was also noticeable in military operations methods. Members of the IAG dug tunnels between houses in the village, entrenched actively and built positions, which characterizes them as military personnel with experience. “They dug holes in the houses – from one house to the other, and immediately climbed between the fences [...] in this sense; of course, they had a very good training. That is, they were controlled

by those who fought in Chechnya at the time. So, in Chechnya, you could run into some residential yard and disappear immediately”<sup>142</sup>.

Various Ukrainian law enforcement agencies and individual military personnel have repeatedly reported the identification of Russian military uniforms, field ration, as well as weapons manufactured in the Russian Federation and not at the disposal of the AFU.

In particular, from May 2015 to May 2019, RPG-1, ATGM, “Shmel” flamethrowers, RPG shots, thermobaric ammunition, smoke grenades, a guided projectile “Krasnopol”, directional anti-personnel mines “MON-50” and Russian-made grenade launchers were found in Shyrokyne<sup>143</sup>.

<sup>141</sup> EUCCI interview -22 dd. 16.01.2019.

<sup>142</sup> EUCCI interview -29 dd. 04.05.2019

<sup>143</sup> Ukrains'ki vijs'kovi povnistju kontroljujut' Shirokine [The Ukrainian military fully controls Shyrokyne: video on the channel's YouTube channel.] Channel 5, 24.02.2016. Available at: [https://www.youtube.com/watch?time\\_continue=122&v=XtVWKKNSeYY](https://www.youtube.com/watch?time_continue=122&v=XtVWKKNSeYY) (retrieved :09 September 2019); Azovci oprilyudnili dokazi prisutnosti rosijs'koi armii v Shirokinomu / [Azovtsy published evidence of the presence of the Russian army in Shyrokyne], Nacional'nij Korespondent 29.02.2016. Available at: <https://nackor.org/ukr/azovci-oprilyudnili-dokazi-prisutnosti-rosiys-koi-armii-v-shirokinomu> (retrieved: 12 September 2019); SBU vijavila dvi rosijs'ki mini u rajoni provedennja ATO [the SSU found two Russian mines in the area of the ATO: message from the SSU]. SSU press center. 02.05.2017. Available at: <https://www.ssu.gov.ua/ua/news/243/category/21/view/3281#.DgBn2wt6.dpbs> →



Most of these weapons were manufactured in Russia after the collapse of the USSR. Another discovery was the Russian camouflage VSR-98 "Flora" introduced into the Russian armed forces only in 1998<sup>144</sup>. On the positions left by the IAG in the village, canned meat marked "not for sale" made in Russia and field rations of the Russian army were found<sup>145</sup>.

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→ (retrieved: 07 September 2019); SBU vijavila dvi shovanki zi zbroieju ta boiepriipasami u rajoni provedennja ATO [the SSU found two caches of weapons and ammunition in the area of the ATO: message from the SSU]. SSU press center: website. 10.05.2017. Available at: <https://ssu.gov.ua/ua/news/1/category/2/view/3314#.4f0pQc6W.dpbs> (retrieved: 12 September 2019); Zatrmani pid Mariupolem bojoviki mali nakaz vid rosijs'kih kuratoriv vidkrivati vogon' po bijcjah ZSU (video) [detained near Mariupol, the militants were instructed by Russian curators to open fire on AFU soldiers (video): message from the SSU press center]. SSU: website. 30.06.2016. Available at: <https://ssu.gov.ua/ua/news/1/category/2/view/1305#.k1qRVWdY.dpbs><https://ssu.gov.ua/ua/news/1/category/2/view/1305#.k1qRVWdY.dpbs>(retrieved: 12 September 2019); Rosijs'ka zbroja na Donbasi: reportazh z Shirokinogo [Russian weapons in the Donbas: report from Shirokino: video on the channel's YouTube channel]. Channel 5. Available at: <https://www.youtube.com/watch?v=Nc9ANo7LCA8> (retrieved: 09 September 2019); Ukrain's'ki sili vzjali pid kontrol' Shirokine [Ukrainian forces took control of Shyrokyne]. TSN. 25.02.2016. Available at: <https://tsn.ua/video/video-novini/ukrayinski-sili-ato-vzyali-pid-kontrol-shirokine.html> (retrieved: 12 September 2019); Armija Rossii pod Shirokino provodit rotaciju [the Russian Army is rotating near Shyrokyne]. Podrobnosti (website of news program of Inter TV Channel). 15.07.2015. Available at: <https://podrobnosti.ua/2047339-armija-rossii-pod-shirokino-provodit-rotatsiju-video.html> (retrieved: 12 September 2019); Separatisty brosil Shirokino vmeste s vooruzheniem [Separatists abandoned Shirokino along with their weapons]. Podrobnosti (website of news program of Inter TV Channel). 24.02.2016. Available at: <https://podrobnosti.ua/2091717-separatisty-brosili-shirokino-vmeste-s-vooruzheniem.html> (retrieved: 12 September 2019); V Shirokino boeviki ostavili oruzhie iz Rossii (video) [In Shyrokyne, the militants left weapons from Russia (video)]. Podrobnosti (website of news program of Inter TV Channel). 28.02.2016. Available at: <https://podrobnosti.ua/2092406-v-shirokino-boeviki-ostavili-oruzhie-iz-rossii-video.html> (retrieved: 12 September 2019).

<sup>144</sup> Shirokine: vidbitok vijni / [Shyrokyne: imprint of the war]. InformNapalm: website of the volunteer project. 25.02.2016. Available at: <https://informnapalm.org/ua/shyrokyne-vidbytok-vijny/> (retrieved: 11 September 2019).

<sup>145</sup> Ukrain's'ki vijs'kovi povnistju kontroljujut' Shirokine [The Ukrainian military fully controls Shyrokyne: video on the channel's YouTube channel.]. Channel 5. 24.02.2016. Available at: [https://www.youtube.com/watch?time\\_continue=122&v=XtVWKKNSeYY](https://www.youtube.com/watch?time_continue=122&v=XtVWKKNSeYY) (retrieved: 09 September 2019); Hersons'ka Chajka. Shirokino. Ijun' 2016 "Hersons'ka Chajka" [Kherson Chaika. Shyrokyne. June 2016: video on the Kherson Chaika YouTube channel.]. 01.07.2016. Available at: <https://www.youtube.com/watch?v=ZYOmWQ6ZQNk> (retrieved: 09 September 2019).

# 3. COMPLIANCE WITH INTERNATIONAL HUMANITARIAN LAW DURING MILITARY OPERATIONS IN SHYROKYNE

## 3.1. Overall assessment of the military operation in Shyrokyne in terms of international humanitarian law

Parties to the conflict shall, to the maximum extent feasible “avoid locating military objectives within or near densely populated areas”<sup>146</sup>. This is a customary IHL norm and a practical expression of the principle of distinction. It is used both during international and non-international armed conflicts.

The placement of a military objective in the form of defense positions by the Ukrainian military in July – August 2014 on the “Shyrokyne heights” can be assessed as a violation of this measure of restraint in relation to the consequences of the attack. This placement of positions could indeed pose a threat to persons and objects under the protection of the IHL since the positions were located

on the western outskirts of the village (“within or near the densely populated area”). It is likely that these positions were the main target of the IAG during the first artillery attacks on the village on 4-5 September 2014.

The Ukrainian military has repeatedly noted the military necessity, which led to the placement of defense positions on the “Shyrokyne heights”. The natural landscape of the area that runs from Mariupol to Novoazovsk did not give the Ukrainian side a choice between several lanes (sections, districts, positions) to obtain an equivalent advantage (which would create less danger to civilians and civilian objects). The hills in the western outskirts of Shyrokyne from a military perspective were the most



Area plan 2. Placement of the parties' military positions in Shyrokyne, 2014-2015

<sup>146</sup> Article 58 (b) of Additional Protocol I; rule 23 of customary IHL.

adapted for the organization of defense. These hills are also a good base for the enemy's offensive on Mariupol.

It should be also noted that the IHL requirement regarding military objectives not being located within or near densely populated areas must be met "to the maximum extent feasible".

Taking into account these arguments, the authors of the report believe that the placement of defense positions of the Ukrainian military on the "Shyrokyne heights" can be deemed justified and proportionate to the advantage over the enemy, which they received by controlling these heights.

At the same time, even if one of the parties to the conflict violates the obligation to avoid locating military objectives within or near densely populated areas, it does not exempt the attacking party (in this case, the IAG) from the obligation to adhere to the principles of distinction and proportionality in an attack. This was not done both during the artillery attacks of 4-5 September 2014 and in the future, in particular, during the attacks in February 2015, when the IAG subjected both civilian and military objects to shelling without distinction.

As for the "Shyrokyne operation" itself (10-15 February 2015), despite the arguments of the "Azov" command in favor of its conduct, views on this issue and the value of the results remain ambiguous in Ukrainian society.

The task of the operation was to ease the pressure on Debaltseve by conducting an offensive operation in other directions, as well as creating a buffer zone to protect Mariupol from repeated enemy attacks.

Since 2015, "Azov" has held regular actions to honor the memory of soldiers who died during the battle for Shyrokyne, published a book of memoirs of participants in these military events and strongly supported the idea of this operation often calling it almost the only successful offensive operation of Ukrainian forces in the east of Ukraine<sup>147</sup>.

However, a different assessment of the military operation is present even in the statements of the highest military and political leadership of Ukraine.

**Oleksandr Turchynov**, NDSC Secretary, on 10 February 2015, spoke about the results of the operation: "*Enemy suffered very serious combat losses. By defeating Russian-terrorist groups around Mariupol, our troops provided a reliable defense of the city and protection from artillery attacks on civilians*"<sup>148</sup>.

In turn, the Chief of the General staff of the AFU **Viktor Muzhenko** in his interview to the "Dzerkalo tyzhnya" online media said that, from a military point of view, Shyrokyne plays no role, and the winter offensive on the town was more a PR campaign than a military operation. According to him, there is a line of defense at the heights beyond Shyrokyne, and control over these heights allows a successful response to threats to Mariupol<sup>149</sup>.

Questioning the benefits of the control established over the village, **Viktor Muzhenko** still recognizes the value of the defense line built on its western outskirts.

**Yuri Hotlubey**, Mariupol's mayor in 1998-2015, in an interview with Hubs, commented on the military operation: "*We understand that the city now needs to be fortified as much as possible. And it needs to be fortified at distant borders. They moved their positions 20 kilometers to Shyrokyne – and the enemy's missiles no longer reach the edge of the eastern one. And there were attacks before*"<sup>150</sup>.

The commander of one of the platoons of "Semenovsky Battalion" (1st motorized infantry in the 9th regiment) of the "DPR", call sign "Karas", in his interview confirms that the result of the offensive operation of the "Azov" regiment was the withdrawal of heavy equipment from Shyrokyne and Sakhanka to more distant positions<sup>151</sup>.

Some of the residents of Shyrokyne surveyed by the Center strongly criticized the military operation and the actions of combatants on the territory of the village. "*When the conflict started, the village was not controlled by anyone. Neither the Ukrainian authorities nor the "DPR". People went to work through checkpoints in both directions. They were allowed entry. There were no armed men or equipment in the village. [...] "DPR" representatives stood 4 km from the village in the direction of Novoazovsk. [...] Almost opposite the Sakhanka and a*

<sup>147</sup> Shirokins'ka operacija. Spogadi uchasnikiv nastupu. [The Shyrokyne operation. Memories of the offensive participants] p.2.

<sup>148</sup> Oleksandr Turchynov: ZSU zabezpechili nadijnu oboronu Mariupolja [Oleksandr Turchynov, armed forces ensured a reliable defense of Mariupol] IAC NSDC website. 10.02.2015. Available at: <http://mediambo.org/2015/02/10/oleksandr-turchynov-zsu-zabezpechili-nadijnu-oboronu-mariupolja/> (retrieved: 12 September 2019).

<sup>149</sup> Nachal'nik General'nogo shtabu Viktor Muzhenko: "Ja vidpovidaju za vsi rishennja, jaki prijmav. U tomu chisli j za ti, jaki prizvodili do vtrat" [Chief of the General staff Viktor Muzhenko: "I am responsible for all the decisions I made. Including those that led to losses"]. ZN.UA. 28.08.2015. Available at: <https://dt.ua/internal/nachalnik-generalnogo-shtabu-viktor-muzhenko-ya-vidpovidaju-za-vsi-rishennja-yaki-priymav-u-tomu-chisli-y-za-ti-yaki-prizvodili-do-vtrat-.html> (retrieved: 12 September 2019).

<sup>150</sup> EUCCI interview-2 dd. 30.05.2018; Interv'ju s mjerom Mariupolja Juriem Hotlubeem /Hubs. [Interview with Mariupol mayor Yuri Hotlubey] Hubs. 14.04.2015. Available at: <http://hubs.ua/authority/tri-linii-oborony-mariupolja-35030.html> (retrieved: 12 September 2019).

<sup>151</sup> "Doneck. Linija vojny" serija 9: Shirokino . ["Donetsk. Line of war" series 9: Shyrokyne: video on the YouTube channel]. Pravda DNR. 21.03.2015. Available at: <https://www.youtube.com/watch?v=Dg2Vpp7XJwk> (retrieved: 22 September 2019).

*little closer afterward. And the Ukrainians were already near Mariupol. And the meaning of this attack is still not clear. For what?! Our state has left us at the mercy, so to speak. They did not achieve any strategic goal there, but simply killed the village”, one of the villagers comments on the military operation<sup>152</sup>.*

Other resident comments on the situation in a similar way, “[...] in February, “Azov” came in and allegedly liberated Shyrokyne from “DPR” (although we have not seen any of them). They went behind the village, shot, returned, and that’s it. And then there were attacks in retaliation”<sup>153</sup>. The respondent says that there were no defensive positions of the IAG in the village, and their visits to the village were only periodic in nature (the report’s authors have pointed to the existence of sufficient evidence of the situational presence of the IAG in the village in the period from September 2014 to 10 February 2015).

The position of Shyrokyne citizens, who negatively assess the military operation in the village, can be reduced to several main theses:

- the Ukrainian government ignored the interests of residents of Shyrokyne and sacrificed the village for the defense of a large industrial city (Mariupol);
- there was no need to restore full control of the Ukrainian military over the territory of the village since there were no positions of the IAG in it;
- the offensive operation resulted only in the destruction of the village and the loss of its residents of their property on the territory of the settlement, and did not provide any military advantage;
- the military command did not sufficiently counteract to cases of looting of the village by the combatants.

Due to the lack of complete and objective information about the location of forces and means of both sides of the conflict, as well as the presence of conflicting information about the actual threats in the Mariupol direction as of February 2015, the authors of the report find it difficult to objectively assess the feasibility of the entire “Shyrokyne operation” (whether this military operation was necessary or not).

The statement of the then Chief of the AFU Staff **Viktor Muzhenko** that there was no military need to establish control over Shyrokyne and it was enough to control the heights on the western outskirts of the village seems reasonable.

At the same time, the establishment of control over the village was only one of the stages (episodes) of the “Shyrokyne operation”, and now it is difficult to objectively determine whether it was possible to implement other

stages and the overall plan of the military operation without a clean-up and subsequent control of the village.

In the opinion of the authors of the report, the “security of the city from repeated enemy attacks” (one of the tasks of the military operation, according to “Azov”) should be understood not only as an attempt to move the contact line to the east of Mariupol and occupy the areas from which the shelling of the “Skhidnyi” micro-district was carried out on 24 January 2015 (some artillery systems that were already involved in the armed conflict, according to their technical characteristics, allow the shelling of Mariupol even from the territory of the Russian Federation). Presumably, this is primarily an attempt by the Ukrainian military to withdraw its units from the vicinity of Mariupol and position them in such a way as not to expose the civilian population of the city to the risk of new shelling. In this way, the duty was fulfilled not to place military objectives within or near densely populated areas. It also provided for the defense of the city in case of an attempt of enemy assault from the Ukrainian-Russian border. The most suitable area for creating an effective defense of Mariupol was the area from Shyrokyne to Pavlopil, in particular, “Shyrokyne heights”.

When assessing a military operation from the point of view of IHL norms, we note that the term “attack” refers to acts of violence against the enemy, regardless of whether they are carried out during the offensive or defense<sup>154</sup>.

According to “Azov” regiment, the village of Shyrokyne was taken very rapidly on 10 February 2015, that is, the military occupied the village without actual resistance<sup>155</sup>. The main military operations took place outside the village. The study did not collect sufficient data that would allow us to say that the establishment of control over the village by “Azov” on 10 February was accompanied by a violation of IHL rules, in particular, the failure to take precautions during the attack.

On the way to further advance of the Ukrainian forces was a counter-offensive of the enemy, which began immediately after the entry of the Ukrainian military into the village. The counter-offensive actions of the participants of the IAG, committed by them on the same day, 10 February, immediately after the establishment of control over the village by the Ukrainian forces, should be regarded as a full-fledged “attack” on the enemy in the IHL sense.

When carrying out an attack, the IAG must use both precautions for the attack and precautions for the consequences of the attack; in particular, they must take into account the prohibition of the use of methods or means of warfare that cannot be directed at specific military targets.

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<sup>152</sup> EUCCI interview-14 dd. 02.08.2018.

<sup>153</sup> EUCCI interview -2 dd. 30.05.2018.

<sup>154</sup> Article 49 (1) of the Additional Protocol.

<sup>155</sup> The authors of the report could not find facts that would unequivocally refute this statement.

Artillery attacks on the village and its surroundings on 10-15 February, including the use of multiple rocket launchers, as a response to the occupation of the village by “Azov”, should be considered an indiscriminate attack.

Information obtained in this study suggests that the Ukrainian side has taken adequate security measures when planning and conducting a military operation in terms of the choice of means and methods of attack; and the potential harm (risks) to persons and objects protected by IHL at the beginning of the military operation did not look excessive compared to the concrete military advantage that could be achieved as a result of a successful operation.

### 3.2. Evacuation of the civilian population and access to the village for civilians

Parties to conflicts shall to the maximum extent feasible attempt to remove the civilian population, individual civilians, and civilian objects under their control from the vicinity of military objectives<sup>156</sup>.

This duty is particularly relevant when it is not possible to fulfill another important duty, i.e. to prevent the location of military objectives within or near densely populated areas, as already mentioned above.

This is a norm of customary IHL and a practical expression of the principle of distinction. It applies both during international and non-international armed conflicts.

The requirement regarding military objectives not being located within or near densely populated areas must be met “to the maximum extent feasible”.

Even during the reconnaissance, in addition to the usual questions, the commander (commander, chief) determines the hiding places or evacuation routes from the area of military operations of persons under the protection of IHL.

It is known that during the active phase of the “Shyrokyne operation” (10-15 February 2015), the “Azov” regiment carried out evacuation of residents of Shyrokyne. Individual episodes of evacuation can be seen on numerous videos posted on the Internet<sup>157</sup>.



**Video: Evacuation of Shyrokyne residents from the village, February 2015**

According to the memoirs of a Shyrokyne activist, the Ukrainian military created conditions for people not to take anything with them except hand luggage, and to gather their belongings very quickly. The man claims that someone was given 2 hours to collect belongings, someone – only 20 minutes, and some people were not given any time at all (“faster”)<sup>158</sup>. The demands of the military and the style of behavior during the evacuation may have seemed rude and unjustifiably harsh to some residents<sup>159</sup>.

Participants interviewed by the Center described the evacuation differently. People generally claimed that although the combatants did not use physical force on people, they believed that the evacuation was still involuntary. The military was armed, agitated, and people had a real reason to believe that when they refused to comply with the evacuation requirement, physical force and weapons could be used against them.

Some respondents complain that even for those who expressed willingness to leave the village, there were not always enough places. The number of vehicles used for evacuation was limited. Therefore, a significant number of people left the village using their own vehicles, and even on foot.

One of the village residents interviewed by the Center recalled the evacuation of his family: *“We ran down the street. Under fire. They have [Ukrainian military- ed.] their armored car at the end of the street. Padded. They [the Ukrainian military – ed.] were guarding it. We ran up there as a group of people. They told us, “Run under the bridge!” Children in front. Children were covered with backs. And so we ran to the intersection in the courtyard where they were based. And we were told, “You did not come at the right time. No one will take you out”. But there was one of them, the commander, apparently. He said, “Let’s get them out. Let’s get to the camp”. And I said, “We will not go to the camps, because they can shoot at camps now. We must run straight so that we can be seen”. We ran and crawled to the village of Berdianske. Because MPADS shoots from above, and they are being hit back straight away. I had to run a kilometer and a half. The commander began to lead us and warned us, “If I say fall, then fall”. It seems that they will tell him on the radio that they are going to shoot at us. We fell, got up, and ran. This is how we ran away. We ran to the farm, behind the MPADS, and their car drove up and took us to the city”<sup>160</sup>.*

The respondent denies forced evacuation and notes that people had the opportunity to refuse evacuation.

<sup>156</sup> Article 58 (a) of the Additional Protocol I; rule 24 of customary IHL.

<sup>157</sup> See, for example: Boi pod Mariupolem: ekskluzivnyj reportazh. Fakty nedeli, 15.02 telekanalu [The fighting near Mariupol: an exclusive report. Facts of the week, 15.02: video on the channel’s YouTube channel]. ICTV. 15.02.2015. Available at: <https://www.youtube.com/watch?v=jq-tCNsg6vl> (retrieved: 09 September 2019).

<sup>158</sup> EUCCI interview -2 dd. 30.05.2018.

<sup>159</sup> Shirokino 15.02.2015 . [Shyrokyne 15.02.2015: video on a private YouTube channel] 10.11.2018. Available at: <https://www.youtube.com/watch?v=NQYH-1ivkJE> (retrieved: 22 September 2019).

<sup>160</sup> EUCCI interview-15 dd. 03.08.2018.

The data collected during the study allows us to conclude that there was no forced evacuation (with the use of physical violence, threats). This statement can be supported even by the fact that a certain number of people remained in the village after 15 February; some of them remained even until the summer of 2015 (it is known that the last residents, around 12 people, left the village on 16 June 2015)<sup>161</sup>. However, it does not necessarily mean that the decision to leave the village was the result of people's free will. A significant number of people decided to leave under the influence of external circumstances. The situation of active armed confrontation did not give people any other choice.

The Center's documentators managed to speak with several volunteers (from among the civilians) who took part in the evacuation of the civilian population from the village. Volunteers recalled that, indeed, not all residents agreed to the evacuation. The decision to leave was especially difficult for the elderly people who were psychologically very attached to their homes. Some of these people were persuaded to leave by their relatives. There was no force used against those who refused to go<sup>162</sup>.

**Halyna Odnoroh**, a volunteer, described the evacuation of residents: *"We had to evacuate people. Local authorities gave buses, but they were on the main street (Radianska). I started calling the State Emergency Service of Ukraine<sup>163</sup>. And they said that they couldn't come because everyone went to the training camp in Kramatorsk. And then I realized that I needed to join in because I got a call and heard, "There are old people on the following street. We are asking you to take them. They themselves will not get to Radianska Street". And "Azov" people and I were taking people from under "Grad" for four days. Some families didn't want to leave. People kept waiting for everything to get better. And I packed them: with poultry, with dogs, with cats, with parrots... Their relatives called me from the city: "Take them, they are old and do not understand anything! Load them forcibly, as you wish!" I come, and people are worried about their property: "Can we collect everything? Come tomorrow". And "tomorrow" is already covered by "Grads ". I say, "Do you understand that I am risking my life coming here?!" [ ... ] No one was taken out by force"<sup>164</sup>.*

In the book "Shyrokyne operation. Memories of the participants of the offensive", with reference to the stories of "Azov", only individual episodes of the evacuation of the local population of Shyrokyne are mentioned.

**"Mose"**, commander of the infantry battalion of the "Azov" regiment: *"In these few days, we have made every effort to evacuate all the local population, using almost all our equipment for this purpose. [...] There were some residents who did not want to leave"<sup>165</sup>.*

**"Obama"**, a soldier of the reconnaissance and sabotage of the "Azov" regiment: *"We saw an old man with a suitcase nearby, we thought it was a spotter. We came up and asked for documents, and he said that his house had burned down, and there was nothing left but a suitcase. And he didn't know what to do. We quickly got him out"<sup>166</sup>.*

**"Shkiper"**, a soldier of the reconnaissance and sabotage of the "Azov" regiment: *"I still remember: we were sitting in the trench, and a really old man crawled up to us. Local, from Shyrokyne. We offered him to evacuate him by our "Azov" cars. He refused, said that he had a farm there, rabbits; it was better to die here than go somewhere. Then he repeatedly brought food and water to our positions"<sup>167</sup>.*

Analyzing the testimony of local residents, volunteers, video materials online, as well as other sources, the authors of the report concluded that the Ukrainian side on 10-15 February 2015 "to the maximum extent feasible" tried to fulfill its duty to take measures regarding the consequences of the attack and to remove the local population from the area of military operations<sup>168</sup>. Individual combatants have shown this extraordinary courage.

At the same time, the level of preparation for the evacuation, the level of its immediate implementation and the further placement of the evacuated civilian population cause criticism and comments, especially from the citizens of Shyrokyne themselves.

Part of the evacuation measures fell on the shoulders of volunteers, who risked their lives to perform what should have been provided at the proper level of the

<sup>161</sup> One of the respondents gives a figure for 20-30 people who probably stayed in the village after 15.02.2015.

<sup>162</sup> EUCCI interview-24 dd. 18.01.2019; EUCCI-22 dd. 16.01.2019.

<sup>163</sup> Ministry of Emergency Situations of Ukraine. Since December 2012 - the State Emergency Service of Ukraine.

<sup>164</sup> EUCCI interview-22 dd. 16.01.2019.

<sup>165</sup> Shirokins'ka operacija. Spogadi uchasnikiv nastupu. [The Shyrokyne operation. Memories of the offensive participants] p.15.

<sup>166</sup> Ibid. p. 52-53.

<sup>167</sup> Ibid. p. 55.

<sup>168</sup> See, for example: MSN. Jevakuacija iz-pod obstreliv: Zhitelej Shirokino vyvozzat v Mariupol': video na YouTube-kanale telekanala [MSN. Evacuation from the shelling: residents of Shyrokyne are taken to Mariupol: video on the channel's YouTube channel]. Mariupol TV. 16.02.2015. Available at: <https://www.youtube.com/watch?v=m2bXyRmv9f8> (retrieved: 09 September 2019); Evakuacija mirnogo naselennja selishha Shirokino Donec'koi oblasti telekanalu. [Evacuation of civilians from the village of Shyrokyne, Donetsk oblast: video on the YouTube channel]. Poltava TV. 14.02.2015. Available at: <https://www.youtube.com/watch?v=NI-SGsL8GUc> (retrieved: 09 September 2019); Evakuacija zhitelej Shirokino: video na YouTube-kanale telekanala. [Evacuation of Shyrokyne residents: video on the YouTube channel]. Telekanal TV7Mariupol. 13.02.2015. Available at: <https://www.youtube.com/watch?v=EWSgMjdOXCE> (retrieved: 09 September 2019).

military command, in particular, with the help of the civil authorities.

The commander of the “Azov” regiment, Ihor Mykhailenko, recalled that as of 11 February 2015, artillery attacks had become more frequent, and it became clear that the village was becoming the object of intense artillery attacks. Then it was decided to evacuate the residents. “Azov” people in the intervals between duty positions went to their homes and notified residents of the time and place of gathering for the evacuation<sup>169</sup>.

If we take this literally, the decision to evacuate the villagers was made by the Ukrainian military not in the process of planning and preparing for a military operation, but only on 11 February, during its implementation, taking into account the current situation.

It has already been stated above that, according to the plan of the military command, Ukrainian forces would have to move further east in the direction of the Russian-Ukrainian border, and the village would have had to remain in the safe rear of Ukrainian troops. Perhaps this led to the lack of advance evacuation planning.

Each party to the conflict must give “effective advance warning of attacks which may affect the civilian population unless circumstances do not permit”<sup>170</sup>. A warning is not required, for example, if the element of surprise is important for the success of the operation.

It should be recognized that the circumstances did not allow the Ukrainian side to make an effective warning about the military operation since its overall success largely depended on the suddenness of the Ukrainian military's entry to the settlements and the speed of further progress eastward. However, it would be advisable to prepare the evacuation of the civilian population at the stage of planning the military operation while taking measures that would make it impossible to leak information about the planned military operation.

The study found no facts confirming the evacuation of the civilian population by members of the IAG as part of measures to mitigate the attack during their counteroffensive on 10-15 February 2015. The only exceptions were isolated cases of evacuation of wounded civilians between 15 February and 15 June 2015, and the removal of the last 12 civilians from the village on 16 June 2015. This situation may be related to compliance with the general ban on forced displacement of the civilian

population (after 15 February, there were people in the village who refused to leave the village voluntarily).

Now, the village is under the full control of the AFU. However, access to the territory of the village is forbidden to its former residents. The military explains this decision by the danger of explosive objects in the village, and security reasons for the military themselves (the threat of disclosure of information about defensive positions by visitors)<sup>171</sup>.

There is no doubt that remaining in the village is still dangerous. At the same time, numerous monitoring missions, representatives of national, foreign and international governmental and non-governmental organizations, and even private individuals have been regularly visiting the village for a long time. These visits are widely covered in the media, and videos are uploaded online. This situation outrages residents of Shyrokyne. *“Now we are not allowed. We ask to let us at least go to the cemetery. Several people at a time. No, they don't. They say it's dangerous. And bikers go there. Music videos are being filmed”*, one of the residents complains<sup>172</sup>. Representatives of public activists of the village were allowed to visit the territory of Shyrokyne together with the military only a few times, in particular for the symbolic laying of flowers in the village cemetery<sup>173</sup>.

Some residents of Shyrokyne are sure that the military does not let residents of the village only because they are afraid of the indignation of people who may see the facts of property looting. In their opinion, numerous visits to the village of individuals indicate that there is an objective possibility for at least a preliminary investigation of destroyed houses and recording of facts of destruction by a specially created commission.

In the second half of February 2015, after the evacuation of the civilian population, some villagers attempted to visit the village and pick up some items.

One of the respondents reported that his relatives visited the village on 18 February 2015. They freely entered the village without encountering checkpoints<sup>174</sup>. Another resident of the village described her trip to Shyrokyne: *“In March [2015- ed.], in the beginning, I went to get my documents by car. I went into the house. Three windows were broken, and the doors were closed. Two flashlights, a pneumatic Izhevsk rifle, 25 kilograms of sugar, and an old icon disappeared. Everything in the house was upside down. Canned food disappeared. The driver ran*

<sup>169</sup> Shirokins'ka operacija. Spogadi uchasnikiv nastupu. [The Shyrokyne operation. Memories of the offensive participants], p.10.

<sup>170</sup> Article 57 (2) (C) of the Additional Protocol I; rule 20 of customary IHL.

<sup>171</sup> See, for example: Shirokyne. Pravda pro peremir'ja [Shyrokyne. The truth about the ceasefire: video on the YouTube channel]. Hromadske. 05.12.2015. Available at: <https://www.youtube.com/watch?v=VBAvqDntDb0> (retrieved: 14 September 2019).

<sup>172</sup> EUCCI interview -7 dd. 01.08.2018. Dneprovskij bajker zasnyal ruiny Shirokino (video). [Dnipro biker filmed the ruins of Shyrokyne (video) / Mariupol News site. 1] 13.07.2017. Available at: [https://mariupol.tv/news/society/mariupol/18287/dneprovskij\\_bajker\\_zasnyal\\_ruiny\\_shirokino\\_video.html](https://mariupol.tv/news/society/mariupol/18287/dneprovskij_bajker_zasnyal_ruiny_shirokino_video.html) (retrieved: 12 September 2019).

<sup>173</sup> Shirokino, 8 maja 2019 [Shirokino, 8 May 2019: video on a private YouTube channel] 09.05.2019. Available at: <https://www.youtube.com/watch?v=FjMJKDF7yXc&t=3s> (retrieved: 22 September 2019).

<sup>174</sup> EUCCI interview-3 dd. 31.05.2018.

*up and said that a sniper was shooting at the car and we had to go. I ran out and did not take any documents or other things*<sup>175</sup>.

Some residents of Shyrokyne managed to visit the village in October 2015. People claim that without ever receiving permission to travel to the village from the Command of the AFU (ATO leadership), they were forced to go to the temporarily occupied territory and enter the village from its eastern side, which at that time was under the control of the IAG. The latter, allegedly with the assistance of the OSCE, let people into the village in October 2015<sup>176</sup>.



**Video: Residents of Shyrokyne visit the village, October 2015**

### 3.3. Intentional killing and mutilation of civilians

The fighting in Shyrokyne was accompanied by injuries to locals, in some cases, resulting in disability; it significantly affected the psychological state of Shyrokyne residents.

Immediately after the escalation of fighting in Shyrokyne, Ukrainian military personnel conducted the evacuation of local residents. However, many locals did not wish or were not able to leave their homes<sup>177</sup>. In this regard, many civilians were affected by the fighting, which was conducted close to their place of residence. The attacks in the village made it impossible for emergency medical services to travel, so the victims reached medical institutions on their own or with the help of combatants.

During the fighting in Shyrokyne, certain local residents (some of whom may have been perceived as combatants or active supporters of the other belligerent party) were subjected to murder, violence, inhuman or degrading treatment or punishment.

**Killing and mutilation of civilians is a violation of the national legislation of Ukraine, international human rights law and IHL.**

The CCU establishes responsibility for murder, torture, assault and cruel treatment<sup>178</sup>.

IHL provides varying degrees of protection to combatants and civilians. Combatants involved in an armed conflict are not classified as “protected persons” because an attack on them may be legitimate. However, protection is provided in terms of prohibiting means and methods of warfare that cause excessive suffering or lead to their imminent death. Civilians have the right to be protected from becoming an object of attack and the consequences of using force against enemy military targets and combatants, as well as in cases of falling into the power of the enemy.

Article 3, common to the four Geneva Conventions, provides for minimum standards of humane treatment. All persons not directly participating in the conflict or who have ceased to do so because for various reasons shall be treated humanely and without any discrimination. It is forbidden to commit violence against such persons (including murder, mutilation, ill-treatment and cruel treatment), or outrages upon personal dignity<sup>179</sup>.

In case such crimes are committed as part of a large-scale or systematic deliberate attack on civilians, they are recognized as crimes against humanity under the Rome Statute<sup>180</sup>. Such illegal actions can also be recognized as war crimes under the Rome Statute when committed as part of a plan or policy or as part of a large-scale commission of such crimes<sup>181</sup>.

In addition to IHL rules, the rights of persons deprived of their lives, ill treated and tortured are protected by the ECHR. Such illegal actions by combatants violate Articles 2 and 3 of the ECHR, which provide for the right to life and prohibit torture and ill-treatment.

Civilians living on the contact line are in constant danger. In particular, there is a risk that the combatants will perceive the locals as an enemy and harm them. In Shyrokyne, such cases were recorded.

Residents of the village reported that combatants were shooting at civilians, and these shots were deliberate. Some of the dead were likely identified with combatants, since in 2014-2015, members of the IAG and the Ukrainian military often did not have military uniforms and wore camouflage-colored clothing. In the process of preparing the report, **five cases** of deaths from such actions were recorded. In many cases, the study was conducted based on the statements of victims and witnesses, so the authors

<sup>175</sup> UHHRU interview -14 dd.05.10.2015.

<sup>176</sup> EUCCI interview -2 dd.30.05.2018. Videos posted on the Internet show people taking things from their homes. See, for example: Alexander Ponomarev. Shyrokyne 666 km: video on the author's YouTube channel. Available at: <https://www.youtube.com/watch?v=I2vezBkUI0Q> (Retrieved: 14 September 2019).

<sup>177</sup> See 3.2. Evacuation of the civilian population and access to the village for civilians.

<sup>178</sup> See article 115 “Premeditated murder”, 121 “Intentional serious bodily injury”, 122 “Intentional moderate bodily injury”, 126 “Battery and torture”, 127 “Torture” of the CCU. Law of Ukraine № 2341-III dd. 05.04.2001 (as amended on 27.06.2019). Available at: <https://zakon.rada.gov.ua/laws/show/2341-14> (retrieved: 13 September 2019).

<sup>179</sup> Common article 3 of the four Geneva Conventions of 1949.

<sup>180</sup> Article 7 of the Rome Statute.

<sup>181</sup> Article 8 of the Rome Statute.



of the report cannot assert the objectivity and guaranteed reliability of all the described events.

On 15 February, **Volodymyr Hryshko**, a local resident (born in 1951), died of a gunshot wound. The man's body was found in the yard of his house<sup>182</sup>. A similar case occurred with another resident of the village – **Volodymyr Novikov**, born in 1948. The man was standing at a window inside the house when he was shot by a firearm and died on the spot<sup>183</sup>. He was temporarily buried in the courtyard of the house, and relatives were able to exhume and rebury the body only a year later<sup>184</sup>. Both cases took place in February 2015, during the street fighting in the village, so it is not clear who and why shot at the victims.

Another case, the combatants beat up **Anatoliy Lykhatskyi**, a resident of Shyrokyne, born in 1939, and left him to die in the basement, probably because he resisted an attempt to plunder his home. Severe injuries and hypothermia resulted in his death on 21 February<sup>185</sup>. Respondents do not know which side the combatants belonged to, but the events mentioned occurred in a part of the village that was under the control of the IAG.

In 2014-2015, it was common practice for the parties to the conflict to use civilian vehicles for military purposes. As a result, it was impossible to identify at a distance for what purpose and by whom a civilian car was being used, which led to tragic cases. Respondents recalled how one man tried to drive a car out of the village during a shootout between members of the so-called DPR and Ukrainian servicemen, when **Anastasiia Lohozynska** (06.02.1963), who was traveling with him, was hit by a bullet and died<sup>186</sup>.

Similarly, a resident of Shyrokyne, **Oleksandr Hlutsky** received a severe gunshot wound. On 6 March 2015, a man and his family member went to the village by car to collect things and documents. The first, second and third entrances to Shyrokyne from the Mariupol–Novoazovsk highway were blocked by tree branches and logs. Being already at the third entrance, the men decided not to go further. Turning the car around in front of the obstacle, they

moved in the opposite direction. At this point, unknown persons who were out of their sight, without warning, began shooting at the car with automatic weapons. One of the bullets hit Oleksandr who was in the passenger seat<sup>187</sup>. The bullet damaged the thoracic spine. The man underwent several complex operations, but never regained the ability to move independently; he now has a first-degree disability. The victim does not know for sure which side of the armed conflict fired at the car, but given the location of the parties and the direction of movement of the balls, he assumes that the IAG members were shooting<sup>188</sup>.

Another case occurred directly in Shyrokyne. A resident of Shyrokyne **Yevhen Poltorybatko** (born in 1958/1968) was in the yard of his house when shots were heard on the street, and armed persons ran to him. Threatening the man with a firearm, they forced him to get behind the wheel of the car and drive in the direction indicated by them. When they started moving down the street, unknown people fired at the car, which led to the death of the Shyrokyne resident. Three respondents noted that the reason for the attack was probably that the victim was traveling in a car with a camouflage color<sup>189</sup>.

In the course of the study, **four cases** were recorded that can be interpreted as violence against civilians. Two of these cases took place directly on the territory of the village, and the other two took place outside.

In one case, according to local residents<sup>190</sup>, a Ukrainian soldier allegedly shot an unarmed elderly civilian in his yard in the village of Shyrokyne. Witnesses of the incident are sure of the deliberate nature of the shot, but cannot explain its cause.

Another situation of violence against civilians was depicted in the story of a Ukrainian TV channel. A resident of Shyrokyne suffered from illegal actions of the IAG members. The combatants broke into her house, saying they would check whether she was hiding anyone. The victim claims that everyone in Shyrokyne knew about her patriotic views and commitment to the territorial integrity

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<sup>182</sup> EUCCI interview-8 dd. 31.07.2018.

<sup>183</sup> EUCCI interview -7 dd. 01.08.2018.

<sup>184</sup> Shirokino prevratilos' v selo-prizrak [Shyrokyne has turned into a ghost village: video on the YouTube channel of the TV channel "Ukraine"]. Segodnia, Ukraina Channel. 13.05.2016. Available at: <https://www.youtube.com/watch?v=fLroqT49ZBE> (retrieved: 22 September 2019).

<sup>185</sup> Interv'ju Lihac'koi; Telekanal TV7 Mariupol'. Na grani vyzhivanja. Shirokincy [Interview with Likhatska; TV7 Mariupol. On the verge of survival. Citizens of Shyrokyne: video on the YouTube channel] 13.07.2016. Available at: [https://www.youtube.com/watch?v=R4\\_CuCU1qgE](https://www.youtube.com/watch?v=R4_CuCU1qgE) (retrieved: 09 September 2019).

<sup>186</sup> EUCCI interview -1 dd. 29.05.2018; EUCCI-7 dd. 01.08.2018.; EUCCI-19 dd. 16.01.2019; EUCCI-15 dd. 03.08.2018.

<sup>187</sup> Such actions have repeatedly provoked the killing of civilians near checkpoints or military posts. The authors of the report believe that the combatants regard such actions as an attempt to run away or conduct intelligence.

<sup>188</sup> Interv'ju Gluc'kih; Gromadskoe. Zhitel' Shirokino posle obstrela ostalsja invalidom [Interview of Glutskyh; Hromadske. A resident of Shyrokyne was left disabled after the attack: video on the YouTube channel.]. 22.11.2017. Available at: <https://www.youtube.com/watch?v=SmPayVuHxXA> (retrieved: 09 September 2019).

<sup>189</sup> UHHRU interview-30 dd. 05.10.2015; EUCCI-15 dd. 03.08.2018; EUCCI-32 dd. 07.06.2019.

<sup>190</sup> EUCCI interview-13 dd. 01.08.2018.



Screenshots 8-10. A vehicle damaged by shooting, Shyrokyne, 2015. Source: First Channel 1tv.ru

of Ukraine. In her yard, a map of Ukraine was laid out in gravel, which the participants of the IAG told her to scrap immediately. An hour later, the combatants came to the house and shot the windows with machine guns. The authors of the report believe that this case can be considered as an attempt at premeditated murder in connection with the political views of the victim<sup>191</sup>.

According to respondents, relations between the Ukrainian military and some residents remained tense after the evacuation of the population from the village. Publicity in the media<sup>192</sup> was given to a conflict, which resulted in the murder of one civilian man and the injury of another. The event took place in November 2016 in Mariupol. As indicated in the court ruling, a conflict occurred between the representative of the "Azov" battalion and the men because the latter claimed to have lived in Shyrokyne and being fired at by Ukrainians<sup>193</sup>. As a result of the conflict, one of the victims of Shyrokyne was injured, and the other was fatally stabbed. In February 2018, the Ordzhonikidze district court of Mariupol issued a verdict in the murder case (the initial qualification was premeditated murder, later changed to murder exceeding the limits of necessary self-defense), approving the reconciliation agreement and obliging the representative of "Azov" battalion to pay fines<sup>194</sup>. In June 2016, in the case of the second victim, the court issued a ruling that closed the criminal proceedings due to the victim's refusal to press charges<sup>195</sup>. The authors of the report suggest that the victim may have refused the charge due to possible pressure on him or unwillingness to continue participating in criminal proceedings.

### 3.4. Arbitrary arrest and detention. Torture and ill-treatment

During the military actions in Shyrokyne, some residents and combatants suffered from arbitrary detention, torture, and cruel, inhuman or degrading treatment, including elements of sexual violence.

Ukrainian legislation, international human rights law, and IHL prohibit arbitrary arrest and detention in illegal places of confinement, torture, and ill-treatment.

The CCU establishes liability for illegal deprivation of liberty or kidnapping, torture, beating, as well as enforced disappearance<sup>196</sup>. Detention and deprivation of liberty of civilians without communication with the outside world and non-recognition of such facts makes it possible to classify them as enforced disappearances, which are crimes in accordance with the international law and Ukrainian legislation. "Enforced disappearance" is considered to be a deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law<sup>197</sup>.

IHL provides protection to combatants in terms of prohibiting means and methods of warfare that cause excessive suffering or lead to their inevitable death. Wounded and sick combatants, as well as prisoners of war (combatants who laid down their arms and surrendered, or combatants captured by the enemy), enjoy the legal regime of military captivity and the right to humane treatment. Thus, Article 3, common to the four Geneva Conventions, provides for minimum standards of humanity. Persons who do not take an active part in military operations or have ceased to take part in military operations enjoy protection from violence, being taken as hostages, outrages upon personal dignity, or punishments without a court decision<sup>198</sup>.

The rights of victims of arbitrary detention and torture are also protected by the ECHR. In particular, Articles 2, 3 and 5 of the ECHR guarantee the right to life, liberty and personal integrity, and prohibit torture and ill-treatment.

<sup>191</sup> Vojna na Donbasse: pashal'noe peremirie proderzhalos' 10 minut [The war in the Donbas: the Easter truce lasted 10 minutes] Podrobnosti (website of news program of Inter TV Channel). 06.04.2018. Available at: <https://podrobnosti.ua/2235184-vojna-na-donbasse-pashalnoe-peremirie-proderzhalos-10-minut.html> (retrieved: 12 September 2019).

<sup>192</sup> U Mariupoli sud oshtrafuvav bijcja Azova, jakij skoiv ubivstvo [In Mariupol, the court fined the soldier of Azov, who committed a murder]. / Korrespondent.net.28.02.2018. Available at: <https://ua.korrespondent.net/ukraine/3945866-u-mariupoli-sud-oshtarafuvav-biitsia-azova-yakyi-skoiv-ubyvstvo> (retrieved: 12 September 2019); Prevysil samooboronu. "Azovca" osudili na dva goda za ubijstvo mariupol'ca [Exceeded self-defense. "Azov" soldier was sentenced to two years for the murder of a Mariupol citizen]. 0629.com.ua -Site of the city of Mariupol. 27.02.2018. Available at: <https://www.0629.com.ua/news/1965912/prevysil-samooboronu-azovca-osudili-na-dva-goda-za-ubijstvo-mariupolca> (retrieved: 12 September 2019).

<sup>193</sup> Decision of the Ordzhonikidze district court of the city of Mariupol, Donetsk oblast, dated 09.11.2016 in case no. 265/6703/16-K. USRCD. 15.11.2016. Available at: <http://www.reyestr.court.gov.ua/Review/62581642> (retrieved: 11 September 2019).

<sup>194</sup> A sentence of the Ordzhonikidze district court of the city of Mariupol, Donetsk oblast dd. 20.02.2018 in case No. 265/7807/17 USRCD. Available at: <http://reyestr.court.gov.ua/Review/72327300> (retrieved: 11 September 2019).

<sup>195</sup> Decision of the Ordzhonikidze district court of the city of Mariupol, Donetsk oblast, dated 21.06.2018 in case no. 265/1725/18. USTCD.] Available at: <http://reyestr.court.gov.ua/Review/74907005> (retrieved: 11 September 2019).

<sup>196</sup> See article 115 "Premeditated murder", 121 "Intentional serious bodily injury", 122 "Intentional moderate bodily injury", 126 "Beatings and tortures", 127 "Torture", 146 "Illegal deprivation of liberty or kidnapping", 146-1 "Enforced disappearance" of the criminal code of Ukraine. The CC of Ukraine. Law No. 2341-III of 05.04.2001 (amended on 27.06.2019). Available at: <https://zakon.rada.gov.ua/laws/show/2341-14> (retrieved: 13 September 2019).

<sup>197</sup> Article 1 of the International Convention for the Protection of All Persons from Enforced Disappearance.

<sup>198</sup> Common article 3 of the four Geneva Conventions of 1949.

The cases of illegal deprivation of liberty of civilians identified in the course of the study can be regarded as gross violations of IHL norms in accordance with Article 34 of Geneva Convention IV. The testimonies of respondents and information from the media also indicate that the parties to the conflict do not comply with the requirements of the Geneva Conventions on the humane treatment of civilians and combatants in terms of arbitrary detention and the use of ill-treatment and torture.

According to the respondents interviewed in the course of the study, the Center was able to establish eight cases of arbitrary arrest and detention of civilians in the village of Shyrokyne by Ukrainian combatants, which in the future was often accompanied by interrogations, torture and ill-treatment<sup>199</sup>. In all reported cases, men aged 20-60 were detained at checkpoints or in buildings at their place of residence. The authors of the report found that the documented detentions occurred between January and March 2015. The reason for the detentions was suspicion of cooperation with the IAG (in particular, in one of the cases, such suspicion arose after men's arrival from the territory controlled by the so-called DPR). One of the illegally detained residents of Shyrokyne told the journalists of the Russian TV channel about detention noting that the reason was a Russian bankcard found in his possession<sup>200</sup>. The authors of the report established the identity of this Shyrokyne resident through the reports of other respondents about his detention. Despite some differences in the circumstances and process of detention, they occurred with excessive use of force and without compliance with legal norms, namely, without the presence of legal grounds, as well as with violation of legal procedure.

The detainees were taken for interrogation in several places in Mariupol and the surrounding area. Among such places, respondents mentioned the basement of a sports school near the Soyuz cinema in Mariupol<sup>201</sup>, the Mariupol City SSU Administration building, and the premises on the territory of the Mariupol airport where the "Azov" battalion was stationed<sup>202</sup>. One of the respondents claimed that about four residents of Shyrokyne were held in the basement of the school near the Soyuz cinema in

Mariupol<sup>203</sup>. According to another respondent<sup>204</sup>, in one of the cases, a resident of Shyrokyne was illegally detained for three days on the territory of the former Mayak children's camp, where the defensive positions of the "Azov" regiment were located. According to the respondent, the reason for the detention was the victim's calls to relatives living in the Russian Federation, one of the media resources also noted that the man was suspected of being a spotter<sup>205</sup>. The interviewee claims that the illegal detention led to further deterioration of the victim's health.

During the convoy to the place of detention, civilians were subjected to varying degrees of abuse, tying of limbs and eyes, gratuitous blows and bodily harm. In illegal places of incarceration, security forces conducted interrogations, including psychological pressure, torture and ill-treatment. The testimony of the victims suggests that the interrogations were conducted to force the person to admit guilt or "cooperate" to obtain information about the alleged espionage and support for the IAG. A former resident of Shyrokyne, interviewed by the Center, told about the contents and consequences of the detention of one of the victims: *"He was taken out; he was interrogated for several days. I saw it, he was covered in bruises"*<sup>206</sup>.

Victims, their relatives and friends claim that the following types of torture and ill-treatment were used against the detainees: beatings, forced nudity, strangulation with different time intervals, blows with hands and sticks, drowning in water, and so on. According to the evidence received, the illegal deprivation of liberty could last from several hours to a week. Individuals who did not receive information confirming their cooperation with the IAG were released. Former detainees told that they did not appear before the court, at some point they were dismissed, in particular, leaving them on the road, near Shyrokyne or Mariupol.

The physical and psychological condition of the former detainees has deteriorated due to their detention in places of illegal confinement, during which they were interrogated and tortured. No medical assistance was provided to such persons for the injuries received, neither in the places of detention, nor in official medical institutions. The

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<sup>199</sup> EUCCI interview-9 dd. 01.08.2018; EUCCI-25 dd. 16.01.2019; EUCCI-6 dd. 31.07.2018; EUCCI-34 dd. 05.06.2019; EUCCI-31 dd. 06.06.2019.

<sup>200</sup> Kleshhi. Fil'm Aleksandra Buzaladze na "Rossii-1" [Pliers. Alexander Buzaladze's film on "Russia-1"]. Vesti 22.04.2015. Available at: <https://www.vesti.ru/videos/show/vid/642854/> (retrieved: 12 September 2019).

<sup>201</sup> EUCCI interview-6 dd. 31.07.2018; EUCCI-31 dd.06.06.2019.

<sup>202</sup> EUCCI interview-34 dd.05.06.2019; EUCCI-25 dd. 16.01.2019. Gerashhenko vperve rasskazal ob operacii po osvobozhdeniju Mariupolja ot "DNR" [Gerashchenko spoke for the first time about liberation of Mariupol from the "DPR"] TSN. 13.06.2015. Available at: <https://ru.tsn.ua/ato/gerashchenko-vperve-rasskazal-ob-operacii-po-osvobozhdeniyu-mariupolya-ot-dnr-435423.html> (retrieved: 12 September 2019).

<sup>203</sup> EUCCI interview-31 dd.06.06.2019.

<sup>204</sup> EUCCI interview -34 dd.05.06.2019.

<sup>205</sup> Shirokino. Tochka nevozvrata? [Shyrokyne. Point of no return?] 0629.com.ua -Site of the city of Mariupol]. Available at: <https://www.0629.com.ua/news/747164/sirokino-tochka-nevozvrata> (retrieved: 12 September 2019).

<sup>206</sup> EUCCI interview-34 dd. 05.06.2019.

circumstances surrounding the release of the detainees and the fighting that took place in Shyrokyne limited the ability of such persons to seek qualified medical care and buy medicines. Some respondents told about their fear of going to medical institutions, so they were provided with medical care by their relatives and friends.

Information about the practice of illegal detentions and torture of persons suspected of separatism in the Mariupol City SSU Administration is also contained in reports of international<sup>207</sup> and Ukrainian organizations<sup>208</sup>, as well as in media publications<sup>209</sup>. A report of the media outlet operating in the temporarily occupied territories contained information about the detention of a sapper of the so-called “DPR” by the Ukrainian military in the vicinity of Shyrokyne. A member of the IAG was beaten during interrogation in the SSU of Mariupol and hospitalized<sup>210</sup>. The facts of these detentions, as well as other illegally imprisoned persons, in the premises of the Mariupol SSU are mentioned in the OHCHR report<sup>211</sup>.

A joint report by Amnesty International and Human Rights Watch provides information on cases of detention and

torture of prisoners by the “Azov” battalion at Mariupol airport and a sports school near the Soyuz cinema in Mariupol<sup>212</sup>. A former employee of the SSU, who has been working for the Russian security services since April 2014, recalled cases of illegal detention at Mariupol airport on a Russian TV channel<sup>213</sup>. According to him, the illegal prison was located in the left wing of the terminal in two non-working cold rooms. Several victims gave interviews and spoke about their imprisonment and the torture they were subjected to in this place of illegal detention<sup>214</sup>.

There were also media reports about the illegal detention of a Russian citizen in a closed shooting range and a former weapons storage room in the SSU of Mariupol<sup>215</sup>. After his release, the man told that one of inhabitants of Shyrokyne had been detained before him in that cellar (weapons storage room) of the Mariupol SSU. Based on the analysis of video and press reports, it was found that this resident of Shyrokyne mentioned by the Russian citizen was detained as a result of suspicion in spotting and was held captive for nine months<sup>216</sup>. The man was freed in an exchange for a NGU soldier

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<sup>207</sup> “You Don’t Exist”. Arbitrary Detentions, Enforced Disappearances, and Torture in Eastern Ukraine. Amnesty International, Human Rights Watch. Available at: [https://www.hrw.org/sites/default/files/report\\_pdf/ukraine0716ukrweb\\_4.pdf](https://www.hrw.org/sites/default/files/report_pdf/ukraine0716ukrweb_4.pdf) (retrieved: 12 September 2019).

<sup>208</sup> Nezakonni zatrimannja ta katuvannja, zdijsneni ukrains’koju storonoju v zoni zbrojnogo konfliktu na Shodi Ukraini [Illegal detention and torture committed by the Ukrainian side in the zone of armed conflict in eastern Ukraine: Information report of the UHHRU, KHRPG and “Truth Hounds” NGO]. Hladun, O., Valko, S., Movchan, S., Martynenko, O., Smelianska, Ya. Kyiv, 2017., p.28 Available at: <https://helsinki.org.ua/wp-content/uploads/2017/06/Nezakonni-zatrymannia-ta-katuvannia.pdf> (retrieved: 12 September 2019).

<sup>209</sup> V tajnoj tjur’me Mariupolja menja pytali ogolennymi provodami” [“In a secret prison in Mariupol, they tortured me with bare wires”]. Russkij Dnepropetrovsk. 06.07.2017. Available at: <https://rusdnepr.ru/v-tajnoj-tyurme-mariupolja-menja-pytali-ogolennymi-provodami/> (retrieved: 13 September 2019); Rossijan osvobodili s bozh’ej pomoshh’ju. Kak prohodit obmen plennymi v zone konfliktu na jugo-vostoke Ukrainy [The Russians were released with God’s help. How is the exchange of prisoners taking place in the conflict zone in the South-East of Ukraine]. Kommersant. 22.12.2016. Available at: <https://www.kommersant.ru/doc/3177409> (retrieved: 13 September 2019).

<sup>210</sup> Plennyj saper DNR posle doprosa v SBU gospitalizirovan v Mariupole so slomannymi rebrami [A captured DPR sapper was hospitalized in Mariupol with broken ribs after being questioned by the SSU]. DNR news. 13.10.2016. Available at: <http://dnr-news.com/dnr/36169-plennyj-saper-dnr-posle-doprosa-v-sbu-gospitalizirovan-v-mariupole-so-slomannymi-rebrami.html> (retrieved: 13 September 2019).

<sup>211</sup> Report on the human rights situation in Ukraine: 16.08.2016-15.11.2016 / OHCHR. Paragraphs 33-34, 40-41, 62. Available at: [https://www.ohchr.org/Documents/Countries/UA/UAReport16th\\_UKR.pdf](https://www.ohchr.org/Documents/Countries/UA/UAReport16th_UKR.pdf) (retrieved: 09 September 2019).

<sup>212</sup> “You Don’t Exist”. Arbitrary Detentions, Enforced Disappearances, and Torture in Eastern Ukraine. Amnesty International, Human Rights Watch.

<sup>213</sup> Pytali mesjacami: v Luganske rasskazali o tajnyh tjur’mah SBU [Tortured for months: in Luhansk, they told about secret SSU prisons]. Gazeta.ru. Available at: <https://www.gazeta.ru/army/2019/07/30/12543373.shtml?updated> (retrieved: 11 September 2019).

<sup>214</sup> Kak ujeti s “biblioteki”. Eks-zakljuchennye Mariupolja rasskazali ob uzhasah sekretnoj tjur’mu SBU [How to leave the “library”. Ex-prisoners of Mariupol told about the horrors of the secret SSU prison]. RIA Novosti. 17.07.2019. Available at: <https://ria.ru/20190717/1556523534.html> (retrieved: 13 September 2019).

<sup>215</sup> “No one was responsible for my life”. The story of the Communist Andrei Sokolov, released from the “secret prison of the SSU in Mariupol]. Mediazona. 28.10.2016. Available at: <https://zona.media/article/2016/10/28/sokolov-v-sbu> (retrieved: 13 September 2019); Prava cheloveka v zone ATO i “tajnye tjur’mu” SBU – sushhestvujut li? [Human rights in the ATO zone and the SSU’s “secret prisons” - do they exist?] Hromadske Donbas. 15.11.2016. Available at: <http://hromadske.dn.ua/programs/438-prava-cheloveka-v-zone-ato-y-tajnye-tyurmy-sbu-sushhestvuyut-ly> (retrieved: 13 September 2019).

<sup>216</sup> V DNR bojca nacgvardii obmenjali na bol’nogo diabetom zhitelja Shirokino [In the DPR, a national guard soldier was exchanged for a diabetic resident of Shyrokyne]. NTV.RU. 31.10.2015. Available at: <https://www.ntv.ru/novosti/1558937/> (retrieved: 13 September 2019); Shevket Jafarov. Obmen plennymi mezhdru Novorossiej i Ukrainoj [Prisoner exchange between Novorossija and Ukraine: video on a personal YouTube channel.] 01.11.2015. Available at: <https://www.youtube.com/watch?v=aShJVsqrCmA&feature=youtu.be&t=208> (retrieved: 09 September 2019).

who was held captive on the territory of the so-called DPR<sup>217</sup>.

In April 2015, a Russian TV channel showed a story in which a former resident of Shyrokyne talked about torture by Ukrainian combatants<sup>218</sup>. In the video, the man claims that they pulled out his nails and set fire to his fingers with a lighter to find out the location of the “separatists” in the village. Local residents confirmed the fact that the person who gave the interview, lived in Shyrokyne.

The members of IAG also carried out illegal detention of civilians in Shyrokyne. One of the respondents told about the arrest of a resident by two members of the IAG: *“On Christmas 2015, two “DPR” guys came armed, in white camouflage: one was Chechen, one was Slavic. They had chevrons of “DPR” and “Polite people”. Checked passports and were clarifying what kind of relationship we had with “Azov”. Then they kidnapped a boy from our street, Hennadij Zamashko<sup>219</sup>”*.

Several interviewed residents of Shyrokyne<sup>220</sup> mentioned the detention and beating of the Shyrokyne village head and his wife by members of the IAG: *“...then they let him go. But he was beaten so badly; and his face showed<sup>221</sup>”*. The abducted couple was illegally held in an unknown building near Novoazovsk and physical violence was used against them, including blows with the weapon stocks. Respondents claim that the reason for the detention was the extortion of money.

One of the interviewees<sup>222</sup> also described two other cases in which the IAG combatants broke into civilian homes to loot property, accompanied by detention, beatings, and threats. The woman claims that these persons deliberately identified the residents of the village who had material wealth. Her family was directly affected by the illegal home invasion, during which her husband was threatened with murder and mock execution: *“And this guy then said to me, “Do you have money, jewelry?” I say, “Where would I get them from?” [...] He: “Go to the other room” [...] My*

*husband told me what happened later. He brought and put [the respondent's husband - ed.] and said, “We're going to kill you now”. “Do you have any money or jewelry?” And he says, “We have nothing”. Well, he shot past him, but it seemed as at him. Well, they did it so that I could hear it<sup>223</sup>”*.

During the monitoring, a case of detention of a volunteer of “Azov” battalion by members of the IAG was documented. In February 2015, Yevhen Chudnetsov received a concussion during a shelling near Shyrokyne, was detained and beaten with threats that his hand would be cut off and he would be shot. First, he was taken to the headquarters near Shyrokyne, after which he was held in the premises of the former Donetsk SSU and the former Donetsk SIZO. The man was held captive for two years and nine months, where he was interrogated and tortured<sup>224</sup>. Russian propaganda TV channels broadcast a video of the prisoner, in which he told under duress that he “voluntarily surrendered to the militia fighters” and did not agree to the exchange of prisoners because of disagreement with the actions of the ATO forces. The footage from the video clearly shows bruises on the man's face and knocked out teeth<sup>225</sup>.

Based on the testimonies received from residents of the village of Shyrokyne and information in the media, it is possible to assert the existence of the practice of enforced disappearances and illegal detention of civilians and combatants without complying with the law and legal procedures, as well as the recognition of their detention in specific places of incarceration.

The study documented two detentions accompanied by ill-treatment with elements of sexual violence. Respondents claimed that during the search, detainees were forced to strip down to their underwear and held like that for several hours<sup>226</sup>.

One of Shyrokyne residents suffered from such actions in February 2015, after he helped his relatives to leave the village. The man was returning home when he was

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<sup>217</sup> ZMI pro nas: Orest Petrishin: “Separatisti zvirili, koli chuli, shho ja zi L'vova” [Media about us: Orest Petrishin: “the separatists were furious when they heard that I was from Lviv”]. NGU website.

28.11.2015. Available at: <http://ngu.gov.ua/ua/news/zmi-pro-nas-orest-petryshyn-separatysty-zvirily-koly-chuly-shcho-ya-zi-lvova> (retrieved: 13 September 2019).

<sup>218</sup> Dikari iz “Azova” naslazhdajutsja pytkami ljudej [The savages of the “Azov” enjoying the torture of people]. Vesti.Ru. 19.04.2019. Available at: <https://www.vesti.ru/videos/show/vid/642563/> (retrieved: 13 September 2019).

<sup>219</sup> UHHRU interview-30 dd. 05.10.2015.

<sup>220</sup> EUCCI interview -34 dd. 05.06.2019; EUCCI-36 as of 05.06.2019; EUCCI-31 dd.06.06.2019; EUCCI-32 dd. 07.06.2019.

<sup>221</sup> EUCCI interview -32 dd.07.06.2019.

<sup>222</sup> EUCCI interview -32 dd. 07.06.2019.

<sup>223</sup> EUCCI interview -32 dd.07.06.2019.

<sup>224</sup> “Vdarili ploskogubcjami – zubi viletili”: spogadi “azovcja” pro polon [“Hit with pliers-teeth flew out memories about the captivity of the “Azov” soldier] BBC Ukraine. 23.01.2018. Available at: <https://www.bbc.com/ukrainian/features-42736809> (retrieved: 23.10.2019).

<sup>225</sup> Sergij Pisarev. Plennyj karatel' batal'ona “Azov” Chudnecov [Sergey Pisarev. Prisoned punisher of the battalion “Azov” Chudnetsov: video on personal YouTube channel.] 19.02.2015. Available at: <https://www.youtube.com/watch?v=y19uU0DaEKo> (retrieved: 09 September 2019).

<sup>226</sup> EUCCI interview -9 dd. 01.08.2018, EUCCI-25 dd.16.01.2019.

stopped by the combatants. The reason for the detention was not given, but they asked why he had not left the village. Then the victim was put on his knees, stripped down to his underwear and beaten. The man was forced to be naked on the street in the winter, and after he was released, he had to return home naked.

Forced nudity, along with a number of other violations in the context of an armed conflict, can be classified as sexual violence. Being naked and hopeless, a person feels defenseless, and this increases the fear of beating, since it is possible to become a victim of sexual abuse. From the testimony of the victims, it becomes clear that the described actions were intended not only to search, but also to cause suffering, since the exposure occurred during the winter period and on the street for an unreasonably long period of time.

During interviews, several respondents reported<sup>227</sup> that in February 2015, a civilian girl was raped by combatants from one of the parties to the conflict. It was not possible to get confirmation of this fact, since the interviewees were not direct witnesses to these events, and their stories were based mainly on rumors.

### 3.5. Deaths and injuries of civilians as a result of artillery attacks

Parties to a conflict must always distinguish between civilians and combatants. Attacks may only be directed against combatants and must not be directed against civilians<sup>228</sup>. This rule is a customary IHL norm that applies to both international and non-international armed conflicts.

During military operations, care must always be taken to protect the civilian population, civilians and civilian objects. This is implemented, in particular, by both taking measures during an attack and taking precautions regarding the consequences of an attack.

Artillery shelling on Shyrokyne can be divided into two periods: the attacks on 4-5 September 2014 and shelling, which began on 10 February 2015 and continues with varying intensity until today.

Although parties to the conflict have been using artillery in the area of the village at least since August 2014,

there were no direct hits on the village until 4 September. According to the stories of the interviewed residents, people at that time were already used to shell explosions somewhere in the fields, but, as always, every day they went from the village to work to Mariupol or Novoazovsk, crossing the checkpoints of the parties to the conflict. The shelling on 4-5 September 2014 was the first shelling of the village itself<sup>229</sup>.

A resident of the village recalls those events: *“The first attack we had on 4 September 2014. [...] A shell landed on a residential building next door, and our store was damaged by the blast wave. [...] at the time of the attack, I was at home with my child. We were sitting in the basement with our arms around each other. [...] this time it was very scary. Everything is exploding and shaking”*<sup>230</sup>.

Residents told OSCE observers about 50-60 explosions and four explosions from the village itself. Representatives of the monitoring mission observed burning fields at the entrance to the village on both sides of the road. The power supply was lost<sup>231</sup>.

According to the recollections of some of the respondents, on 4 September, the first IAG artillery was used, and the main blow fell on the positions of the AFU located on the western outskirts of the village<sup>232</sup>. Other residents were unable to say for sure which side of the conflict used artillery first, and whether both sides used artillery.

*“The first shelling [...] It was very sudden and incomprehensible. We didn't understand what it was at all...”*, this is how another resident of the village remembers this attack<sup>233</sup>.

The first person to die in Shyrokyne (4 September) was a local, **Ivan Noskov**, born 1951 (presumably lived on Stepova Street). Respondents interviewed by the Center described the circumstances of his death as follows: the victim was riding a bicycle, and at the time of the shell explosion, his body was torn in half<sup>234</sup>.

The following day, on 5 September, **Serhii Spevakin**, born 1961 (presumably lived on Voroshylova Street) was killed<sup>235</sup>. One of the interviewees said that the man was killed by an explosion of a MLRS Grad shell as he was coming out of the basement just when the shell hit a tree. The shrapnel tore the man's chest<sup>236</sup>.

<sup>227</sup> EUCCI interview -6 dd. 31.07.2018; EUCCI-7 dd. 01.08.2018; EUCCI-16 dd. 15.01.2019.

<sup>228</sup> Articles 48, 51 (1) of the Additional Protocol I; Article 13 (2) of the Additional Protocol II; rule 1 of the customary IHL.

<sup>229</sup> None of the respondents interviewed by the Center could remember exactly when people first heard the work of artillery.

<sup>230</sup> EUCCI interview-5 dd. 31.05.2018.

<sup>231</sup> OSCE SMM operational report in Ukraine, 04 September 2014: situation in Mariupol / OSCE Special monitoring mission in Ukraine. 04 September 2014. Available at: <https://www.osce.org/ru/ukraine-smm/123227> (retrieved: 11 September 2019).

<sup>232</sup> UHHRU interview-24 dd. 06.10.2015.

<sup>233</sup> EUCCI interview-35 dd. 06.06.2019.

<sup>234</sup> EUCCI interview-3 dd. 31.05.2018.

<sup>235</sup> EUCCI interview-3 dd.31.05.2018.

<sup>236</sup> EUCCI interview-15 dd. 03.08.2018.

On the same day, at least one person was injured by shrapnel.

Some media, citing officials, reported that on 4-5 September, 7 civilians were killed and 23 others were injured in the Shyrokyne area. According to one of these reports, four civilians, including two field machine operators, were killed on 4 September. On the following day, 5 September, three more civilians were killed, including two children<sup>237</sup>.

Similar information was shared on 5 September by the IAC NSDC: *"Yesterday, for five hours, the Russians fired artillery at the settlement of Shyrokyne near Mariupol. There are victims among the civilian population. According to the operational data, two children and a local were killed"*<sup>238</sup>. According to the report, the children died on 4 September.

The OSCE SMM operational report on 4 September does not mention the death of children in the village on that day. The EUCCI also failed to establish the facts of the death of children in the village. None of the respondents interviewed by the Center mentioned cases of child deaths, and only two adults are named among the dead on 4 and 5 September.

It should be noted that the first of the above reports indicates the death of people in the area of Shyrokyne. Therefore, it can be assumed that it was not only about the facts of death in the village, but also about the death of people near the village (to the north of the village, the highway, agricultural land near the village, and so on). In particular, this applies to the dead combine operators who could have worked near the village in the fields and be non-local.

10 February 2015, when the Shyrokyne operation began, can be considered the day of resumption of active artillery attacks on the village.

One of the villagers recalls those days: *"There were 12 of us in the basement. Our neighbors. There are three of us: me, my wife, and my daughter. Nephew and daughter-in-law. They came running from the center of the village, because there was a heavy bombardment by "Grad". When the "DPR" began to attack, they fired two packages of "Grad". Shelling hit the village itself and the surrounding area"*<sup>239</sup>.

On 14 February 2015, one civilian was injured by shrapnel.

On 15 February, a grenade explosion in the courtyard of the house No. 14 on Shkilna Street killed **Volodymyr Danylov**, born 1966, a local civilian (lived on Kotovsky Street). One respondent describes the circumstances of the man's death, *"There was silence. Just two or three days. He went to feed his brother's chickens and ducks. The shelling started. A grenade from AGS-17 arrived. His foot was torn off. Face was bruised. Damage to the chest and abdomen"*<sup>240</sup>. According to the respondent, the shots were fired from the hills controlled by the Ukrainian military.

In the course of the study, it was found that five civilians were injured with various degrees of severity because of artillery attacks from 16 February to 30 April 2015, including the village head and his wife<sup>241</sup>.

On 13 May, **Serhii Uskov**, born 1975, a civilian (who lived on the same street), died on Stepova Street. He was one of the few residents who remained in the village until the end. The man came out of the basement in the morning, where he and other people were hiding from the attacks, to make a phone call. Immediately after the end of the telephone conversation, an artillery shell hit the courtyard of the estate. The cause of death was multiple gunshot shrapnel. The victim died in the part of the village that was controlled by the IAG (Stepova Street).



**Screenshot 11.** Burial of a civilian resident of Shyrokyne in his own yard, 2016. Source: YouTube channel "Segodnya"

<sup>237</sup> Za dva dnja boevyh dejstvij v rajone Shirokino pogibli 7 mirnyh zhitelej, – DonOGA [7 civilians were killed in two days of fighting in the Shyrokyne area, – DOCA] 112.UA. 05 September 2014. Available at: <https://112.ua/obshchestvo/za-dva-dnya-boevyh-deystvij-v-rayone-shirokino-pogibli-7-mirnyh-zhiteley-donoga-111100.html> (retrieved: 09 September 2019).

<sup>238</sup> Zvedeni dani IAC RNBOU na 12:00 – 05 September 2014 / IAC RNBOU [Data summary from IAC NSDC at 12:00 – 05 September 2014] IAC NSDC: website. 04 September 2014. Available at: <http://mediarbo.org/2014/09/05/zvedeni-dani-iats-rnbou-na-12-00-05-veresnya-2014-roku/> (retrieved: 11 September 2019).

<sup>239</sup> EUCCI interview-15 as of 03.08.2018.

<sup>240</sup> Ibid.

<sup>241</sup> Almost all former residents interviewed by the Center expressed respect for the head of the village – Glushchenko O. M. according to respondents, he was one of the last to leave the village. During his stay in the settlement, he constantly provided aid to the villagers. According to some residents, he was forced to leave for the occupied territory, fearing unjustified persecution by the Ukrainian authorities.



On 21 May, one civilian was seriously injured, and on 30 May, shrapnel injured three civilians.

On 15 June, a mine explosion in a courtyard injured two civilians at once. One of the wounded received a severe mine-blast injury in the form of a traumatic amputation of the right leg at the hip level. In addition to them, three other civilians received shrapnel wounds and contusions that day.

On 16 June, members of the IAG forced the last residents to leave the village. Before that, two elderly women had left the village: **Raisa Isikova** and her sister **Anna**. Both women suffered two concussions. After one of the bombardments, Anna's legs were paralyzed from shock<sup>242</sup>.

The study found that in general, **at least five civilians were killed** by shelling and **at least 21 people were injured** in various degrees of severity.

Analysis of the dates of death and injury of most victims shows that the majority of tragic cases occurred after the evacuation of the local population by the Ukrainian military from 10 to 15 February 2015. Probably, most of these victims were people who refused to evacuate and made a conscious decision to stay in the village despite continuing military operation.

However, this in no way removes responsibility from those combatants (from both sides of the conflict) who are responsible for indiscriminate attacks and civilian deaths.

Indiscriminate attacks are prohibited<sup>243</sup>. This rule is the norm of customary IHL and applies both to international and non-international armed conflicts.

Artillery attacks on the AFU positions on the western outskirts of the village with MLRS and other heavy artillery weapons on 4-5 September 2014, as well as attacks on the village by the IAG at the time of counter-offensive on 10-15 February 2015 (when there were still many civilians in the village) should be regarded as indiscriminate attacks. Specifically, these are attacks that use methods or means of warfare that cannot be directed at specific military targets, and/or can simultaneously result in loss of civilian life, injury to civilians, and damage to civilian objects. Such attacks are excessive in relation to the concrete and immediate intended military advantage. It appears that the establishment (restoration) of control over Shyrokyne did not give the IAG a military advantage that would be commensurate with the harm that was inflicted on the village in these days.

In general, the principle of proportionality cannot justify unlimited destruction or attacks against civilians and civilian objects. If there are doubts about the amount of collateral damage that a military operation may cause to civilians, preference should be given to the interests of the civilian population<sup>244</sup>.

Along with this, the Ukrainian side also used heavy artillery weapons, at least on 14-15 February 2015.

Thus, during the coordination and implementation of the enemy's fire damage in the context of the military operation on 10-15 February 2015, both sides did not take into account the degree of concentration of the civilian population and the presence of objects being under the protection of IHL.

As for the artillery attacks on the village after 15 February 2015 carried out by both sides of the conflict, they can hardly be attributed to attacks of an indiscriminate nature.

A well-known expert on IHL, Professor David, notes, *"Different categories of objects under protection have this common feature: they cannot be used for military purposes, otherwise they lose, more or less directly, depending on the object, protection from the direct consequences of military actions. In other words, it is not forbidden to use a civilian object for military purposes (except in cases of treachery) or a hydroelectric power plant, but this use leads ipso jure to the immunity loss that such an object is endowed with under normal conditions"*<sup>245</sup>.

After 15 February, when civilian objects in the form of residential buildings and social infrastructure (village council, school, etc.) were converted into military objectives and used as defense structures, their immunity was lost.

The degree of concentration of the civilian population was minor (the most of the population had already left town), and the small number of civilians (about 30-35 people) that stayed in the village, were difficult to identify as persons protected under IHL in terms of warfare and to separate them from combatants.

For example, one of the respondents interviewed by the Center told how, while in the village in April 2015, she saw an armed participant of the IAG who was dressed in civilian clothes, in particular with the inscription "Ukraine" (according to the respondent, the combatant carefully covered this inscription with an automatic weapon)<sup>246</sup>.

<sup>242</sup> Sedova Ja., Beskorovajnyj I. Nevidimye ljudi Shirokino [Sedova, J., Beskorovainy I. The invisible people of Shyrokyne]. Available at [https://hromadske.ua/special/nevidimyye\\_luidi\\_shyrokino](https://hromadske.ua/special/nevidimyye_luidi_shyrokino) (retrieved: 13 September 2019).

<sup>243</sup> Article 51 (4) of the Additional Protocol I; rule 11 of customary IHL.

<sup>244</sup> David E. Principles of the law of armed conflict: a Course of lectures delivered at the faculty of law of the Open University of Brussels. Moscow: ICRC, 2011. p. 290

<sup>245</sup> Ibid, p. 349.

<sup>246</sup> EUCCI interview-37 dd. 16.08.2019.

Therefore, the use of heavy artillery weapons by the parties after 15 February 2015 can only be considered a violation of the Minsk agreements.

### 3.6. Attacks on protected medical vehicles

IHL requires the protection of medical vehicles. Vehicles intended for medical transport must be protected and cannot be the object of attack<sup>247</sup>.

The study recorded a case of breaches of this norm. In April 2015, media reported on a shooting of an ambulance by combatants of the so-called DPR<sup>248</sup>. An ambulance was trying to take a wounded soldier of the “Donbas” battalion, **Kostiantyn Malukhin**, out of the combat zone when the vehicle was shelled.

In 2015, the chief of staff of the “Donbas” battalion, **Anatoly Vinogradsky**, reported this case on his Facebook page, noting that the attack was aimed<sup>249</sup>. Because of the shelling, the wounded man could not be taken to the hospital and given medical care, and died as a result<sup>250</sup>.

A soldier of the “Donbas” battalion interviewed by the Center, who took part in the fighting in Shyrokyne during this incident, noted that the car was fired at during a mortar attack, but the gunner of the IAG saw it and could identify it as an ambulance: “He was a hundred meters away from [from the deceased Malukhin – ed.]. The gunner couldn’t help but see it. One hundred percent! But... Kostya did not get to this car... No one got to it. The car stopped, these gates opened - the mortar attack did not stop. It was directly under fire. And the place where Kostya died, well, maybe 10-15 meters from it got hit by two more mines. We had another person who got seriously injured there”<sup>251</sup>.

A similar case occurred in the neighboring village of Vodiane (Volnovakha district, Donetsk region) in July 2019. According to the message on the official AFU Facebook page<sup>252</sup>, during the evacuation of a wounded person by Ukrainian military medical workers, members of the IAG fired at an ambulance, resulting in the death of one soldier.

The above actions are unlawful and breach the IHL rules prohibiting attacks on vehicles intended for medical transportation.



**Photos 13-14.** An ambulance taking out a wounded Ukrainian soldier from the combat zone was shelled in 2015. Source: Censor.net website

<sup>247</sup> During international armed conflict– Art. 35 of the Geneva Convention I; Art. 21 of the Geneva Convention IV, Art 21 of the Additional Protocol I. During non-international armed conflict– Art. 11 of the Additional Protocol II.

<sup>248</sup> Po doroge v bol'nicu Mariupolja umer ranenij boec “Donbassa” (DOPOLNENO+FOTO) [On the way to the hospital in Mariupol, a wounded soldier of the “Donbas” died (UPDATED+PHOTO)] 0629.com.ua -Site of the city of Mariupol. 25.04.2015. Available at: <https://www.0629.com.ua/news/809161/po-doroge-v-bolnicu-mariupola-umer-ranenij-boec-donbassa-dopolnenofoto> (retrieved: 13 September 2019). My poterjali “Mar’jachu”, Kostju Maluhina – separatisty pricel’no rasstreljali skoruju, – starshina batal’ona “Donbass” Dmitrij Babkin [We lost “Mar’yachu”, Kostya Malukhina- separatists precisely shot the ambulance– - senior officer of the battalion “Donbas” Dmitry Babkin]. Censor.net. 26.04.15. Available at: [https://censor.net.ua/photo\\_news/334155/my\\_poteryali\\_maryachu\\_kostyu\\_maluhina\\_separatisty\\_pritselno\\_rasstrelyali\\_skoruyu\\_starshina\\_batalona](https://censor.net.ua/photo_news/334155/my_poteryali_maryachu_kostyu_maluhina_separatisty_pritselno_rasstrelyali_skoruyu_starshina_batalona)(retrieved: 13 September 2019).

<sup>249</sup> Anatolij Vinogradsk’kij. Streljali pricel’no... Ponimajte s kem my imeem delo v peremirie..: onovlennja statusu Facebook-storinki. [Anatoly Vinogradsky. They were shooting precisely... Do you understand who we are dealing with in the truce] 25.04.2015. Available at: [https://www.facebook.com/permalink.php?story\\_fbid=815709225172461&id=100002001744306](https://www.facebook.com/permalink.php?story_fbid=815709225172461&id=100002001744306) (retrieved: 11 September 2019).

<sup>250</sup> Kostjantyna Maluhina pohovali z usima vijs’kovimi pochestjami (Video) / [Konstantin Malukhin was buried with all military honors (video) / NGU: website.] 29.04.2015. Available at: <http://ngu.gov.ua/ua/news/kostyantyna-maluhina-pohovaly-z-usima-viyskovymy-pochestyamy-video-onovleno>(retrieved: 13 September 2019).

<sup>251</sup> EUCCI interview-29 as of 04.05.2019.

<sup>252</sup> Operacija ob’iednanih sil/ Joint Forces Operation. UVAGA!!! ROSIJS’KI OKUPANTI OBSTRILJALI AVTOMOBIL’ Z VIJSKOVIMI MEDIKAMI OOS Z PTKR!!!: onovlennja statusu Facebook-storinki. [Joint Forces Operation. ATTENTION!!! RUSSIAN OCCUPANTS FIRED AT A CAR WITH MILITARY MEDICS FROM THE ATGM!!!: the Facebook page update.] 01.07.2019. Available at: <https://www.facebook.com/pressjfo.news/posts/619221978570422> (retrieved: 11 September 2019).

### 3.7. Destruction of housing and social infrastructure

In the media, Shyrokyne has long been referred to as “Ghost village”, because the last civilians left the village on 16 June 2015 at the latest, and the vast majority of buildings and structures were destroyed.

The main destruction of civilian objects in the village took place during the fighting that began on 10 February 2015. Some of the objects were destroyed during artillery attacks on 4-5 September 2014.

Parties to a conflict must always distinguish between civilian objects and military objects. Attacks can only be directed against military targets and cannot be directed against civilian targets<sup>253</sup>. This rule is a customary IHL norm that applies both during international and non-international armed conflicts.

Former residents of the village interviewed by the Center mentioned several causes of destruction of their houses caused by the use of heavy weapons (artillery, including rockets and tanks) and/or street fighting by the parties to the conflict. There is evidence in public sources of information to confirm these allegations. Some of the objects may have been damaged in the process of looting of the village (for example, dismantling of metal structures).

In one recorded case, participants of the IAG were shooting at a window of a woman’s house for her pro-Ukrainian views<sup>254</sup>.

No other reasons for the destruction of civilian objects were identified. For example, no information has been found on the facts of deliberate arson of residential buildings by combatants motivated by revenge on the civilian population for supporting one of the parties to the conflict, revenge for the loss of personnel, or to hide the facts of looting of private property. According to Russian human rights activists, such actions could have been widely practiced by Russian Federal forces during the armed conflict in the Chechen Republic<sup>255</sup>.

Some respondents thought that “Shyrokyne operation” itself was a reaction of the Ukrainian authorities to the participation of certain residents of Shyrokyne in the illegal referendum on 11 May 2014. At the same time, this version of the reason behind the destruction of civilian objects is unlikely and has not yet been objectively confirmed.



**Photos 15-17.** Destroyed houses in Shyrokyne, 2017.  
*Photos by Konstantyn Reutsky*

<sup>253</sup> Articles 48, 52 (2) of the Additional Protocol I; rule 7 of customary IHL.

<sup>254</sup> *Vojna na Donbasse: pashal'noe peremirje proderzhalos' 10 minut* [The war in the Donbas: the Easter truce lasted 10 minutes]. *Podrobnosti* (website of news program of Inter TV Channel). 06.04.2018. Available at: <https://podrobnosti.ua/2235184-vojnana-donbasse-pashalnoe-peremirje-proderzhalos-10-minut.html> (retrieved: 13 September 2019).

<sup>255</sup> See, for example: *Vsemi imejushhimisja sredstvami: Operacija MVD RF v sele Samashki, 7-8 aprelja 1995 goda* [By all available means: operation of the Ministry of Internal Affairs of the Russian Federation in the village of Samashki, April 7-8, 1995]. Memorial Human Rights Center, 15.05.1995. Available at: [https://memohrc.org/ru/reports/vsemi-imeyushchimisya-sredstvami-operaciya-mvd-rf-v-sele-samashki-7-8-aprelya-1995-goda?fbclid=IwAR1ZJHih\\_ogeRfxZgRVJ6Ree8kWxly4cxKsxWZ7dr5v72Z1rx8tbMs gEomA](https://memohrc.org/ru/reports/vsemi-imeyushchimisya-sredstvami-operaciya-mvd-rf-v-sele-samashki-7-8-aprelya-1995-goda?fbclid=IwAR1ZJHih_ogeRfxZgRVJ6Ree8kWxly4cxKsxWZ7dr5v72Z1rx8tbMs gEomA) (retrieved: 13 September 2019).



**Screenshot 12.** Destroyed buildings in Shyrokyne, 2016. Source: *Sestry Peremohy* YouTube channel

There were no residents of the village surveyed by the Center whose homes were not destroyed.

Some respondents even managed to find on the Internet videos of their own homes being destroyed. One of the residents of the village sadly tells about one of these videos: *"In my house, "Azov" made a film of how it is broken by nine shells. On April 14, 2015, the video was uploaded online. When we saw it, we were shocked"*<sup>256</sup>.

In the video described by the respondent, a soldier uses a special device to monitor several residential buildings located in the middle of the village. Among these houses, periodically, quite rapidly, individuals or, perhaps, one person is moving. In the distance, it is not clear whether this person is armed<sup>257</sup>. Soldier corrects artillery fire on the house. Other military personnel fire shots at residential buildings and hit some of them. The video contains the logo of "Azov"<sup>258</sup>.

Some respondents talked about the damage to their homes through the shots from the tanks. *"Our house was smashed from a tank. Direct hit. Direct guidance*



**Photo 18.** Destroyed houses in Shyrokyne, 2017. Photo by *Konstantyn Reutsky*



**Video:**  
street fighting  
in Shyrokyne,  
May 2015

<sup>256</sup> EUCCI interview-35 dd. 06.06.2019.

<sup>257</sup> The date of the filming of this video has not been established. If we assume that it was filmed in April 2015 (the time of posting on the site), we can assume that the person in the video, which becomes the target of the Ukrainian military, is most likely a combatant (at that time, there were no more than three dozen civilians in the village). However, it cannot be excluded that this person was a civilian.

<sup>258</sup> "Tam zhivaja sila separov! Probej jetot malen'kij domik!", – ukrainskie bojcy provodjat operaciju po likvidacii ognjevoj tochki terroristov v Shirokino. Video ["There is a living force of separatists! Try this little house!"] - the Ukrainian fighters carry out operation on the elimination of a firing point of terrorists in Shyrokybe. Video]. Censor.Net. 14.04.2015. Available at: [https://censor.net.ua/video\\_news/332613/tam\\_zivaya\\_sila\\_separov\\_probeyi\\_etot\\_malenkiy\\_domik\\_ukrainskie\\_boyitsy\\_provodyat\\_operatsiyu\\_po\\_likvidatsii](https://censor.net.ua/video_news/332613/tam_zivaya_sila_separov_probeyi_etot_malenkiy_domik_ukrainskie_boyitsy_provodyat_operatsiyu_po_likvidatsii)(retrieved: 13 September 2019).



**Screenshot 13.** Destroyed buildings in Shyrokyne, 2016. Source: *Sestry Peremohy* YouTube channel

from the Mayak camp. The “Azov” battalion was stationed at Mayak. We managed to go down to the basement. Five rounds. One shell hit my house. One shell hit the neighbor’s house. Then it is gone. Most likely, it was a crossfire”,<sup>259</sup> a former resident of the village shared.

The same respondent confirmed that active attacks began on 10 February. On that day, his family could still go to their house, spend the night, but they were afraid to heat the house with a stove, so as not to attract attention with the smoke from the chimney. The respondent notes that on 13 February, there was no electricity or gas, and on 14 February, very heavy shelling of the village began early in the morning. After lunch, the respondent’s house was shelled. On the street, the man heard the movement of a tank or armored personnel carrier, but could not say which side of the conflict it belonged to. He saw houses burning all around.

A significant public response was caused by a video posted online depicting a woman in military uniform who looks like **Viktoriiia Zaverukha**<sup>260</sup> firing a hand-held anti-tank grenade launcher in the direction of the village

from the positions of Ukrainian troops in Shyrokyne, (when watching the video, it seems that this shot is not directed against any specific military target)<sup>261</sup>. The video was probably shot in the spring of 2015. Visually, the area is similar to the “Shyrokyne heights”, hills on the western outskirts of the village controlled by the Ukrainian troops.

Such actions, under certain conditions, should be regarded as a war crime. IHL prohibits indiscriminate attacks and senseless destruction. At the same time, it cannot be ruled out that the shot was directed against a specific military target. The video shows distant explosions of shells, therefore, we can reasonably assume that there was a battle happening.

The video was widely used by Russian propaganda to discredit Ukrainian volunteer battalions.

Another video from the Internet shows Ukrainian military tanks firing shots in the direction of the village<sup>262</sup>.

At the same time, you can find numerous videos of the IAG members shooting at the village, using, for example, hand-held anti-tank grenade launchers.

<sup>259</sup> EUCCI interview-15 dd. 03.08.2018.

<sup>260</sup> Viktoriiia Zaverukha, born in 1996, a native of Vinnytsia. According to media reports, in 2014, she took part in the armed conflict in eastern Ukraine as part of the 24th separate assault battalion “Aidar”.

<sup>261</sup> John Simpson. Obstrel sela. Vita Zaverukha. [John Simpson. Shelling of the village. Vita Zaverukha: video on YouTube channel.] 26.03.2015. Available at: <https://www.youtube.com/watch?v=Wkx3-ELPWcc> (retrieved: 10 September 2019).

<sup>262</sup> In The News Seven. Ukrainian Ultra-Nationalist “Azov” battalion Opens Fire on Shyrokyne Village (Eng Subs): videos on a personal YouTube channel. 17.02.2015. URL: <https://www.youtube.com/watch?v=B7bFzIAjKrs> (last accessed: 10 September 2019).



**Screenshot 14.** IAG infantry vehicle at a courtyard in Shyrokyne, 2015. *Source: YouTube channel of Patrick Lancaster*

For example, in one of these videos, you can see how a member of the IAG in a village among residential buildings, carries out a shot from a hand-held anti-tank grenade launcher in the direction of other residential buildings<sup>263</sup>. It is not known for sure whether there is a real battle going on at that time, or only an imitation of the battle is created to shoot a propaganda video.

In other videos, members of the IAG, while among residential buildings, fire hand-held anti-tank and under-barrel grenade launchers in the residential sector, without choosing specific military targets (in the video, you can hear how the combatants suggest that they can even fire at their own positions). At the same time, the combatants demonstrate a clear fascination with what is happening<sup>264</sup>.

In one of the videos, a member of the IAG with, call sign “Tula” (calls himself a volunteer from the city of Tula, Russia) tells how, based on the nature of the street battle, he was forced to shoot at close range (240-350 m) from all types of weapons, including automatic grenade launcher, anti-tank grenade launcher at houses where the enemy was hiding. The combatant also claims that he “did not have an order to go forward”, so the street fighting



**Screenshot 15.** IAG member at a combat position in a private courtyard in Shyrokyne, 2015. *Source: News-Front YouTube channel*



**Video:**  
street fighting  
in Shyrokyne,  
May 2015

<sup>263</sup> NOVOROSSIYA NEWS. Ekskljuziv! Reportazh s peredovyh pozicij vo vremja boja, opolchenie otrazhaet ocherednuju ataku VSU. [NOVOROSSIYA NEWS. Exclusive! Reporting from the front lines during the battle, the militia reflects the next attack of the AFU] YouTube channel of a news media. 03.04.2015. Available at: [https://www.youtube.com/watch?v=adkjpQUI\\_pY](https://www.youtube.com/watch?v=adkjpQUI_pY) (retrieved: 10 September 2019).

<sup>264</sup> Novi Choke. Ulichnye boi v Shirokino, Maj 2015 . [Street fighting in Shyrokyne, May 2015: video on YouTube channel.] 17.07.2015. Available at: <https://www.youtube.com/watch?v=3ZoX7dT2Z5k> (retrieved: 10 September 2019). See also similar videos of firing from the residential sector: Gleb Kornilov. Shirokino (27.05.2015) [Gleb Kornilov. Shyrokyne], YouTube channel. 26.05.2015. Available at: <https://www.youtube.com/watch?v=X92pBgH1x88> (retrieved: 10 September 2019); Andrey Filatov. (ENGSub) Shirokino v ogne. [Andrey Filatov. (ENGSub) Shyrokyne on fire]. YouTube Channel Video. 27.05.2015. Available at: <https://www.youtube.com/watch?v=db8Al44fqPU> (retrieved: 10 September 2019); News-Front. 18+ Ekskljuziv. VSU prevrashhajut Shirokino v pylajushhij ad vo vremja peremirija! [18 + Exclusive. AFU turn Shyrokyne into a blazing hell during the armistice!] News Front YouTube Channel 27.04.2015. Available at: [https://www.youtube.com/watch?v=rSg\\_PE5mdVM](https://www.youtube.com/watch?v=rSg_PE5mdVM) (retrieved: 10 September 2019).

was protracted<sup>265</sup>. He suggests that if there was an order to advance, then the winner would quickly be determined, and the fighting would have to stop.

The described videos are usually not dated. Therefore, it is impossible to determine exactly when the events occurred. Presumably, the attacks occurred mainly after 15 February 2015, that is, after the main part of the civilian population has left the village.

With a high degree of probability, it can be argued that as of 4-5 September 2014, there were no military facilities in the village (among residential buildings). Therefore, the massive shelling of the village, committed these days by the IAG, amounts to a war crime.

As for the coordination and implementation of enemy fire during the military operation of 10-15 February 2015, which resulted in damage to civilian objects, as well as attacks on the village from heavy weapons after 15 February 2015, which were committed by both sides of the conflict, as already stated above:

– in the first case, both sides did not take into account the presence of objects under the protection of the IHL, and thus violated the immunity of civilian objects,

– in the second case, the actions of combatants can hardly be attributed to attacks of an indiscriminate nature, given the loss of immunity of civilian targets as a result of attacks.

During the preparation of the report, none of the residents of the village had an official document issued by the competent authority, which would certify the fact of destruction of real estate, the degree of damage, the cost of material damage<sup>266</sup>.

On 16 October 2014, the CMU issued an order no. 1002-R approving the “Action plan for organization of restoration of damaged (destroyed) social and transport infrastructure, housing and life support systems in Donetsk and Luhansk regions”. According to paragraphs 1 and 5 of this Plan, local executive bodies and local self-government must ensure the operation of local commissions on issues related to restoring infrastructure and livelihoods of Donetsk and Luhansk regions at the level of districts and cities of regional significance in Donetsk and Luhansk regions, as well as determining the extent of the destruction, inspection of the bearing capacity of buildings requiring urgent restoration, infrastructure, and preparation of project documentation.

The Civil Court of Cassation at the Supreme Court has considered cases submitted by victims of the armed



**Screenshot 16.** Ukrainian military tank at “Shyrokyne heights”, 2016. *Source: Andrii Dzyndzia YouTube channel*



**Video:  
street fighting  
in Shyrokyne,  
February 2015**

conflict to the government about the collection of material damage and has repeatedly drawn attention to the fact that to confirm the extent of the damage caused by the destruction of houses, a certificate of inspection of the property damaged (destroyed) in the ATO is required. Such certificate must be issued pursuant to the CMU dated 16 October 2014 No. 1002-R and the order of the Head of the Regional State Administration (see for example, resolution dd. 12.12.2018 in case no. 757/19694/15-C<sup>267</sup>).

Some of the residents of Shyrokyne interviewed by Center also complained that their ability to receive humanitarian aid from international governmental and non-governmental organizations often depended on the availability of documents on the damage (destruction) of housing.

In January 2019, the “Saving Shyrokyne” CSO sent letters to the heads of the Donetsk regional CMA, Volnovakha district state administration and CMAs of the villages of Shyrokyne and Berdianske. These letters contained a request to issue an order to create a Commission for documentation of the destruction and issuance of acts of inspection of damaged (destroyed) property in the

<sup>265</sup> Jurij Kotenok. Morpeh “Tula” o vojne v Shirokino. [Yuri Kotenok. Marine “Tula” about the war in Shyrokyne: video on the YouTube channel.] 26.12.2017. Available at: <https://www.youtube.com/watch?v=MB960DA0bhY> (retrieved: 10 September 2019).

<sup>266</sup> The degree of damage to houses varies from those that have only foundation level to those that can be restored after major repairs.

<sup>267</sup> When finalizing this report, on 04 September 2019, the Grand Chamber of the Supreme court adopted a decision in case No. 265/6582/16-C, published only on 16.12.2019, which expressed a more detailed legal position on compensation for material damage at the expense of the state.

village and to include a representative of the CSO in such a Commission. The letters also raised the issue of determining the possible methods and ways of the Commission's work and organization of the assessment of damaged (destroyed) property with the preparation of inspection reports on citizens' requests. According to the people, this would be possible to solve in cooperation with the Joint Operational Headquarters of the AFU and the CIMIC office of the AFU<sup>268</sup>.

On 10 February 2019, the Head of the CMA of Shyrokyne and Berdianske villages issued an order no. 8R "On the creation of a Commission for the survey of private housing and other objects in the villages of Shyrokyne and Berdianske in the Volnovakha district of Donetsk region", with the inclusion of a representative "Saving Shyrokyne" CSO in the Commission.

In March 2019, the CSO has appealed to the Commander of the Joint Operational Headquarters of the AFU and the CIMIC Office of the AFU with a request to consider the issue regarding admission of members of the Commission to the village with the aim of preparation of acts of inspection of the damaged (destroyed) property. As of the date of preparation of this report, the Commission has not started its work. The issue of access to the village remains unresolved.

Meanwhile, on 10 July 2019, the Cabinet of Ministers of Ukraine (CMU) adopted Order no. 623 changing Order no. 947 dd. 18 December 2013, setting out the procedure for providing and determining the amount of monetary aid or compensation to victims of emergencies who remained at their previous place of residence.

The new version of the Order establishes a mechanism for provision and determination of the amount of monetary compensation paid to victims whose homes (apartments) were destroyed as a result of a military emergency caused by the armed aggression of the Russian Federation. The amount of monetary compensation to victims should be determined by indicators of the indirect cost of housing construction in the regions of Ukraine in accordance with the location of residential buildings (apartments) destroyed (but not more than UAH 300,000).

At the same time, to receive monetary compensation, it is mandatory to have an assessment report prepared by the CMA in the form approved by the Ministry of Temporarily Occupied Territories. Given the lack of access to the village, it is not yet possible to assess the destroyed housing of Shyrokyne residents. Accordingly, people would not be able to expect to receive monetary compensation soon.

However, this is not the only problem that may arise when addressing the issue of payment of monetary

compensation to Shyrokyne residents in accordance with the above-mentioned Order.

Many people have lost documents confirming their ownership and for a long time for various reasons cannot restore them, while such document is mandatory for monetary compensation.

Another problem may be the formulation of the purpose of implementation of the Order, which is given in its preamble: *"This Order establishes a mechanism for providing and determining the amount of monetary aid or compensation to victims of emergencies who refused to evacuate, move out and remain at the previous place of residence and/or within the relevant settlement"*.

Residents of Shyrokyne were forced to leave their village, so they did not "remain at the previous place of residence". Now it is difficult to predict how specially created commissions will interpret these provisions of the Order in such situations, and whether this will not become a formal reason for refusing compensation.

### 3.8. Property looting

The facts of looting of private property on the contact line are not unique, and the situation in Shyrokyne is not an exception in this sense. Both the members of the IAG and the Ukrainian military were seen committing such acts<sup>269</sup>.

IHL rules do not prohibit the use of civilian objects for military purposes (except in some cases), but they do prohibit looting.

The prohibition of looting is a norm of customary international law, namely Article 33 (2) of Geneva Convention IV and Article 4 (2) (g) of the Additional Protocol II. Pillage constitutes a war crime and is forbidden even in situations where the town is taken by assault

From the very beginning of the battle for Shyrokyne, combatants occupied many residential buildings to use them as permanent (positional) defense structures. Private yards were equipped with military positions: trenches, dugouts with an extensive system of passages, in particular underground, to move from one position to another.

To a greater extent, this applies to the eastern part of the village controlled during 2015 by members of the IAG. In contrast to the western outskirts of the village ("Shyrokyne heights", with buildings and structures of children's health camps), there were no other stationary objects (structures) that could be used as protective structures.

All residents of Shyrokyne interviewed by the Center recalled the looting of their property.

<sup>268</sup> The EUCCI lawyers provided legal assistance in drafting of these letters.

<sup>269</sup> Odehov, O., Hrytsenko, N. (2018). Crimes without Punishment: Human Rights Violations in the Context of the Armed Conflict in Eastern Ukraine. V.Shcherbachenko (Ed.). Kyiv: NGO Eastern-Ukrainian Center for Civic Initiatives. Kyiv, 2018. P. 64. Available at :[http://totalaction.org.ua/public/upload/book/1537429558\\_Crimes\\_UKR\\_compressed.pdf](http://totalaction.org.ua/public/upload/book/1537429558_Crimes_UKR_compressed.pdf).



*“The village was divided in half between the “DPR” and the AFU. A general picture [the looting – ed.] is similar on both sides”, says one of the village activists<sup>270</sup>.*

Mass looting began in February 2015, immediately after the evacuation of the main part of the village’s residents. A significant number of respondents claimed that their homes were robbed in February–March 2015<sup>271</sup>.

Some cases of looting of property took place earlier (in the period from September 2014 to February 2015), since some residents left their homes immediately after the first shelling of the village in September.

One of the residents of the village says about the looting of her house, *“Everything was stolen from our house. Even metal heating pipes. They took the gas boiler, oven, freezer, and two refrigerators”<sup>272</sup>.*

OHCHR in its report on the human rights situation in Ukraine (November 16, 2015 – February 15, 2016), notes: *“25. [...] In Shyrokyne [...] the OHCHR recorded widespread use of civilian buildings by the Ukrainian military and the “Azov” battalion, as well as looting of civilian property, which led to the displacement<sup>273</sup>. [...] 161. [...] Mass looting of civilian homes has been documented [...]”<sup>274</sup>.*

For some time, there was a mechanism for residents to get photos of their homes. Everyone could apply to the CIMIC department of the AFU for providing them with a photo of the house. Photos taken in the village were transmitted by the military to the applicants on applicant’s USB flash drive. No official letters accompanied the submission of photographs to the applicants. In this way, many residents of Shyrokyne received photos of their homes. Photos taken by the military showed the condition of the houses inside and outside.

Photos seen by the EUCCI did not contain data that would allow identification of the time and place where they were taken, as well as the author of the photograph.



**Video: IAG members destroy the property of Shyrokyne residents, May 2015**

According to residents, now, the military allegedly refuses to provide them with such services, without explaining the reasons for their decision. People attribute this to the fact that they post photos online with notes about the looting of the village by the military.

One of the respondents told the Center that the Ukrainian military took photos of her home twice at her request: in October 2016 and a year later - in October 2017. In the photos that were taken in October 2016, the respondent saw that her house did not seem to be looted. Even household appliances have been preserved. However, photos taken in October 2017 showed the house already looted. In particular, the metal garage and gates were cut out<sup>275</sup>.

Another respondent noted that in the summer of 2016, the military provided him with photos that showed his house having been looted. Although in the photos of 2015, which the respondent, according to him, received from the OSCE representatives, it was possible to see that the house was already damaged, but things were still in their places. Later, the respondent independently found a series of photos online, in which the Ukrainian military pose in the respondent’s house, and his personal belongings are scattered and damaged.

Some respondents interviewed by the Center mentioned that for some time there was even a mechanism for evacuation of residents’ personal property from Shyrokyne within the framework of civil-military cooperation of the AFU. It was carried out in this way: a resident in his own car came to the neighboring village of Berdianske (having previously arranged this with the military), where he passed the car to the military. They drove this car to the village and loaded the items indicated by the applicant into the car based on photos or a detailed description<sup>276</sup>. In this way, some villagers were able to remove even such bulky items as furniture and refrigerators. However, this mechanism did not exist for long, and very few people were able to use it.

One of the respondents said that with the help of this mechanism, she managed to take out even two of her refrigerators from the village. Later it turned out that someone had removed the copper parts from the refrigerators<sup>277</sup>.

<sup>270</sup> EUCCI interview-2 dd. 30.05.2018.

<sup>271</sup> UHHRU interview -9 dd.05.10.2015 and others.

<sup>272</sup> EUCCI interview -39 dd. 01.08.2018

<sup>273</sup> Report on the human rights situation in Ukraine: 16.11.2015-15.02.2016 / OHCHR. Paragraphs 25, 161. Available at: [https://www.ohchr.org/Documents/Countries/UA/Ukraine\\_13th\\_HRMMU\\_Report\\_3March2016\\_Ukrainian.pdf](https://www.ohchr.org/Documents/Countries/UA/Ukraine_13th_HRMMU_Report_3March2016_Ukrainian.pdf) (retrieved: 09 September 2019).

<sup>274</sup> Ibid.

<sup>275</sup> EUCCI interview-7 dd. 01.08.2018.

<sup>276</sup> Segodnja. Shirokino prevratilos' v selo-prizrak: video novostnogo kanala telekanala “Ukraina” na YouTube-kanale. [Today, Shyrokyne turned into a Ghost village]. Ukraina TV Channel, YouTube channel. 13.05.2016. Available at: <https://www.youtube.com/watch?v=fLroqT49ZBE> (retrieved: 22 September 2019).

<sup>277</sup> EUCCI interview -1 dd. 29.05.2018.

In the course of the study, we were not able to establish the facts of the existence of such a practice of civil-military cooperation on the territory controlled by the participants of the IAG.

One of the women interviewed by human rights activists said that in May 2015, there was a checkpoint near her house for members of the IAG. In the garden of her household, there was a tank, and the house itself was used as a storage place for tank shells. The house was overturned, TV, washing machine, gas heater, stereo system, all other household appliances, children's toys, everything was gone. They even stole a military award with documents from the woman's son who died during the war in Afghanistan<sup>278</sup>.

As mentioned above, in the second half of February 2015, after the evacuation of the civilian population, some residents of the village attempted to visit the village and pick up some things, and some villagers managed to visit the village in October 2015.

A resident of the village described his impressions of the visit to Shyrokyne in October 2015: *"There was nothing in the house! I haven't installed eight windows, five doors yet. The house was just being built [windows and doors ready for the installation were in the house – ed.]. All this was stolen. With grids, accessories, and packages. Household appliances were stolen. Microwave, knives, dishes, clothes. Even the pump was pulled out of the well and cut off. The hose was thrown, and the pump was taken away. But I suspect that this was the work of the other side ["DPR" – ed.]. Because I lived on the eastern side, which was then controlled by the "DPR". They then even lived in the house next door"*<sup>279</sup>.

The respondent makes a suggestion based on his communication with residents of NGCA, that the

participants of the illegal armed groups deliberately allowed residents of neighboring villages (controlled by the "DPR") to rob houses in Shyrokyne (perhaps such civilians acted in the interests of combatants). Such people came to Shyrokyne under the guise of residents and took out property. In the future, "sales" of such property (primarily household appliances) were held on the temporarily occupied territory<sup>280</sup>.

Several residents told representatives of human rights organizations that the looting of property was carried out not only by combatants, but also by civilians in the neighboring villages of Sakhanka and Pivdenne (previously Leninske settlement)<sup>281</sup>. One of the interviewees mentioned that members of the IAG periodically detained civilians who looted houses.

Pointing to the robbery of their home by members of the IAG, one of the respondents claimed that the situation was similar in the part of the village controlled by Ukrainian troops. The man notes that, unlike the participants of the IAG, the Ukrainian military used a different "mechanism" for the sale of looted property. The stolen property was sent by post to other regions of Ukraine. This practice was eventually discontinued. According to the respondent, two factors contributed to this. First, along with household items, the military began to send ammunition. Secondly, at a certain stage, there were simply no items left that can be sent by post<sup>282</sup>.

However, after that, Shyrokyne villagers began to observe another negative trend: the military began to cut out metal structures (arches, fences, pipes, etc.), as well as take out the remains of construction materials from the village<sup>283</sup>.

*"Recently I met a friend [in Mariupol-ed.], and he says to me: "I was offered to go to Shyrokyne with a generator, and cut the metal", says a resident of the village in an interview<sup>284</sup>. The respondent claims that he personally saw traces of the dismantling of 150 meters of metal fence of his neighbor's household and traces of the dismantling of the main gas pipe.*

The Ukrainian soldier, who at one time carried out combat missions in Shyrokyne, explained the reasons for the dismantling of metal structures by the fact that the military used them for the construction of protective structures. For example, metal gates were removed and placed in an



**Video: Residents of Shyrokyne collect documents and family photos from damaged homes, October 2015**

<sup>278</sup> UHHRU interview -12, nd.

<sup>279</sup> EUCCI interview -2 dd. 30.05.2018.

<sup>280</sup> Ibid.

<sup>281</sup> UHHRU interview -6 dd. 06.10.2015; EUCCI-34 dd.05.06.2019.

<sup>282</sup> EUCCI interview -2 dd.30.05.2018. See also Sentence of the Zhovtnevy district court of Mariupol, which convicted a soldier for trying to mail 7 cases of RGD-5 grenades and 7 fuses for UPHG-2 grenades in a bag with his clothes. The sentence of the Zhovtnevy regional court of the city of Mariupol, Donetsk oblast from 07.05.2015 in case No. 263/4794/15-K. USRCD.] 12.05.2015. Available at: <http://reyestr.court.gov.ua/Review/44026022> (retrieved: 11 September 2019).

<sup>283</sup> MRPL CITY. O maroderstve v Shirokino. [MRPL CITY. About looting in Shyrokyne: video on the YouTube channel] 05.11.2018. Available at: [https://www.youtube.com/watch?v=hKdJ7xe1\\_iM](https://www.youtube.com/watch?v=hKdJ7xe1_iM) (retrieved: 22 September 2019).

<sup>284</sup> EUCCI interview-2 dd. 30.05.2018.

open area. Such designs did not save from shots, but did not allow enemy snipers to aim properly<sup>285</sup>.

The soldier admitted cases of looting by Ukrainians, but claimed that they were isolated and condemned by other soldiers: *“To say that such cases were massive - no. Because when you’re in a position, you can’t go anywhere. That is, if you liked a motorcycle, or something else that was in the yard. Well, we ate a pig there, it was killed, so we ate it. Nothing else”*<sup>286</sup>.

The soldier also explains that after active hostilities began in the winter of 2015 and people left the village, more or less valuable property was damaged by shelling and because of natural factors. The condition of most things was of no value. In his opinion, it was theoretically possible to steal something only in the first days, when the property was still intact<sup>287</sup>.

*“I saw police sitting in the premises of Nova Poshta [mailing service – ed.]. Since March, for sure. And everything sent by the military, was thoroughly reviewed. If you send office equipment, you should have shown the receipt specifying that you bought it. Though it was old equipment, 10-year-old, but still. If you moved it via private own channels, by car, then it was probably taken out. But massively, to come to the house, rob it and take everything out - no, it was not like that”,* says the soldier<sup>288</sup>.

There were cases of deliberate damage to property: *“What could not be taken away was shot with a machine gun, for example, a water heater”*<sup>289</sup>. At the same time, the

respondent who pointed out these facts, expressed doubt that the traces of shots on things could be formed as a result of fighting in the house itself, because only certain selected items (for example, dishes) were shot through, and the rest of the house had no traces of fighting inside the house.

According to people’s stories, houses often had signs of a search (for example, furniture cut with a knife). It is likely that the individuals who committed such acts were trying to find money and other valuables that people often hide in such places.

The object of looting was not only the property of residents in the form of personal belongings, household appliances or metal, but also cars, motorcycles and agricultural machinery.

One of the residents of the village said: *“Here I had a scooter that I drove around the village. This scooter was stolen, and now they ride it in Novoazovsk. I saw a picture”*<sup>290</sup>.

People later saw some of their belongings both on the temporarily occupied territory and in Mariupol.

One of the respondents told the Center about the circumstances of illegal possession of her vehicle. The car was stolen from the garage, and later it was seen near Novoazovsk. The woman turned to the members of the IAG with a request to return the car: *“The car was taken by “DPR”. [...] I came [to one of the commanders of the*



**Screenshot 17.** A military woman runs past a defense facility in a sniper area, Shyrokyne, 2015. Source: *Nastoyashchee Vremia TV channel website*



**Photo 19.** Protective structures of the Ukrainian military in the village, Shyrokyne, 2015. Source: *Anatoliy Stepanov Facebook page*

<sup>285</sup> EUCCI interview -29 dd. 04.05.2019.

<sup>286</sup> Ibid.

<sup>287</sup> Ibid.

<sup>288</sup> Ibid

<sup>289</sup> EUCCI interview-2 dd. 30.05.2018.

<sup>290</sup> EUCCI interview -36 dd. 05.06.2019.



**Screenshots 18-19.** Protective structures of the IAG participants in Shyrokyne village, 2015. *Source: Anna News YouTube channel*

*IAG – ed.] and said, “Give me back the car. I just saw your soldiers riding it”. He immediately started making calls. Then he says “Yes”, but the car went to Novoazovsk. I come the next day. He tells me, “Your car is coming”. I sit and wait. He was running somewhere, and then a soldier comes running and says: “Your car has burned down. It got a hit or something”. I say, “Take me to the car.” They told me: “Write a statement, we will decide”. They are still deciding”<sup>291</sup>.*

The woman then moved to Mariupol and now has no opportunity to actively investigate the fate of her car on the NGCA.

The EUCCI managed to find a photo of the specified car in the social network “Vkontakte” on the page of the Russian **Mikhail Fedorov** (call sign “Svarnoy”, a participant of the battle for Shyrokyne, member of “Semenovsky battalion” of the IAG<sup>292</sup>). As you can see in the photo, the participants

<sup>291</sup> EUCCI interview -9 as of 01.08.2018.

<sup>292</sup> Minja Fedorov. Chto proizoshlo za poslednij mesjac, kak semenovskij raspalsja a “Malogo” odstranili ot komandovanija: obnovlenie statusa stranicy v “VKontakte”. [Minya Fedorov. What happened over the past month, how Semenovsky fell apart and “Maloy” was removed from the command: “Vkontakte” post.] 29.05.2015. Available at: [https://vk.com/id167124096?w=wall167124096\\_145%2Fall](https://vk.com/id167124096?w=wall167124096_145%2Fall) (retrieved: 12 September 2019).

of the IAG marked the car with the words “Semenovsky battalion” and “Shyrokyne”.

That same Russian, **Mikhail Fedorov** in his message on the social network “Vkontakte” complains about the material and technical support to members of the IAG and comments on the illegal seizure of vehicles of the civilian population : “[...] *While the ninth regiment ignored us, and our requests, and did not pay attention, we, ordinary soldiers, contrary to all military laws, opened garages in Shyrokyne, got light equipment, whatever there was, got behind the wheel and worked, under heavy fire, under mortar fire, we took out the wounded, went to get food while risking our lives. Of course, we reported all the seized cars to the higher authorities in order to avoid the consequences. We had no choice but to take these cars...*”<sup>293</sup>.

The woman also told the Center that her relatives were in a similar situation, but, unlike her, they managed to return the car. Her relative saw their car on the street in the occupied Novoazovsk. The car was driven by ordinary members of the IAG. The man approached the combatants and asked them to return the car to him as the owner. Participants of the IAG returned the car.

The facts of illegal possession of agricultural machinery are mentioned in the story of one of the residents of Shyrokyne. The respondent notes that her family was engaged in farming and owned two tractors, seeders, a cultivator and other agricultural equipment. The family also owned a car. The house had all appliances. All this property was looted<sup>294</sup>.

Other residents also told the Center about the illegal seizure of vehicles. Because of the hasty evacuation, many

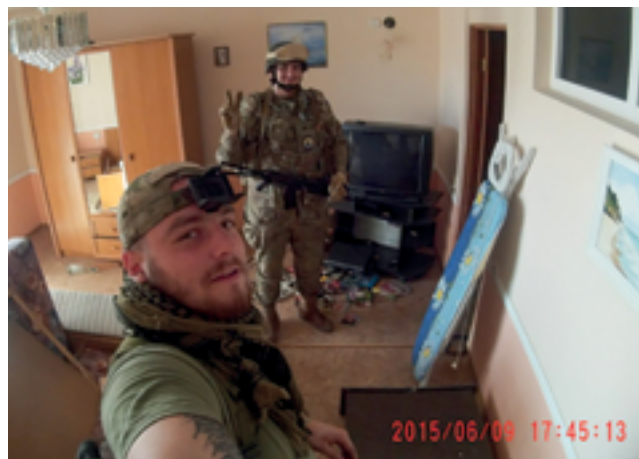
people left their cars in garages, because they hoped to return in a few days. In all these cases, there cars were old. According to people’s stories based mainly on rumors, a significant part of the vehicles were “dismantled” directly in the village, cut into pieces and taken out by the combatants for further scrap.

There are many online videos, which their authors claim to have made in Shyrokyne. The videos show the facts of causing deliberate damage to property and traces of looting. For example, in one of these videos, one can see that the house was not so much damaged by military actions (there are no visible traces of bullets and shrapnel on the walls), but was searched (obviously for the purpose of finding valuables) and deliberately damaged (for example, the inscription on the wall “Glory to the DPR”). Outraged by this behavior of participants of the IAG, the combatants in the video, positioning themselves as the Ukrainian military, also paint the walls of the house<sup>295</sup>.

Many residents of the village with whom the representatives of the Center managed to communicate were outraged by the behavior of some military personnel who took photos of themselves in their homes and posted these photos online. In these photos, usually in a good mood, the combatants pose with personal belongings of former residents of these houses. Shyrokyne residents think these photos are unethical and accuse combatants in the looting of property. It is obvious that the fact of photographing of victim’s property is not proof of the robbery. The military could have only inspected the house and not taken personal belongings of citizens. At the same time, in order to avoid such accusations, such unethical behavior should be stopped.



**Photo 20.** A car of the family from Shyrokyne stolen by the IAG members, 2015. Source: *Minya Fedorov's VKontakte page*



**Photo 21.** Ukrainian soldiers in the house of Shyrokyne resident. Photo from respondent’s private archive

<sup>293</sup> Ibid.

<sup>294</sup> EUCCI interview-40 dd. 31.07.2018.

<sup>295</sup> Margarita Kirichenko. Marodjory DNR v Shirokino. Grabim, skol'ko mozhem 18+ . [Margarita Kirichenko. DPR looters in Shirokino. Robbing as much as we can 18+: video on the YouTube channel.] 27.04.2015. Available at: [https://www.youtube.com/watch?v=\\_H-2wJXoW4](https://www.youtube.com/watch?v=_H-2wJXoW4) (retrieved: 10 September 2019).

Similar is the behavior of participants of the IAG who took photos in abandoned homes in Shyrokyne and discussed the taste of food and alcohol found in Shyrokyne households in social networks<sup>296</sup>.

The USRCD contains numerous court decisions on the detention at checkpoints or in Mariupol of Ukrainian military and even civilians with weapons and ammunition (cartridges, grenades) that were allegedly found by the suspects in the village of Shyrokyne and left by them for further illegal storage<sup>297</sup>.

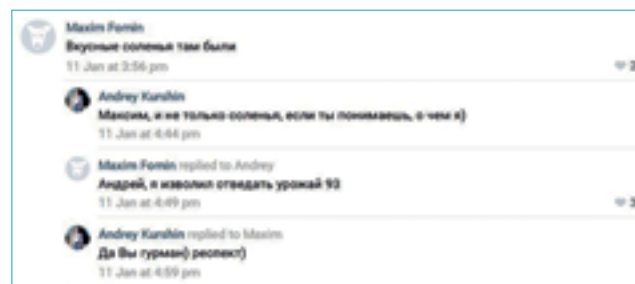
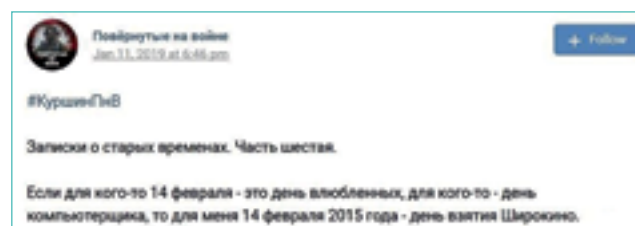
It appears that the mechanism for the movement of looted property from Shyrokyne (in the case when such actions are committed by combatants from the Ukrainian military) is identical to the mechanism of moving illegal weapons and ammunition: all these things are transported through checkpoints. Given this, it is necessary to explain why cases of illegal storage of weapons and ammunition are documented by law enforcement authorities more often than cases, for example, of transportation of private property stolen in Shyrokyne.

It is obvious that it is much easier to smuggle illegal cartridges through the checkpoint than to overtake a van loaded with household items or scrap metal. Therefore, we can conclude that the State, by paying attention to one category of crimes (illegal handling of weapons and ammunition), leaves another category of crimes without proper response, i.e. crimes committed against the private property of the civilian population in areas of military operations.

One of the high-ranking law enforcement officials of Ukraine in an interview with representatives of the Center said that the problem of the use of private housing as protective structures by the military on the contact line exists, and law enforcement authorities are well aware of the facts of property looting, in particular, in Shyrokyne. According to him, this problem should be solved exclusively through the adoption of a special law on compensation for damage caused to people. Justifying the actions of the military, he said, *“There is a war in Ukraine! Law enforcement agencies do not and will not do this. There are no such criminal proceedings”*. In his opinion, in a situation where the authorities in settlements on the contact line repeatedly passed from one side to the other, it is impossible to objectively determine who committed the robbery of a particular house<sup>298</sup>.



**Photo 22.** Russian citizen Andrey Guzenko (pictured right), participant of hostilities in Shyrokyne poses with a bottle of homemade wine, 2015. *Source: Andrey Guzenko's VKontakte page*



**Screenshot 20-21.** A social network post in 2019: IAG member recall their property looting of Shyrokyne residents in 2015. *Source: VKontakte group Turned on War*

<sup>296</sup> Povjornutye na vojne. Zapiski o staryh vremenah. [Turned on the war. Notes about old times]. VKontakte post, 11.01.2019. Available at: [https://vk.com/wall-151878956\\_336446](https://vk.com/wall-151878956_336446) (retrieved: 12 September 2019).

<sup>297</sup> Ruling of the panel of judges of the judicial chamber in criminal cases of the court of appeal of the Donetsk region dd.24 September 2018, case No. 265/2497/15-K. USRCD.] 05.10.2015. Available at: <http://reyestr.court.gov.ua/Review/51603902> (retrieved: 11 September 2019); Ruling of the Pershotravnevy district court of Donetsk region dd. 12.12.2016, case no. 241/2032/16-K. USRCD.] 16.12.2016. Available at: <http://reyestr.court.gov.ua/Review/63387474> (retrieved: 11 September 2019); Ruling of Pershotravnevy district court of Donetsk region dd. 17.08.2015, case no. 241/1786/15-K. USRCD] 20.08.2015. Available at: <http://reyestr.court.gov.ua/Review/48490384>(retrieved: 11 September 2019) and others.

<sup>298</sup> The authors cannot name this official given the private nature of the interview.

These statements have a certain meaning but they only concern issues of bringing specific individuals to legal responsibility for specific episodes of criminal activity. They do not concern the issue of creating such conditions in the areas of military operations that would prevent Ukrainian military and civilians from removing personal property from settlements located on the contact line. In conditions of stabilization of the contact line, this task looks feasible.

### 3.9. Use of children for participation in military operations

Since the spring of 2014, combatants have begun to enlist minors and involve them in the process of fighting in eastern Ukraine, and as a result, violated the international law and put their lives in danger. Cases of involvement of children in the armed conflict and related activities were also recorded in Shyrokyne.

The IHL norms, international criminal law, and other international legal acts prohibit the involvement of children in armed groups<sup>299</sup>. Despite the existence of related norms, there is no special provision in Ukrainian legislation that would establish criminal liability for the recruitment and involvement of children in armed units. There are rules that are partly aimed at countering the involvement of children in armed groups<sup>300</sup>, but they do not cover violations of the rights of the child to the extent provided for by international law. The Law of Ukraine “On Child Protection” prohibits participation of children in military actions and armed conflicts, but the problem is that the current CCU and the specified law are not coordinated with each other.

Article 260 of the CCU, among other things, establishes responsibility for participation in armed formations but

does not establish the involvement of children as actus reus, in particular, through recruitment and coercion. Taking into account that criminal liability for actions provided in Article 260 of the CCU begins from the age of 16, minors involved in such formations find themselves in the position of accused, which happened in the following case.

One of the facts, which confirms such cases in Shyrokyne, includes a verdict of Krasnoarmiysky district court of Donetsk region dd. 20 April 2016 published in the USRCD. The case refers to a minor boy who, from the end of June 2014 to the end of July 2014, was on duty at a checkpoint in Shyrokyne as part of the IAG “First Slavic brigade”, armed with firearms<sup>301</sup>. The court found him guilty of committing a criminal offense under Article 260(2) of the CCU (creation of illegal armed groups or participation in their activities).

In June 2015, the OSCE SMM in Ukraine reported on the involvement of children as personnel on duty at checkpoints, “Among the “DPR” members at the checkpoint at the north-eastern entrance to Shyrokyne, the SMM saw young female and male armed persons. Some of the male individuals were estimated to be minors”<sup>302</sup>. In addition, a minor **Anastasia Makohon (Alexandrova)** participated in the fighting near Shyrokyne on the side of the IAG. Based on the media resources, we established that she joined the IAG at the age of 16 and served as a sniper<sup>303</sup>. The girl’s page in the social network and online resource Volunteer.org contains photos confirming her involvement in the IAG in Shyrokyne<sup>304</sup>. In the published photos, there is a girl in camouflage next to the citizens of the Russian Federation, platoon commanders of the IAG in Shyrokyne. In addition, photographs show locations seen only from the standpoint of the IAG in Shyrokyne.

<sup>299</sup> See the Additional Protocol I; Article 4 of the Additional Protocol II; Article 8 2 (b) (xxvi)/(e) (vii) of the Rome Statute; Article 38 of the Convention on the Rights of the Child, 20 November 1989.

<sup>300</sup> See article 149 “Human trafficking or other illegal agreement concerning a person”, 150 “Exploitation of children”, 304 “Involvement of minors in criminal activity”, 438 “Violation of laws and customs of war”, 447 “mercenary Activity” of the criminal code of Ukraine. See the CC of Ukraine. Law No. 2341-III of 05.04.2001 (as amended on 27.06.2019). Available at: <https://zakon.rada.gov.ua/laws/show/2341-14> (retrieved: 13 September 2019).

<sup>301</sup> Sentence of the Krasnoarmiyskyi district court of Donetsk region dd. 20.04.201, case no. 235/9951/15-K. USRCD]. 25.04.2016. Available at: <http://reyestr.court.gov.ua/Review/57287047> (retrieved: 11 September 2019).

<sup>302</sup> Latest news from the OSCE Special monitoring mission in Ukraine based on information received as of 09.06.2015, 19: 30 (Kyiv time) / OSCE Special monitoring mission in Ukraine. 10.06.2015. Available at: <https://www.osce.org/uk/ukraine-smm/163466> (retrieved: 11 September 2019).

<sup>303</sup> Makohon Anastasiya Aleksandrovna / Centr “Mirotvorec” [Makohon Anastasiia Oleksandrivna] “Myrotvorets” Center website. Available at: <https://myrotvorets.center/criminal/makogon-anastasiya-aleksandrovna/> (retrieved: 06.12.2019).

<sup>304</sup> Dobrovolec.org. Oborona Novorossii. Dlja teh “pacanov” s Donbassa, kto ispugalsja i sbezhal “bezhecem” v Rossiju: obnovlenie statusa gruppy na stranice v “VKontakte”. [Volunteer.org. Defense of Novorossiya. For those “boys” from the Donbas who got scared and ran away as a “refugee” to Russia: the Vkontakte group status update.] 25.05.2015. Available at: [https://vk.com/wall-66778537\\_5269](https://vk.com/wall-66778537_5269) (retrieved: 06.12.2019); Anastasiya Alexandrova (Makohon). Pishu dlja teh, kto, buduchi fizicheski zdorovymi, vzroslymi, sil'nymi muzhchinami, pobojalis' vojny i uehali v druguju stranu! [Anastasiya Alexandrova (Makogon). I write for those who, being physically healthy, adult, and strong men, got scared of the war and went to another country!: the Vkontakte page update.] 08.05.2019. Available: <https://archive.is/XFukR> (retrieved: 06.12.2019); Pishet Hrustalik. Dobrovolec.org. Oborona Novorossii. Dlja teh, kto pisaet stoja, no ne ustojal, zassal i bezhecem s Donbassa sbezhal: [Khrustalik writes. Volunteer.org. Defense f Novorossiya. For those who pee standing, but could not resist, pissed and ran away from the Donbas as a refugee: blog on LiveJournal.] 22.05.2015. Available at: <https://polynkov.livejournal.com/1104557.html> (retrieved: 06.12.2019).



**Photo 23.** Underage Anastasia Makohon together with the participants of the IAG, citizens of the Russian Federation Volodymyr Polinkov and Andriy Kurshyn in Shyrokyne, 2015. Source: *Khrustalik livejournal blog*

In interviews collected during the monitoring, two residents of Shyrokyne recalled the involvement of minors in actions that, in their opinion, can be interpreted as the looting of a rural school<sup>305</sup>. The men told about Protestant priests who regularly visited Shyrokyne and provided material and moral support to the Ukrainian military, performed religious rites for them, and probably took out some low-value items from the village. Among other things, Shyrokyne residents reported about a video<sup>306</sup> where two men and a minor go to the premises of the destroyed school of Shyrokyne. In the video, there is a fragment when one of the strangers asks the boy about his age, and he replies, “I will turn 15 in December”. After that, the men and the boy collect records, books, and other low-value items at school, and later load these things into the trunk of the car and leave.

Analysis of the video and Facebook profiles of participants allowed us to establish that the described persons belong to the “Church of Good Changes”<sup>307</sup>. In 2000, **Hennadii Mokhnenko**, the pastor of this Church, founded the Pilgrim Republic rehabilitation center for children in Mariupol. Its pupils are former street children, children from families in difficult life circumstances, children with drug and alcohol addictions, etc. As of 2018, about 50 teenagers<sup>308</sup> were undergoing rehabilitation at the center, and the center and its director were known far beyond Mariupol for their active work with “children of the street”<sup>309</sup>.



**Photo 24.** Underage Anastasia Makohon with a weapon, 2015. Source: *Anastasia Alexandrova's VKontakte archive*

<sup>305</sup> EUCCI interview-2 dd. 30.05.2018; EUCCI-15 dd. 03.08.2018.

<sup>306</sup> Vitalij Dash'jan. Fil'm Shirokino . [Vitaly Dashyan. Shyrokyne movie: video on YouTube channel] 13.08.2018. Available at: <https://www.youtube.com/watch?v=JNOeHlHoxw> (retrieved: 10 September 2019).

<sup>307</sup> Tymofii Boravlov [Tymofii Boravlov. Facebook page.] Available at: <https://www.facebook.com/profile.php?id=100012105515094> (retrieved: 11 September 2019).

<sup>308</sup> Podrostki pod Mariupolem kopajut okopy – nuzhno li vtjagivat' detej v vojnu [Teenagers near Mariupol dig trenches – whether it is necessary to involve children in the war]. KP in Ukraine. 27.11.2018. Available at: <https://kp.ua/life/623731-podrostky-pod-mariupolem-kopajut-okopy-nuzhno-ly-vtiahyvat-detei-v-voynu> (retrieved: 13 September 2019).

<sup>309</sup> Steve Hoover. Almost Holy/ Crocodile Gennadiy (original title): documentary trailer on IMDb.com. 20.05.2016. Available at: [https://www.imdb.com/title/tt3080844/?ref\\_=ttrel\\_rel\\_tt](https://www.imdb.com/title/tt3080844/?ref_=ttrel_rel_tt) (retrieved: 20 September 2019); Mark Syerov. Pochti Svjatoj \ Krokodil Gennadij \ Almost Holy 2015: dokumental'nyj fil'm Stiva Huvera na personal'nom YouTube-kanale [Mark Syerov. Crocodile Gennady \ Almost Holy 2015: a documentary by Steve Hoover on the YouTube channel.] Available at: <https://www.youtube.com/watch?v=dFzOrlpKrlQ&fbclid=IwAR2un5vXT73L54nysbdL3dfg-OXoMKe89VsHtkRHJLZO5xMzYD4fnC3PA> (retrieved: 20 September 2019).



Active social position of the Church leaders aimed at supporting Ukrainian military helped attract students of the rehabilitation center. Another factor that influenced the formation of children's worldview was the events of 2014. Employees of the center described how at the beginning of the armed conflict they were forced to evacuate children twice due to the threat to their lives, in particular, for threats and harassment of workers by local pro-Russian residents of Mariupol and the offensive of the IAG on the city. At one of the pro-Russian protests in Mariupol, a bus containing children was shot at because of the presence of a US citizen who was filming a documentary with them, and one of the minors from the center was illegally detained in the premises of the occupied Mariupol city council<sup>310</sup>.

Since 2014, the center's students have been helping the Ukrainian military with food and medicine, weaving camouflage nets for them, etc. In 2015, in response to the shelling of Mariupol, inmates of the rehabilitation facility went on a hunger strike, demanding that the President of the Russian Federation stop Russia's aggression against Ukraine, and also appealed to world leaders for support. **Eduard Temnyi**, pastor of the "Church of Good Changes" religious community, described how children's help was a necessity: "...we went out with children, dug trenches, and helped everyone. Prepared food, brought it to soldiers. The first soldiers, you know, were wearing slippers, sweatpants, and a machine gun. The machine jammed after two seconds. That is, we were bringing them everything, absolutely everything"<sup>311</sup>.

The activities of the Church were mentioned again in 2018 when fake information appeared in the Russian media about how orphans were forced to dig trenches<sup>312</sup>. The Ukrainian media resources immediately refuted the allegations noting that the students voluntarily helped strengthen the trenches<sup>313</sup>. **Tatyana Karpukhina**, Director of the Children's rehabilitation center Pilgrim Republic, said that this case was a manifestation of support for the Ukrainian military and did not pose a threat to the lives of children, "...for us, this is a priority –

*their life and health. In no way did we put them in any danger. We did not bring them to the front line. We have a summerhouse project in Chervonyi. In that village ... there are family-type houses*"<sup>314</sup>. The director of the center also notes the impossibility of excluding children from social life, from events related to the armed conflict, in the city, which is located thirty kilometers from the contact line.

The analysis of the collected facts suggests that the activities of the "Church of Good Changes", in particular in Shyrokyne, do not constitute a violation of IHL norms. At the same time, it should be noted that the movement of children to the war zone could pose a threat to the life and health of children, and the video of the removal of property from the Shyrokyne school is interpreted by villagers as its looting.

The research conducted by the Center did not reveal any cases of involvement of children in armed actions in Shyrokyne by the Ukrainian military.

### 3.10. Mutilation of dead bodies

In September 2015, during a briefing, the "Defense of Mariupol" CSO reported the discovery of possibly mined remains in Shyrokyne: "*Unknown corpses were found in the settlement of Shyrokyne. At the moment, it they are undergoing identification. There is information that the bodies were mined, so today a group of sappers left for Shyrokyne*".<sup>315</sup>

This message was not the only report of a breach of international law, which obliges the parties to the conflict to treat the remains of the deceased with respect and to facilitate their return (see 1.1 "International law")<sup>316</sup>.

Another case of abuse of remains took place half a year before the above-mentioned report. In April 2015, a volunteer of the "Azov" regiment, Georgy Dzhaneldidze (call sign "Satan"), was killed during the fighting near Shyrokyne. Ukrainian soldiers tried to take away his body,

<sup>310</sup> EUCCI interview-23 dd. 18.01.2019; EUCCI-30 dd. 05.06.2019.

<sup>311</sup> EUCCI interview-26 dd. 15.02.2019.

<sup>312</sup> Byvshih besprizornikov otpravili kopat' okopy pod Mariupolem [Former street children were sent to dig trenches near Mariupol]. Vesti.Ru. 27.11.2018. Available at: [https://www.vesti.ru/doc.html?id=3088218&utm\\_source=yxnews&utm\\_medium=desktop](https://www.vesti.ru/doc.html?id=3088218&utm_source=yxnews&utm_medium=desktop) (retrieved: 13 September 2019).

<sup>313</sup> "Postanovili: v ponedel'nik v shkolu ne idem!" ["We decided not to go to school on Monday!"] Novaya Gazeta. 29.11.2018. Available at: <https://www.novayagazeta.ru/articles/2018/11/29/78750-postanovili-v-ponedelnik-v-shkolu-ne-idem> (retrieved: 13 September 2019).

<sup>314</sup> EUCCI interview-23 dd. 18.01.2019.

<sup>315</sup> Oborona Mariupolja. Briefing krizisnogo centra "Oborona Mariupolja" 24 September 15 [Defense of Mariupol. Briefing of the crisis center "Defense of Mariupol" 24 September 15]. Video on a personal YouTube channel. 23 September 2015. Available at: [https://www.youtube.com/watch?v=r\\_uoiksyKXU&feature=youtu.be&fbclid=IwAR2oZ3oeWK5w8MZMgjojcmly6IH9kaiDjn27MfgKU2P-YqO114nf5UHneA](https://www.youtube.com/watch?v=r_uoiksyKXU&feature=youtu.be&fbclid=IwAR2oZ3oeWK5w8MZMgjojcmly6IH9kaiDjn27MfgKU2P-YqO114nf5UHneA) (retrieved: 10 September 2019).

<sup>316</sup> During international armed conflict– Art. 15, of the Geneva Convention I; Art. 18 of the Geneva Convention II, Art.16 of the Geneva Convention IV; during non-international armed conflict– Art. 8 of the Additional Protocol II.

but at each attempt, members of the IAG opened fire and finally mined the body<sup>317</sup>.

Only with the help of the OSCE SMM and the Joint Center for Control and Coordination on ceasefire and stabilization of the contact line, it was possible to reach agreements with the participants of the IAG and remove the body of the deceased from the battlefield<sup>318</sup>.

In February 2015, there were similar cases of remains being transferred and abused. Two soldiers of the “Azov” battalion died in hostilities near Shyrokyne. The IAG members abused one of the bodies cutting off his ears. During the burial of the soldier, one of the coffins was opened at the request of the mother of the deceased so that people could see firsthand the consequences of the abuse of the body<sup>319</sup>.

### 3.11. Use of land mines

Contamination of Shyrokyne with land mines and explosive ordnance exposes civilians to the risk of death or injury, which is one of the reasons why the villagers are still unable to get into their homes. The study revealed several reports in the media, where the issue about a large number of mines and explosions in the village was covered<sup>320</sup>. Both civilians and combatants were identified among the victims, who in some cases were blown up by mines that they set themselves<sup>321</sup>.

In violation of their obligations under the Minsk agreements<sup>322</sup>, both sides set mines<sup>323</sup> instead of clearing or marking mines

and other dangerous objects. According to the Protocol on prohibitions or restrictions of the use of mines, booby traps and other devices of 10 October 1980, the belligerents are responsible for all mines, booby traps and other devices used, and in the future the parties are obliged to carry out demining, elimination and destruction.

Several respondents who were in Shyrokyne in 2017, in contrast to the above, claim that the territory of the village is largely cleared of mines and is safe enough to stay<sup>324</sup>. In August 2019, an interactive map of territories contaminated with mines and explosive objects started working in test mode on the website of the Ministry of Defense of Ukraine. The website states that the



**Photo 25.** Mine warning in Shyrokyne, 2018. *Source: Radio Liberty news site*

<sup>317</sup> V SHIROKINOMU ZAGINUV INSTRUKTOR “AZOVU” Z GRUZII. [In Shyrokyne killed an instructor of the “Azov” from Georgia]. Oleksandr Voronin Facebook post. 19.04.2015. Available at: <https://www.facebook.com/photo.php?fbid=899340906790469&set=a.178954292162471&type=3&theater> (retrieved: 11 September 2019); Proshhannja z geroyem Georgiiem Dzhanelidze na Majdani Nezalezhnosti [Farewell to the hero George Janelidze On the Independence Square] Channel 5 YouTube. 24.04.2015. Available at: <https://www.youtube.com/watch?v=WhwDTcrbZDY> (retrieved: 10 September 2019); EUCCI interview-29 dd. 04.05.2019.

<sup>318</sup> Bojoviki zaminuvali tilo zagiblogo bijcja, jake peredali Ukraini [Militants mined the body of the dead soldier, which was transferred to Ukraine]. News Channel 24. 20.04.2015. Available at: [https://24tv.ua/bojoviki\\_zaminuvali\\_tilo\\_zagiblogo\\_biytsya\\_yake\\_peredali\\_ukrayini\\_n567115](https://24tv.ua/bojoviki_zaminuvali_tilo_zagiblogo_biytsya_yake_peredali_ukrayini_n567115) (retrieved: 13 September 2019).

<sup>319</sup> Odessa prostilas' s bojcami, nad kotorymi poizdevalis' terroristy [Odesa said goodbye to soldiers who were mocked by terrorists]. / 048.ua – Sajt goroda Odessy. 23.02.2015. Available at: <https://www.048.ua/news/748762/odessa-prostilas-s-bojcami-nad-kotorymi-poizdevalis-terroristy-foto> (retrieved: 13 September 2019); Proshhannja z bijcjami “Azovu” – odesitami Kutuzom ta Akelloju [Farewell to the fighters of “Azov” - Odesa residents: Kutuz and Akella]. Personal YouTube channel. 23.02.2015. Available at: <https://www.youtube.com/watch?v=jOO7XHi-BJO> (retrieved: 10 September 2019).

<sup>320</sup> Chomu bojoviki tak legko pokinuli Shirokine [Why the militants left Shyrokyne so easily]. TSN YouTube Channel. 28.02.2016. Available at: [https://www.youtube.com/watch?v=s\\_wD8o0gtwU](https://www.youtube.com/watch?v=s_wD8o0gtwU) (retrieved: 10 September 2019); Shirokino i Mariupol': zhizn' u linii fronta [Shyrokyne and Mariupol': life at the front line]. DW in Russian YouTube channel. 28.04.2015. Available at: <https://www.youtube.com/watch?v=yCvHVR6Y-LI> (retrieved: 10 September 2019).

<sup>321</sup> Soldaty v Shirokino podorvalis' iz-za neznaniya kart minirovanija / [Soldiers in Shyrokyne were blown up because of ignorance of mining maps]. Podrobnosti (website of news program of Inter TV Channel). 06.04.2015. Available at: <https://podrobnosti.ua/2026985-soldaty-v-shirokino-podorvalis-iz-za-neznaniya-kart-minirovanija.html> (retrieved: 13 September 2019).

<sup>322</sup> Memorandum on the implementation of the Protocol on the outcome of consultations of the Trilateral Contact Group on joint steps aimed at the implementation of the Peace Plan of the President of Ukraine, P. Poroshenko, and the initiatives of the President of the Russian Federation, V. Putin], OSCE. 19 September 2014. Available at: <https://www.osce.org/ru/home/123807?download=true> (retrieved: 11 September 2019).

<sup>323</sup> Rozminuvannja okolic' Shirokinogo zajme desjat' rokov, – komandir rozvidki “Azova” [Mine clearance of Shyrokyne's surroundings will take ten years – commander of the “Azov” intelligence service] 112.UA. 25 September 2015. Available at: <https://ua.112.ua/ato/rozminuvannia-okolyts-shyrokino-zaime-desiat-rokiv-komandyr-rozvidky-azova-260655.html> (retrieved: 12 September 2019).

<sup>324</sup> EUCCI interview-37 dd. 16.08.2019.

information is being updated, but as of December 2019, the map does not show mine contamination in and around Shyrokyne<sup>325</sup>.

Special attention is given to the number of allegations on the use of anti-personnel mines by members of the IAG in Shyrokyne<sup>326</sup>. Anti-personnel mines are explosive devices that are placed underground, on the ground, or near the surface to explode from the presence, proximity, or direct impact of a person<sup>327</sup>.

The 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction prohibits States parties from using, developing, producing, stockpiling or transferring anti-personnel mines or from assisting someone in commission of such acts. However, since not all States have ratified the Convention on Anti-personnel mines, the use of anti-personnel mines is not prohibited by customary international law. Ukraine has ratified this Convention, but the Russian Federation is among the countries that have not joined the international treaty.

In June 2016, information appeared on the official website of the SSU about the detention of eight members of the IAG who attempted to mine the territory near Shyrokyne with anti-personnel mines<sup>328</sup>. Another report on the use of anti-personnel mines was published by the SSU in May 2017, noting that two directed anti-personnel mines were disabled near Shyrokyne<sup>329</sup>.

When using land mines, IHL rules oblige to minimize their consequences and register the locations of installation. However, in the above cases, these standards were omitted.

Based on the identified information, the EUCCI sent a request regarding incidents related to contamination of Shyrokyne and the surrounding area by mines and explosive remnants of war. The response of the department of environmental safety and mine action of the MoD noted that from September 2014 to July 2019, there were nine incidents that could indicate the use of anti-personnel mines. Among them, there were seven cases with suspected triggering of anti-personnel mines of shrapnel damage and two incidents with suspected triggering of blast mines<sup>330</sup>.

### 3.12. Participation of foreigners in military operations in the village of Shyrokyne

The issue of foreign participation in the armed conflict in the Donbas is important for several reasons. The circumstances of the participation of foreign combatants directly affect the legal character of the conflict. The information collected by the authors of the report based on testimonies of Shyrokyne inhabitants, combatants, and publications in the media, allow to confirm participation in the hostilities in Shyrokyne of

<sup>325</sup> Interactive map of areas contaminated with mines and explosive devices / MOD website. Available at: [https://mod-ukr.imsma-core.org/portal/apps/webappviewer/index.html?id=d1fc9330a4964cc793dac7894c725fa3&fbclid=IwAR2eLdSEsZq7GDxSiTthc6VT7LNY2HM5MY\\_DKVOVvhmDjelOkEo8pZizLhQ](https://mod-ukr.imsma-core.org/portal/apps/webappviewer/index.html?id=d1fc9330a4964cc793dac7894c725fa3&fbclid=IwAR2eLdSEsZq7GDxSiTthc6VT7LNY2HM5MY_DKVOVvhmDjelOkEo8pZizLhQ) (retrieved: 13 September 2019).

<sup>326</sup> Poblizu Shirokinogo SBU vijavila shovanku z fugasom ta protipihotnimi minami [Near Shyrokyne, the SSU found a cache of land mines and anti-personnel mines] SSU: website. 20.08.2016. Available at: <https://ssu.gov.ua/ua/news/1/category/21/view/1682#.CHeSUFot.dpbs> (retrieved: 13 September 2019); Briefing of the speaker on ATO issues of the AP Alexander Motuzyanik - 03.03.2016, 112 Ukraine YouTube channel. 03.03.2016. Available at: <https://www.youtube.com/watch?v=2BdcycTk7tw> (retrieved: 10 September 2019); Bliz'ko tisjachi vibuhonebezpechnih predmetiv za ostannij misjac' bulo zneshkodzheno v zoni vidpovidal'nosti OTU "Mariupol'" [About a thousand explosive items were defused in the area of responsibility of OTG "Mariupol'" in the last month]. MOD website. 02.03.2016. Available at: <http://www.mil.gov.ua/index.php/index.php?lang=ua&part=news&sub=read&id=18220> (retrieved: 13 September 2019); Ukrain'ski vijs'kovi povnistju kontroljujut' Shirokine [The Ukrainian military fully controls Shyrokyne]. Channel 5 YouTube channel. 24.02.2016. Available at: [https://www.youtube.com/watch?time\\_continue=122&v=XtVWKKNSeYY](https://www.youtube.com/watch?time_continue=122&v=XtVWKKNSeYY) (retrieved: 10 September 2019); Zaporizhzhja. Shirokine. Rozminuvannja [Zaporizhzhia. Shyrokyne. Mine clearance] Hromadske YouTube channel. 27.02.2016 Available at: [https://www.youtube.com/watch?time\\_continue=224&v=lvHjMvD8ryA](https://www.youtube.com/watch?time_continue=224&v=lvHjMvD8ryA) (retrieved: 10 September 2019); Batal'jon special'nogo pryznachennja NGU "Donbass". Noch' pered rotaciej batal'ona "Donbass" iz Shirokino ne proshla zrza [Special-purpose battalion of the NGU "Donbas". The night before the rotation of the "Donbas" battalion from Shyrokyne was not in vain]. Facebook page updates. Available at: [https://www.facebook.com/permalink.php?story\\_fbid=948844828510457&id=849793758415565](https://www.facebook.com/permalink.php?story_fbid=948844828510457&id=849793758415565) (retrieved: 11 September 2019).

<sup>327</sup> Article 2 of the Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and their destruction provides the following definition of the term "anti-personnel mine": "mine designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons. Mines designed to be detonated by the presence, proximity or contact of a vehicle, as opposed to a person, that are equipped with anti-handling devices, are not considered anti-personnel mines as a result of being so equipped" –author's note. Convention on the prohibition of the use, stockpiling, production and transfer of anti-personnel mines and their destruction, 1987. Available at: [https://zakon.rada.gov.ua/laws/show/995\\_379](https://zakon.rada.gov.ua/laws/show/995_379)(retrieved: 13 September 2019).

<sup>328</sup> Zatrmani pid Mariupolem bojoviki mali nakaz vid rosij'skih kuratoriv vidkrivati vagon' po bijcjah ZSU: [The militants detained near Mariupol had an order from Russian curators to open fire on the AFU soldiers]. SSU: website. 30.06.2016. Available at: <https://ssu.gov.ua/ua/news/1/category/2/view/1305#.k1qRVWdY.dpbshttps://ssu.gov.ua/ua/news/1/category/2/view/1305#.k1qRVWdY.dpbs>(retrieved: 13 September 2019).

<sup>329</sup> SBU vijavila dvi rosij'ski mini u rajoni provedennja ATO: povidomlennja pres-centru SBU [SSU found two Russian mines in the area of the ATO] SSU website. 02.05.2017. Available at: <https://www.ssu.gov.ua/ua/news/243/category/21/view/3281#.Y2U1GeFm.dpbs> (retrieved: 09 September 2019).

<sup>330</sup> Letter from the Department of environmental safety and mine action of MoD dated 19.07.2019, ref. no. 187543.

IAG members with Ukrainian citizenship, and foreigners, including military personnel of the RF armed forces. The number, functions, and status of the Russian military who fought in Shyrokyne confirm Russia's participation in the conflict as one of its parties.

It is important to establish the status of foreign citizens who participated in the armed conflict in the Donbas. Foreign combatants can be defined as volunteers, mercenaries, or soldiers of one of the parties to the conflict. If these individuals are mercenaries, the question arises of bringing these individuals to justice for a separate crime of mercenary activity.

The 1989 International Convention against the Recruitment, Use, Financing and Training of Mercenaries prohibits State parties from recruitment, use, financing and training of mercenaries, and obliges them to establish penalties for this crime<sup>331</sup>. Today, however, only 36 countries have ratified this Convention, including Ukraine, Serbia and Georgia.

Additional Protocol I states that a mercenary is any person who:

- a) is specially recruited locally or abroad in order to fight in an armed conflict;
- b) does, in fact, take a direct part in the hostilities;
- c) is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised, by or on behalf of a party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar rank and functions in the armed forces of that party;
- d) is neither a national of a party to the conflict nor a resident of territory controlled by a party to the conflict;
- e) is not a member of the armed forces of a party to the conflict;
- f) has not been sent by a State that is not a party to the conflict on official duty as a member of its armed forces<sup>332</sup>.

The above definition is quite difficult to apply in practice, since it requires the cumulative fulfillment of all six conditions. Mercenaries are not entitled to the status of combatants or prisoners of war. This is a rule of customary international law applicable in international armed conflicts.

Activities of mercenaries, as opposed to volunteers, are criminal. The difference is that volunteers are recruited into the service of a belligerent State and are included in its armed forces. Thus, the volunteer is a legitimate combatant, and the State is responsible for their actions. In turn, mercenaries are not included in the armed forces of the parties to the conflict, so the States parties to the conflict are not responsible for their actions. Foreigners are considered mercenaries if they have not lived for a long time on the territory of the country where the armed conflict occurred, they are not citizens or members of the armed forces of the belligerents, and also have personal material gains.

Ukrainian legislation defines a mercenary in accordance with Additional Protocol I and provides for liability for recruitment, financing, material support, training of such persons for use in armed conflicts of other States or violent actions aimed at overthrowing of government or violation of territorial integrity, as well as the use of mercenaries in armed conflicts or actions; participation without the permission of the relevant State authorities in the armed conflicts of other States for the purpose of receiving material compensation<sup>333</sup>.

Among the foreigners who participated in military operations in Shyrokyne, the authors of the report recorded, among others, citizens of the Russian Federation, Serbia and France. These States also regulate the issue of mercenary activities by establishing the relevant rules in their national legislation.

The Criminal Code of the Russian Federation prohibits the creation or participation in armed groups that are not provided for by the Russian law. Article 208 "Organization of an illegal armed formation" and Article 359 "Mercenaries" of the Criminal Code of the Russian Federation establish responsibility for mercenaries, as well as recruitment, training, financing or material support of mercenaries<sup>334</sup>. French law provides for liability for mercenaries in a separate section of the French Criminal Code<sup>335</sup>, in Articles 436-1 to 436-5. Thus, a penalty of 5 years in prison and a fine of EUR 75,000 is set for any person who is involved as a mercenary.

Serbian law establishes that the recruitment of persons to participate in armed conflicts is a criminal offence. Article 386a of the Serbian Criminal Code provides that a Serbian citizen who participates in a war or armed conflict in a foreign country as a member of the military

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<sup>331</sup> International Convention against the recruitment, use, financing and training of mercenaries as of 04.12.1989 Available at: [https://zakon.rada.gov.ua/laws/show/995\\_103](https://zakon.rada.gov.ua/laws/show/995_103) (retrieved: 13 September 2019).

<sup>332</sup> See Article 47 of the Additional Protocol I.

<sup>333</sup> See article 447 "Mercenaries" of the CCU. Law No. 2341-III dd. 05.04.2001 (as amended on 27.06.2019). Available at: <https://zakon.rada.gov.ua/laws/show/2341-14> (retrieved: 13 September 2019).

<sup>334</sup> Criminal code of the Russian Federation: as amended on 17.06.2019 / State Duma of the Russian Federation. Available at: <http://pravo.gov.ru/proxy/ips/?docbody=&nd=102041891&rdk=238> (retrieved: 13 September 2019).

<sup>335</sup> Criminal Code of the French Republic (as of 2019) (French version) / Legislationline.org. Available at: <https://www.legislationline.org/documents/section/criminal-codes/country/30/France/show> (last accessed:13 September 2019); Code pénal. / Codes et Lois. URL: <http://www.codes-et-lois.fr/code-penal/toc-partie-legislative> (last accessed:13 September 2019).

or paramilitary forces of a party to the conflict and is not a citizen of that foreign country, nor a member of an official mission of an international organization of which Serbia is a member, is punished by imprisonment for a term of six months to five years<sup>336</sup>. Article 386b of the same code establishes responsibility for recruiting or inciting other persons to commit this act on the territory of Serbia<sup>337</sup>.

**On the Ukrainian side, foreign citizens also participated in the battles for Shyrokyne.** Gaston Besson, a Frenchman and veteran of several armed conflicts, was responsible for coordinating and supporting foreigners in the ranks of the “Azov” regiment. In an interview with the Ukrainian press, Besson mentioned 45 foreigners<sup>338</sup>.

Various media reported that foreign participants of “Azov” were in Shyrokyne. In particular, reports mention citizens of Croatia Denis Shelerer (“Pina”)<sup>339</sup> and a 21-year-old resident of Zagreb Andro<sup>340</sup>, who took part in the fighting near the village. There is also information about a Swedish citizen Mikael Skilt<sup>341</sup> and a Polish citizen Vadim Chizhanek<sup>342</sup>, who were part of the “Azov” regiment. In the battle for Shyrokyne, the “Azov” fighter, Georgian citizen Georgi Dzhaneldze<sup>343</sup> and Russian citizen Boris Rusakov (Ratibor) were killed<sup>344</sup>. In the fighting near Shyrokyne

Brian Boyanger, a US citizen, served as a member of the regular AFU<sup>345</sup>. As an exception, in 2016, he received a Ukrainian military ID<sup>346</sup>.

The Ukrainian society has long raised the issue of the need for a legislative settlement of the issue of granting Ukrainian citizenship to Russian citizens who participate in military operations from the Ukrainian side, as well as the issue of including foreign volunteers in the AFU/NGU. In June 2019, a law was passed that legalized the stay in Ukraine of foreign citizens and stateless persons who take part in the ATO or JFO as part of the AFU or provide assistance to the AFU as volunteers. These individuals have access to a simplified procedure for acquiring citizenship and legal grounds for staying in Ukraine.

In August 2019, the newly elected President of Ukraine issued a decree aimed at simplification of the acquisition of Ukrainian citizenship by foreigners who fought on the side of Ukraine and Russians subjected to political persecution<sup>347</sup>. Such persons will not need to withdraw from Russian citizenship; it will be sufficient to renounce it by writing a corresponding application. According to the decree, the CMU should prepare a bill to simplify the procedure for obtaining Ukrainian citizenship for the above categories of persons.

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<sup>336</sup> KRIVIČNI ZAKONIK / Paragraf Lex. URL: [https://www.paragraf.rs/propisi/krivicni\\_zakonik.html](https://www.paragraf.rs/propisi/krivicni_zakonik.html) (last accessed: 13 September 2019).

<sup>337</sup> Ibid.

<sup>338</sup> Horvatskij veteran pomogaet Ukraine srazhat'sja s Rossiej [Croatian veteran is helping Ukraine to fight with Russia]. The Fourth Power. 03.03.2015. Available at: <https://vlada.io/articles/rossiya-i-donbass-vozhdelenie-izolyatsii/> (retrieved: 13 September 2019).

<sup>339</sup> Lezhali na zemli po dva dni. Chekali, shhob “riba pishla” [They lay on the ground for two days. Waiting for the “fish to come”]. Gazeta.ua. 11.04.2018. Available at: [https://gazeta.ua/articles/ukraine-newspaper/\\_lezhali-na-zemli-po-dva-dni-cekali-schob-riba-pishla/8311110](https://gazeta.ua/articles/ukraine-newspaper/_lezhali-na-zemli-po-dva-dni-cekali-schob-riba-pishla/8311110) (retrieved: 13 September 2019).

<sup>340</sup> Hrvat Andro ranjen u borbama u Ukrajini: Ovdje imam status narodnog heroja! / Slobodna Dalmacija. 26 September 2014. URL: <https://slobodnadalmacija.hr/novosti/svijet/clanak/id/247976/hrvat-andro-ranjen-u-borbama-u-ukrajini-ovdje-imam-status-narodnog-heroja> (last accessed: 13 September 2019).

<sup>341</sup> Shvedskij snajper Mikael' Skilt: u separatistiv ne armija, a sucil'ne lajno / Narodna pravda. [Swedish sniper Mikael: what separatists have is not an army, but a solid shit / People's truth.] 30.07.2017. Available at: <https://narodna-pravda.ua/2017/07/30/shvedskij-snajper-mikael-skilt-u-separatistiv-ne-armiya-a-sutsilne-lajno/> (retrieved: 13 September 2019).

<sup>342</sup> Desjatki rosijs'kih tankiv nacileni na ukrains'ki sili pid Mariupolem [Dozens of Russian tanks targeted Ukrainian forces near Mariupol]. TSN. 10.05.2015. Available at: <https://tsn.ua/video/video-novini/desyatki-rosijskih-tankiv-nacileni-na-ukrayinski-sili-pid-mariupolem.html> (retrieved: 13 September 2019).

<sup>343</sup> Gruzins'kij dobrovol'ec' pered smertju u Shirokinomu “zabrav” iz soboju rosijs'kogo instruktora bojovikiv, – Saakashvili [Georgian volunteer before his death in Shyrokyne tjok a Russian instructor of militants with him –Saakashvili]. Espresso. 21.04.2015. Available at: [https://espreso.tv/news/2015/04/21/hruzynskyy\\_dobrovol'ec'\\_pered\\_smertyu\\_u\\_shyrokynomu\\_zabrav\\_iz\\_soboyu\\_rosiyskoho\\_instruktora\\_bojovykiv\\_\\_\\_\\_saakashvili](https://espreso.tv/news/2015/04/21/hruzynskyy_dobrovol'ec'_pered_smertyu_u_shyrokynomu_zabrav_iz_soboyu_rosiyskoho_instruktora_bojovykiv____saakashvili) (retrieved: 13 September 2019).

<sup>344</sup> Vojuvav ne za mir, a za spravedlivist'. Chotiri roki bez Ratibora [Fought not for peace, but for justice. Four years [without Ratibor] Azov website. Available at: <https://azov.org.ua/ratibor/> (retrieved: 13 September 2019).

<sup>345</sup> Inostrancy prosjat grazhdanstvo, zashhishhaja Ukrainu na Donbasse [Foreigners ask for citizenship, while defending the Ukraine in the Donbas]. Podrobnosti (website of news program of Inter TV Channel). 22.05.2016. Website: <https://podrobnosti.ua/2108962-inostrantsy-hotjat-grazhdanstvo-zaschischaja-ukrainu-na-donbasse.html> (retrieved: 13 September 2019).

<sup>346</sup> Amerikanske voennye ofcial'no budut voevat' protiv rossijan na Donbasse [The US military will officially fight against the Russians in the Donbas]. TSN. 03.04.2016. Available at: <https://ru.tsn.ua/ato/amerikanske-voennye-oficialno-budut-voevat-protiv-rossijan-na-donbasse-607986.html> (retrieved: 13 September 2019).

<sup>347</sup> Simplification of the procedure for acquiring Ukrainian citizenship by foreigners and stateless persons who took part in the implementation of measures to ensure national security and defense of Ukraine, the Russian Federation and citizens who were persecuted for political beliefs: Decree of the President of Ukraine from 13 September 2019 № 594/2019. Available at: <https://www.president.gov.ua/documents/5942019-29065> (retrieved: 13 September 2019).

During the study, the authors found that **members of the IAG consisted of several categories:** military personnel of the Russian Federation, persons engaged through private individuals, private military companies and civic organizations, and civilian entities.

Since the Russian Federation is an aggressor state, Russian military personnel involved in the armed conflict in the Donbas are combatants, not mercenaries. At the same time, individuals who have entered the ranks of the IAG in other ways may be recognized as mercenaries. Determining the status of all these individuals in the conflict is complicated by the fact that the Russian Federation denies the fact of its military participation in the armed conflict. In the future, this issue is likely to be considered by courts in Ukraine, the Russian Federation and international courts.

In addition to Russian citizens, nationals of other States also took part in activities of IAGs in hostilities in Shyrokyne. The foreign contingent in the village of Shyrokyne was represented by the Unité Continentale, which initially consisted of French and Serb nationals. The organization was formed in January 2014 in Belgrade. Unité Continentale positions itself as an anti-globalist geopolitical movement that opposes the hegemony of the Western world. The organization is inspired by the ideas of the Russian political scientist Olexsandr Dugin, who is one of the main ideologists of the ideas of the “Russian world” and “Novorossiya”<sup>348</sup>. The founder and head of the

“international squad” is a native of Colombia, a French citizen, Victor-Alfonso Lenta. He served in the French armed forces and participated in armed conflicts in Chad, Afghanistan (2008) and Ivory Coast (2011)<sup>349</sup> as part of the French army. According to media reports, Lenta was dismissed from the ranks of the French armed forces for his association with a right-wing organization that carried out the arson of a mosque in the city of Colomie<sup>350</sup>. Lenta denies any involvement in the arson of the mosque<sup>351</sup>. He is also a defendant in the case of the beating of a Chilean student in Toulouse (France)<sup>352</sup>.

Another leader and co-founder of Unité Continentale was a veteran of the French army, a Frenchman of Serbian origin, Nicolas Perovic. Lenta recruited several young Serbs, active French military personnel, and several civilians who were specialists in medicine to the new organization<sup>353</sup>. In the Russian media, there are two mentions of a French citizen wounded near Shyrokyne in January 2015<sup>354</sup>.

Unité Continentale has been involved in the events of the armed conflict in eastern Ukraine since June 2014. In an interview, Viktor Lenta claimed that in order to get to the Donbas through the territory of the Russian Federation, the Unité Continentale group contacted the organization Dobrovolets<sup>355</sup>. In the course of its activities, the foreign division received financial aid from representatives of the “Novorossiya” IAG<sup>356</sup>. The soldiers of the Lenta division

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<sup>348</sup> Francuzskie dobrovol'cy: “My vozvrashhaemsja v Donbass i hotim nastupat” [French volunteers: “we are returning to the Donbas and want to attack”]. Ridus. 27.11.2014. Available at: <https://www.ridus.ru/news/172856> (retrieved: 13 September 2019).

<sup>349</sup> Programma “Paralleli”: Viktor-Alfonso Lenta [Program “Parallels”: Victor-Alfonso Lenta]. “Oplot TV” Channel, YouTube video. 16 September 2015. Available at: <https://www.youtube.com/watch?v=Ec51LNfZQWg> (retrieved: 10 September 2019).

<sup>350</sup> For example: Unité Continentale in Novorossiya / Christopher Othen: blog. 08.06.2018. URL: <https://christopherothen.wordpress.com/2018/06/08/unite-continentale-in-novorossiya/> (last accessed: 13 September 2019); “Antifashistskie” neonacisty-naemniki menjajut Donbass na bolee denezhnye gorjachie tochki [“Anti-fascist” neo-Nazi mercenaries are exchanging the Donbas for more monetary hotspots]. Fakty. 22.02.2017. Available at: <https://fakty.ua/230909-antifashistskie-neonacisty-naemniki-menyajut-donbass-na-bolee-denezhnye-goryachie-tochki> (retrieved: 13 September 2019).

<sup>351</sup> Ukraine: “Les pro-russes sont chez eux. Ils sont motivés.” / Causeur. 10 September 2014. Available at: <https://www.causeur.fr/les-pro-russes-sont-chez-eux-29146> (retrieved: 13 September 2019).

<sup>352</sup> Cet ancien para de Carcassonne qui combat aux côtés des “pro-russes” / Ladepeche.fr. 28.08.2014. Available at: <https://www.ladepeche.fr/article/2014/08/28/1940999-ancien-para-carcassonne-combat-cotes-pro-russes.html> (retrieved: 13 September 2019).

<sup>353</sup> Unité Continentale in Novorossiya / Christopher Othen: blog. 08.06.2018. Available at: <https://christopherothen.wordpress.com/2018/06/08/unite-continentale-in-novorossiya/> (retrieved: 13 September 2019).

<sup>354</sup> Front pod Mariupolem: opolchency gotovjatsja k udaru ukrainskoj armii. [Front near Mariupol: the militia is preparing to strike the Ukrainian army]. Vesti. 30.01.2015. Available at: <https://www.vesti.ru/doc.html?id=2316686#> (retrieved: 13 September 2019); Dobrovol'cev-inostrancev na rodine presledujut za podderzhku opolchencev [Foreign Volunteers are being persecuted in their homeland for supporting the militia]. Komsomolskaya Pravda. 29.01.2015. Available at: <https://www.donetsk.kp.ru/daily/26335.4/3217933/> (retrieved: 13 September 2019). A total of two wounded members of the Unite Continentale unit were reported as of 2016. See: The French Far Right in Russia's Orbit / NicolasLebourg, 2018. Available at: <https://halshs.archives-ouvertes.fr/halshs-01815852/document> (retrieved: 13 September 2019).

<sup>355</sup> Ukraine: “Les pro-russes sont chez eux. Ils sont motivés.” / Causeur. 10 September 2014. Available at: <https://www.causeur.fr/les-pro-russes-sont-chez-eux-29146> (retrieved: 13 September 2019). Probably, the reference is to Dobrovoletc.org group. See Defense of Novorossiya Vkontakto group, 20.02.2014. Available at: <https://vk.com/dobrovoletcorg> (retrieved: 12 September 2019), headed by Mikhailo Polynkov. The organization does not hide the fact that its main activity is to recruit and coordinate foreigners (primarily Russian citizens) to participate in combat operations on the side of the so-called “DPR” and “LPR” (see Khrustalik writes. Dobrovoletc.org. Defense of Novorossiya. Who are we? LiveJournal blog. 03 September 2014. Available at: <https://polynkov.livejournal.com/981960.html> (retrieved: 13 September 2019); Khrustalik writes. Dobrovoletc.org. Defense of Novorossiya: LiveJournal blog. Available at: <https://polynkov.livejournal.com/988027.html> (retrieved: 13 September 2019).

<sup>356</sup> Francuzskij desantnik s oruzhjem v rukah zashhishhaet narod Donbassa [French paratrooper with weapons in hand protects the people of the Donbas] Russian spring. 10.12.2014. Available at: <https://rusvesna.su/news/1418215445> (retrieved: 13 September 2019).

were part of the Prizrak, Vostok<sup>357</sup>, and Pyatnashka IAGs<sup>358</sup>. Unité Continentale operated in the Donbas in 2014-2015; subsequently, they resumed their activities in 2018 as part of the Pyatnashka International brigade<sup>359</sup>.

It is known that among the representatives of this group (except Viktor Lenta and probably Nicolas Perovic), the Serbs Darko Pavlovyc<sup>360</sup>, Stefan Dmitrievic (“Chelavi”), Zoryan Klyach, Stefan Milosevic<sup>361</sup>, the French Guillaume Couvel (“Lenorman”)<sup>362</sup> and Michael Takahashi (“Mika”)<sup>363</sup>, and the Brazilians Cunha Condeiro Rudolph<sup>364</sup> (“Magayver”) and Raphael Mirinda (probably also took part in the fighting as part of the “Sparta” battalion) participated in the fighting in Mariupol direction and vicinities of Shyrokyne. Mirinda was wounded near Shyrokyne during a combat exit on 18 January 2015<sup>365</sup>.

In 2016, the Prosecutor’s office of Donetsk region reported the arrest of a citizen of the Republic of Uzbekistan, Alexander Brykin, who took part in the fighting near Shyrokyne as part of the 1st battalion of the 9th Separate motorized rifle regiment of the 1st army corps of the so-called Ministry of Defense of the DPR<sup>366</sup>.

One of the convicted prisoners was Stevan Milosevic, who as part of the Unite Continentale took part in the fighting near Shyrokyne. Stevan Milosevic told reporters that he received a salary of 15,000 Russian rubles<sup>367</sup> for

participating in the IAG. Media reported that Milosevic was sentenced by a Serbian court to a 5-year suspended sentence. However, as of 2018, some media outlets reported on Milosevic’s return to participation in the IAG in the Donbas (as part of the Prizrak IAG)<sup>368</sup>. Other cases of prosecution of individuals for mercenary activities identified in the study are briefly described in the next section.

### 3.13. Official investigations of crimes committed in the village

#### Murder and mutilation of civilians

Only **two out of five** documented cases of killings of civilians are known to have been reported to law enforcement agencies by relatives. Both individuals who contacted law enforcement agencies were not well informed about the investigation and faced the inability of law enforcement to bring the perpetrators to justice. For example, in one case, a relative of a deceased person turned to law enforcement agencies, and a criminal case was opened. The interviewee claims that as of 2018, there were no developments in the case.

In another case, the wife of a deceased resident of Shyrokyne in 2016 appealed to law enforcement

<sup>357</sup> Nnils. Ispanskie dorovol'cy iz "Vostoka" pereshli v "Prizrak" k Mozgovomu [Spanish volunteers from the “Vostok” moved to the “Prizrak” to Mozgovoy] Nnils LiveJournal blog. Available at: <https://nnils.livejournal.com/2038554.html> (retrieved: 13 September 2019)

<sup>358</sup> The Small World of French Foreign Fighters / DFRLab. Available at: <https://medium.com/dfrlab/the-small-world-of-french-foreign-fighters-f53799ee3673> (retrieved: 13 September 2019).

<sup>359</sup> Ibid.

<sup>360</sup> Unité Continentale. Bonsoir camarades, Voici les dernières nouvelles concernant le “nouveau” groupe d’Unité Continentale au sein de la brigade internationale Pietnashka: Facebook page updates. Available at: <https://www.facebook.com/unite.continentale/videos/1924964971141984/> (retrieved: 11 September 2019).

<sup>361</sup> The conclusion about their participation in the Unité Continentale and their stay in the vicinity of Shyrokyne can be made from the content of the pages of these individuals in social networks. See, for example: Zoran Kljajic’s Facebook page. Available at: <https://www.facebook.com/radiozoran/photos> (retrieved: 11 September 2019).

<sup>362</sup> Dobrovolec.org. Oborona Novorossii [Defense of Novorossiya]. Congratulations on the birthday of the French volunteer, anti-globalist, patriot of France and Russia, as well as our comrade Guillaume! Vkontakte post. 09.04.2015. Available at: [https://vk.com/wall-66778537\\_4872](https://vk.com/wall-66778537_4872) (retrieved: 12 September 2019).

<sup>363</sup> Michael Takahashi seen in the photo of the unit base in Shyrokyne. See Unite Continentale unit base / Kotz Alexander. Komsomolskaya Pravda. 05.02.2015. Available at: [http://kpmia.ru/catalog/?SECTION\\_ID=26274&ELEMENT\\_ID=1698811](http://kpmia.ru/catalog/?SECTION_ID=26274&ELEMENT_ID=1698811) (retrieved: 13 September 2019); Takahashi Mishel / Centr “Mirotvorec”: Takahashi Mishel] Mirotvorets Center website. Available at: <https://myrotvorets.center/criminal/takaxashi-mishel/> (retrieved: 13 September 2019).

<sup>364</sup> Na juzhnom fronte, pod Mariupolem vojuet internacional'nyj otrjad Unite Continentale. [On the southern front, near Mariupol, the international unit Unite Continentale is fighting]. Komsomol'skaja Pravda. 29.01.2015. Available at: <https://www.youtube.com/watch?v=fycfwnOEOHI> (retrieved: 10 September 2019).

<sup>365</sup> Quem são os brasileiros em guerra /Istoe. 02.04.2015. Available at: [https://istoe.com.br/412025\\_QUEM+SAO+OS+BRASILEIROS+EM+GUERRA/](https://istoe.com.br/412025_QUEM+SAO+OS+BRASILEIROS+EM+GUERRA/) (retrieved: 13 September 2019).

<sup>366</sup> Na Donechchini zatrimano rosijanina – uchasnika teroristichnoi organizacii “DNR”, jakij prijav uchas' u obstrili ukrains'kih vijs'kovih u s. Shirokine: povidomlennja presssluzhbi prokuraturi Donec'koï oblasti [In Donetsk region, a Russian member of the terrorist organization DPR was detained, who took part in the shelling of the Ukrainian military in the village of Shyrokyne]. The press service of the Prosecutor’s Office of the Donetsk region] 15.08.2016. Available at: [https://don.gp.gov.ua/ua/news.html?\\_m=publications&\\_t=rec&id=190652&fp=60](https://don.gp.gov.ua/ua/news.html?_m=publications&_t=rec&id=190652&fp=60) (retrieved: 13 September 2019); Inozemnogo najmancja teroristiv zatrimala SBU v rajoni ATO [A foreign terrorist mercenary was detained by the SSU in the ATO area] SSU YouTube channel. 15.08.2016. Available at: <https://www.youtube.com/watch?v=FtrLb-Gg0M> (retrieved: 10 September 2019).

<sup>367</sup> Depending on the exchange rate in 2014-2017, this amount was the approximate equivalent of 200-250 euros.

<sup>368</sup> Bojovik, zasudzenij u Serbii, znovu vojuje na Donbasi [Militant, sentenced in Serbia, is fighting again in the Donbas] Radio Liberty. 20.10.2018. Available at: <https://www.radiosvoboda.org/a/29554393.html> (retrieved: 13 September 2019).

agencies with a request to provide the reference number of the criminal proceeding on the death of her husband. According to the police, the pre-trial investigation began on 15 February 2015, immediately after the body was taken to the morgue. After several calls and clarification of the circumstances of the death, the investigation division of the Kalmius police unit of the central police department of Main Department of the National Police in Donetsk region has opened another pre-trial investigation as of 4 May 2017 under Article 258(3) of the CCU (terrorist act). As of 2017, pre-trial investigation was underway in these criminal proceedings and the circumstances of the crime were established.

One of the main reasons for the small number of appeals submitted to law enforcement agencies is the lack of confidence of victims and their relatives in the law enforcement system and the inefficient work of government bodies. Thus, a relative of one of the victims noted during the interview that she did not contact the law enforcement agencies because she considers it a waste of time<sup>369</sup>.

According to another interviewee, the state authorities refused to explain to her the process of contacting the police: *"I applied here, where I received... in the Pension Fund [...] here they gave me death certificate [...] and there we had a woman. I said, "Well, where can I apply?" I tell his story and provide certificate of cause of death. "I don't know anything. When everything ends — then you will come again". And that is it. And I did not apply anywhere else"*<sup>370</sup>. The certificate of the cause of death issued to this woman by Volnovakha Department No. 2 of the Donetsk oblast Bureau of forensic medical examination stated that the cause of death of her relative was not established despite the fact that the deceased was severely beaten.

There is no information about the results of investigation into a bullet wound to the leg of an elderly man. According to the respondent's testimony, a police officer visited him in a hospital in Mariupol and asked about the circumstances of the incident. However, the man claims that no documents were issued to him, and he did not contact the police and was not interested in the state of the investigation of his case.

### Arbitrary detention and torture

Among the **eight cases** of arbitrary detention of civilians by the Ukrainian military reported in the interview, **only one is known to be reported to the law enforcement agencies**. A relative of the detainee asked for additional information on the fact of his disappearance, but the woman claims that law enforcement agencies did not carry out investigative actions and closed the proceedings after the dismissal of her husband. The victim and his relatives did not contact the police about the injuries caused to him during the interrogation<sup>371</sup>. The authors of the report do

not have information about the appeal of the other seven detainees to enforcement agencies.

Among the citizens of Shyrokyne who suffered from illegal detention by members of the IAG, there is no known person who would contact the law enforcement agencies in this regard. Some of these people now live on the temporarily occupied territories and have not contacted Ukrainian law enforcement agencies. There is no information available about the investigation by law enforcement agencies of the so-called DPR in cases of arbitrary detention and torture during the fighting in Shyrokyne.

### Destruction

The majority of real estate owners did not report criminal offences to the law enforcement agencies of Ukraine and are not recognized as victims in criminal proceedings on the facts of destruction of property, commission of terrorist acts, etc.

Only some Shyrokyne residents are recognized as victims in criminal proceedings investigated by the main department of the SSU in Donetsk and Luhansk regions<sup>372</sup>. However, as a rule, the recognition of victims applies only to cases of death (murder), injury or other damage to health in the village.

In the summer of 2018, "Saving Shyrokyne" CSO initiated separate criminal proceedings under Article 258 (2) (a terrorist act committed repeatedly or by prior agreement by a group of persons, or resulting in significant property damage or other serious consequences), Article 433(1) (violence, illegal destruction of property, as well as illegal taking of property under the pretext of military necessity, committed against the population in the area of military operations) of the CCU regarding the events in Shyrokyne. The organization sent a statement (report) on a crime to the Volnovakha police department of the Main Department of the National Police in Donetsk region, but the police did not find grounds for conducting investigation.

On 12 July 2018, the investigating judge of Volnovakha district court of Donetsk region satisfied the appeal of the organization and ordered police officials to enter information into the unified register of pre-trial investigations (URPTI) and start an investigation.

Police investigators complied with the decision of the investigating judge and began a pre-trial investigation under Article 258 (1) of the Criminal Code of Ukraine (terrorist act).

In the future, at least one person, according to his/her statement, was recognized as a victim in the criminal proceeding because of the destruction and looting of her housing in the village.

<sup>369</sup> EUCCI interview-7 dd. 01.08.2018.

<sup>370</sup> EUCCI interview -9 dd. 01.08.2018.

<sup>371</sup> EUCCI interview -31 dd. 06.06.2019.

<sup>372</sup> Criminal proceedings (case) no. 12014051040000163 on the facts of committing terrorist acts on the territory of the Donetsk region, registered on 27.05.2014.



Up to ten residents of Shyrokyne filed their applications for recognition as victims in this criminal case, but none received an official response to their application. Some applicants sent repeated requests. Not all of them received answers.

Later, the criminal case was transferred by the police for further investigation to the investigative division of the Main Department of the SSU in the Donetsk and Luhansk regions.

Applicants are unaware of the state of the pre-trial investigation.

The letter of the main Department of the SSU in Donetsk and Luhansk oblasts dated 2 May 2019, sent in the response to the request of the Center, states that 65 criminal proceedings were registered on the facts of committing terrorist acts in Shyrokyne from April 2014 to April 2019 directly by the investigative department no. 2 of the main department of the SSU in Donetsk and Luhansk regions. During the investigation of these criminal proceedings, no one has been notified of suspicion of committing criminal offenses, and no indictments (an application for exemption from criminal liability, the use of compulsory measures of a medical or educational nature) were sent to the court<sup>373</sup>.

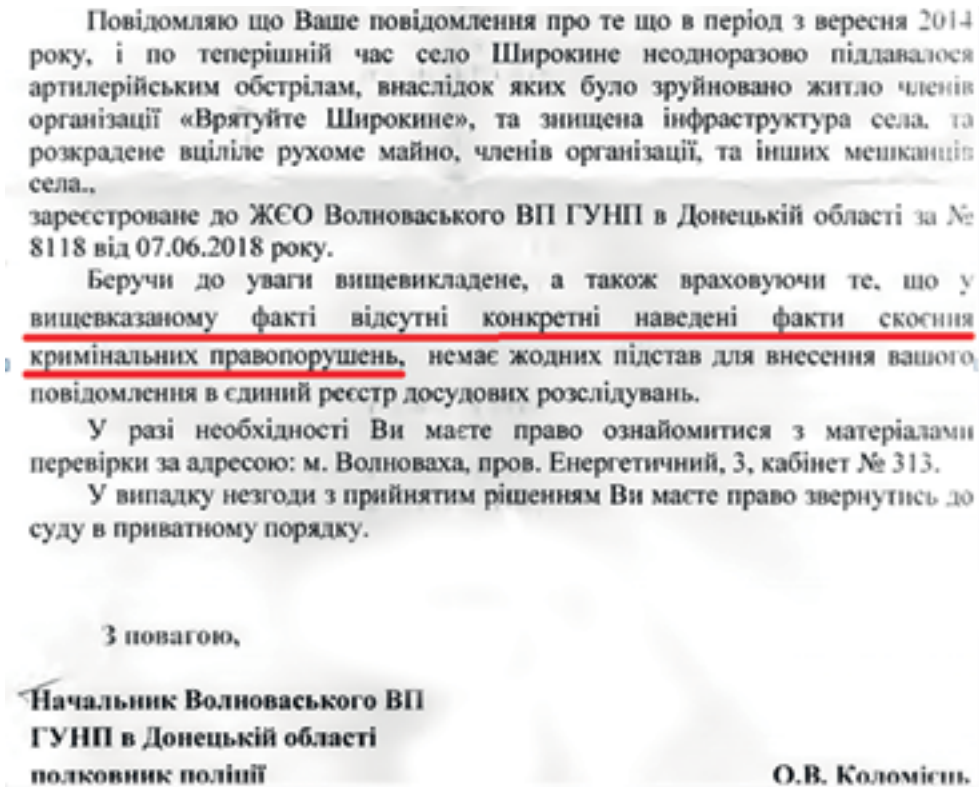


Photo 26. Letter from Volnovakha police department

I hereby inform you that your report on the fact that, from September 2014 until now, the Shyrokyne village has been repeatedly subjected to artillery bombardments, which have destroyed housing of members of the organization "Saving Shyrokyne", and destroyed the infrastructure of the village, and plundered the surviving property of the organization members and other villagers, is registered in the unified accounting register of the Volnovakha PD of the MDNP in Donetsk region under no. 8118 as of 7 June 2018.

Taking into account the mentioned above information, and taking into account that the above fact does not contain specific facts of criminal offenses, there is no grounds to enter the report into the unified register of pre-trial investigations.

If necessary, you have the right to review the examination materials: office #313, 3, Energetychnyi Lane, Volnovakha city.

Should you disagree, you may challenge the decision in court.

Kind regards,

**The Head of the Volnovakha PD of MDNP  
in Donetsk oblast. Police colonel**

**O.V. Kolomiets**

<sup>373</sup> A letter from the Chief of the SSU in the Donetsk and Luhansk regions dd.02.05.2019, ref. no. 78/2/13-1344nt.



**УХВАЛА  
ІМЕНЕМ УКРАЇНИ**

12 липня 2018 року

Слідчий суддя Волноваського районного суду Донецької області  
при секретарі судового засідання  
за участю прокурора  
представника заявника

м.Волноваха

Овчиннікова О.С.,  
Фоміних С.В.,  
Темертея К.Ю.,  
не з'явився

розглянувши матеріали скарги громадської організації «Врятування Широкине» на бездіяльність слідчого, яка полягає у невнесенні відомостей про кримінальне правопорушення до Єдиного реєстру досудових розслідувань,

**ВСТАНОВИВ:**

19.06.2018 року до Волноваського районного суду Донецької області суду надійшла скарга громадської організації «Врятування Широкине» на бездіяльність слідчого, яка полягає у невнесенні відомостей про кримінальне правопорушення до Єдиного реєстру досудових розслідувань.

В обґрунтування скарги зазначено, що 05.06.2018 року громадська організація звернулася до Волноваського ВП ГУНП в Донецькій області із заявою про вчинене кримінальне правопорушення передбачене ст. 258 КК України, яку Волноваський ВП отримав 07.05.2018 року. Станом на 11.06.2018 року відомості про вказане у заяві кримінальне правопорушення до ЄРДР не внесено.

Вважає протиправною бездіяльність співробітників Волноваського ВП ГУНП щодо невнесення відомостей до ЄРДР та просить зобов'язати посадових осіб Волноваського ВП ГУНП у Донецькій області внести відповідні відомості про вчинене кримінальне правопорушення до ЄРДР.

Представник заявника у судовому засіданні не з'явився, надав до суду заяву про розгляд скарги за його відсутності, на задоволення скарги наполягає.

Прокурор судовому засіданні заперечував проти задоволення скарги.

Слідчий суддя, заслухавши думку прокурора та дослідивши матеріали скарги, приходять до наступного висновку.

У судовому засіданні встановлено, що 05.06.2018 року громадська організація «Врятування Широкине» звернулася до Волноваського ВП із заявою про вчинене кримінальне правопорушення, передбачене ст. 258 КК України, та просили внести відповідні відомості до ЄРДР.

Відповідно до ст. 2 КПК України, завданнями кримінального провадження є захист особи, суспільства та держави від кримінальних правопорушень, охорона прав, свобод та законних інтересів учасників кримінального провадження, а також забезпечення швидкого, повного та неупередженого розслідування і судового розгляду з тим, щоб кожний, хто вчинив кримінальне правопорушення, був притягнутий до відповідальності в міру своєї вини, жоден невинуватий не був обвинувачений або засуджений, жодна особа не була піддана необґрунтованому процесуальному примусу і щоб до кожного учасника кримінального провадження була застосована належна правова процедура.

Відповідно до ч.2 ст. 9 КПК України прокурор, керівник органу досудового розслідування, слідчий зобов'язані всебічно, повно і неупереджено дослідити обставини кримінального провадження, виявити як ті обставини, що викривають, так і ті, що виправдовують підозрюваного, обвинуваченого, а також обставини, що пом'якшують чи обтяжують його покарання, надати їм належну правову оцінку та забезпечити прийняття законних та неупереджених процесуальних рішень.

Відповідно до ч.4 ст. 38 КПК України, орган досудового розслідування зобов'язаний застосувати всі передбачені законом заходи для забезпечення ефективності досудового розслідування.

На підставі ч.1 ст. 214 КПК України, слідчий, прокурор невідкладно, але не пізніше 24 годин після подання заяви, повідомлення про вчинене кримінальне правопорушення або після самостійного виявлення ним з будь-якого джерела обставин, що можуть свідчити про вчинення кримінального правопорушення, зобов'язаний внести відповідні відомості до Єдиного реєстру досудових розслідувань, розпочати розслідування та через 24 години з моменту внесення таких відомостей надати заявнику витяг з Єдиного реєстру досудових розслідувань. Слідчий, який здійснюватиме досудове розслідування, визначається керівником органу досудового розслідування.

Згідно ст. 303 КПК України на досудовому провадженні може бути оскаржена бездіяльність слідчого, яка полягає у невнесенні відомостей про кримінальне правопорушення до Єдиного реєстру досудових розслідувань після отримання заяви про кримінальне правопорушення.

Волноваський районний суд  
Донецької області

Овчиннікова 12.07.2018 14:37:14

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Слідчий, прокурор, інша службова особа, уповноважена на прийняття та реєстрацію заяв і повідомлень про кримінальні правопорушення, зобов'язані прийняти та зареєструвати таку заяву чи повідомлення. Відмова у прийнятті та реєстрації заяви чи повідомлення про кримінальне правопорушення не допускається.

Чинним законодавством України не передбачено жодних підстав, за яких уповноважена особа може прийняти рішення не вносити відповідні відомості до ЄРДР щодо заяви про злочин.

Проте, чинний Кримінальний процесуальний кодекс України не передбачає права посадових осіб ОВС вносити «листи», в яких повідомляти про невнесення даних до ЄРДР після отримання повідомлення про вчинення кримінального правопорушення.

Відповідно до ст. 19 Конституції України органи державної влади та органи місцевого самоврядування, їх посадові особи зобов'язані діяти лише на підставі, в межах повноважень та у спосіб, що передбачені Конституцією та законами України.

Відповідно до ст.12 Закону України «Про звернення громадян», дія цього Закону не поширюється на порядок розгляду заяв і скарг громадян, встановлений кримінальним процесуальним, цивільно-процесуальним, трудовим законодавством, законодавством про захист економічної конкуренції, законами України "Про судоустрій і статус суддів" та "Про доступ до судових рішень", «Кодексом адміністративного судочинства України».

Тобто дана заява (повідомлення) про вчинення кримінального правопорушення, відповідно до ст. 214 КПК України та Наказу Генеральної прокуратури України «Про єдиний реєстр досудових розслідувань» від 17 серпня 2012 року за № 69 підлягала реєстрації та подальшому розгляду в порядку кримінально-процесуального законодавства України.

Крім того перевірявши матеріали, додані до скарги, слідчий суддя приходив до висновку що існують обґрунтовані сумніви в правомірності відмови внесення заяви до ЄРДР, тому скарга підлягає задоволенню частково.

Відповідно до ст.307 КПК ухвала слідчого судді за результатами розгляду скарги на бездіяльність під час досудового розслідування може бути про зобов'язання вчинити певну дію.

Оскільки частиною 2 ст.307 КПК України не передбачено визнання слідчим суддею незаконною бездіяльності слідчого під час розгляду скарг на дії чи бездіяльність органів досудового розслідування, будь-які підстави для задоволення цієї вимоги скарги громадської організації «Врятування Широкине» відсутні.

Ураховуючи те, що невнесення відомостей про кримінальне правопорушення до Єдиного реєстру досудових розслідувань після отримання заяви про кримінальне правопорушення, є суттєвим порушенням слідчим вимог закону, суд приходив до висновку про наявність правових підстав для часткового задоволення скарги.

Керуючись ст.ст. 303-307 КПК України, слідчий суддя

#### УХВАЛИВ :

Скаргу громадської організації «Врятування Широкине» на бездіяльність слідчого, яка полягає у невнесенні відомостей про кримінальне правопорушення до Єдиного реєстру досудових розслідувань - задовольнити частково.

Зобов'язати посадових осіб Волноваського ВП ГУНП в Донецькій області внести відомості про кримінальне правопорушення за заявою громадської організації «Врятування Широкине» від 05.06.2018 року до Єдиного реєстру досудових розслідувань про вчинення злочину за ст. 258 КК України.

В іншій частині скаргу залишити без задоволення.

Ухвала остаточна, оскарженню не підлягає.

Слідчий суддя

О.С.Овчиннікова



Волноваський районний суд

Донецької області

Оскаржено 12.07.2018 14:37:14

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**IN THE NAME OF UKRAINE**

July 12, 2018

Investigative judge of the Volnovakha district court of Donetsk region  
In presence of the Secretary of the court hearing  
with the participation of the Prosecutor  
representative of the applicant

Ovchynnikova O.S.,  
Fominykh S.V.  
Termetei K.Yu.  
absent

having considered the materials of the complaint of the civil society organization "Saving Shyrokyne" on the inaction of the investigator, which consists of the failure to enter information about a criminal offense to the unified register of pre-trial investigations,

**FOUND:**

On 19.06.2018, the Volnovakha district court of Donetsk oblast received a complaint from the civil society organization "Saving Shyrokyne" on the inaction of the investigator in the failure to include information about a criminal offense to the unified register of pre-trial investigations.

In support of the complaint, it is stated that on 5 June 2018, the civil society organization appealed to the Volnovakha Police Department of the MDNP in the Donetsk oblast with a report of criminal offense under Article 258 of the CCU, which the Volnovakha PD received on 7 May 2018. As of 11 June 2018, information about the criminal offense specified in the application has not been entered into the URPTI.

Considers inaction of employees the Volnovakha PD MDNP regarding the non-inclusion of information into the URPTI to be unlawful and asks to oblige the officials of the Volnovakha PD MDNP in the Donetsk oblast to introduce the corresponding data on the committed criminal offense to the URPTI.

The applicant's representative is not present at the court session, provided the court with an application for consideration of the complaint in his absence, and insists on satisfying the complaint.

The investigating judge, after hearing the Prosecutor's opinion and examining the complaint materials, comes to the following conclusion.

The court session found that on 5 June 2018, the civil society organization "Saving Shyrokyne" appealed to the Volnovakha PD with a report of a criminal offense under Article 258 of the CCU, and asked to enter the relevant information in the URPTI.

According to Article 2 of the CPC of Ukraine, the objectives of criminal proceedings are to protect individuals, society and the State from criminal offenses, to protect the rights, freedoms and legitimate interests of participants in criminal proceedings, as well as to ensure a rapid, complete and impartial investigation and judicial review so that everyone who committed a criminal offense is held accountable to the extent of their guilt, nor is innocent, no person has been subjected to unreasonable procedural coercion and that due process of law has been applied to each participant in criminal proceedings.

According to part 2 Article 9 of the CPC of Ukraine, the Prosecutor, a chief of the pre-trial investigation body, an investigator must thoroughly, fully and impartially investigate the circumstances of the criminal proceedings, to reveal both the circumstances that prove that the suspect is guilty, and those that justify the suspect, the accused, and the circumstances mitigating or aggravating the punishment, to give them a proper legal assessment and to ensure the adoption of lawful and impartial procedural decisions.

In accordance with part 4 of Article 38 of the CPC of Ukraine, the pre-trial investigation body is obliged to apply all measures provided for by law to ensure the effectiveness of a pre-trial investigation.

On the basis of part 1 and Article 214 of the CPC of Ukraine, an investigator, Prosecutor must immediately, but not later than 24 hours after submitting an application, a report on a criminal offense committed, or after independently identifying circumstances from any source that may indicate the commission of a criminal offense, enter the relevant information into the unified register of pre-trial investigations, initiate an investigation, and provide the applicant with an extract from the unified register of pre-trial investigations within 24 hours of entering such information. The investigator who will carry out the pre-trial investigation is selected by the Head of a pre-trial investigation body.

According to Article 303 of the CPC of Ukraine, the inaction of the investigator may be appealed on pre-trial proceedings, which consists of the non-inclusion of information about a criminal offense to the unified register of pre-trial investigations after receiving allegations of criminal wrongdoing.

An investigator, Prosecutor, or other official is authorized to accept and register applications and reports on criminal offenses, and are obliged to accept and register such an application or notification. Refusal to accept and register an application or report on a criminal offense is not allowed.

The current legislation of Ukraine does not provide any grounds for the authorized person to decide not to enter information into the URPTI regarding the crime commission.

However, the current CPC of Ukraine does not provide for the internal affairs officials with the right to issue "letters" which report on not entering data into the URPTI after receiving a report on a criminal offense.

According to article 19 of the Constitution of Ukraine, state authorities and local self-government bodies and their officials are obliged to act only on the basis, within the limits of their powers and in the manner provided for by the Constitution and laws of Ukraine.

According to article 12 of the Law of Ukraine "On citizens' appeals", this law does not apply to the procedure for reviewing applications and complaints of citizens established by criminal procedure, civil procedure, labor legislation, legislation on protection of economic competition, laws of Ukraine "On the judicial system and status of judges" and "On access to judicial decisions", "On the Code of administrative procedure of Ukraine".

Therefore, the statement (report) on the commission of a criminal offence, according to Article 214 of the CPC of Ukraine and the Order of the Prosecutor General of Ukraine No. 69 "On the unified register of pre-judicial investigations" as of 17 August 2012 was a subject to the registration and further consideration in the order of the criminal procedural legislation of Ukraine.

In addition, after checking the materials attached to the complaint, the judge concludes that there are reasonable doubts about the legality of refusal to submit an application to the URPTI, so the complaint is a subject to partial satisfaction.

According to Article 307 of the CPC, the ruling of the investigating judge by results of consideration of complaints on inaction during the pre-trial investigation may be about an obligation to take some action.

Since part 2 of Article 307 of the CPC of Ukraine does not provide for the recognition by the investigating judge of the investigator's inaction when considering complaints about the actions or inactions of pre-trial investigation bodies, there are no grounds for satisfying this requirement in the complaint of the civil society organization "Saving Shyrokyne".

Given that the failure to enter information about a criminal offense into the unified register of pre-trial investigations after receiving a statement about a criminal offense is a significant violation of the requirements of the law by the investigator, the court concludes that there are legal grounds for partially satisfying the complaint.

Guided by Articles 303-307 of the CPC of Ukraine, the investigating judge

#### **RULED:**

To satisfy in part the complaint of the civil society organization "Saving Shyrokyne" on the inaction of the investigator, which consists of the non-inclusion of information about a criminal offense to the unified register of pre-trial investigations.

To oblige officials of the Volnovakha PD of the MDNP in the Donetsk oblast to enter information on criminal offense at the request of the civil society organization "Saving Shyrokyne" from 5 June 2018 to the unified register of pre-trial investigations on a crime committed under Article 258 of the CCU.

The rest of the complaint shall be left without satisfaction.

The decision is final and is not subject to appeal.

Investigative judge Volnovakha district court of Donetsk region

O.S. Ovchynnikova

## Looting

It is a matter of concern that even in isolated cases of detention of persons with stolen goods, the perpetrators do not bear legal responsibility.

For example, decision of the Pershotravnevyi district court of Donetsk region dd. 11 August 2015 (published in the USRCD) states that, on 10 August 2015, police stopped a truck Fiat Ducato carrying a variety of things on the section of M14 road Odesa – Melitopol – Novoazovsk km 619+18 m. The list of items included household appliances, furniture, dishes, low-value items as two fumigators, 20 screws, a shoe spoon, a shower head holder, a wooden brush and a teaspoon, ketchup and honey in a bottle, an umbrella without a handle, children's wreaths and a mop for a broom, as well as many other similar things.

From the explanations of the driver, it was established that he obtained those items from households located in

Shyrokyne for personal use. The court seized the stolen items. The court's decision does not specify the status of the detained person (combatant or civilian)<sup>374</sup>.

Investigators of Pershotravnevyi district division of the Ministry of Internal Affairs of Ukraine in Donetsk region included information about the crime in URPTI (No. 12015050710000487) on Article 185(3) of the CCU (theft connected with penetration into housing, other room or storage or which caused significant damage to the victim), and initiated pre-trial investigation. Nobody has been notified of suspicion in this case<sup>375</sup>. Pre-trial investigation in criminal proceedings is still formally underway by investigators of the Volnovakha police department. The same police department is also investigating other criminal proceedings related to the theft of property in Shyrokyne but even information about the number of such proceedings was not provided by the police<sup>376</sup>.

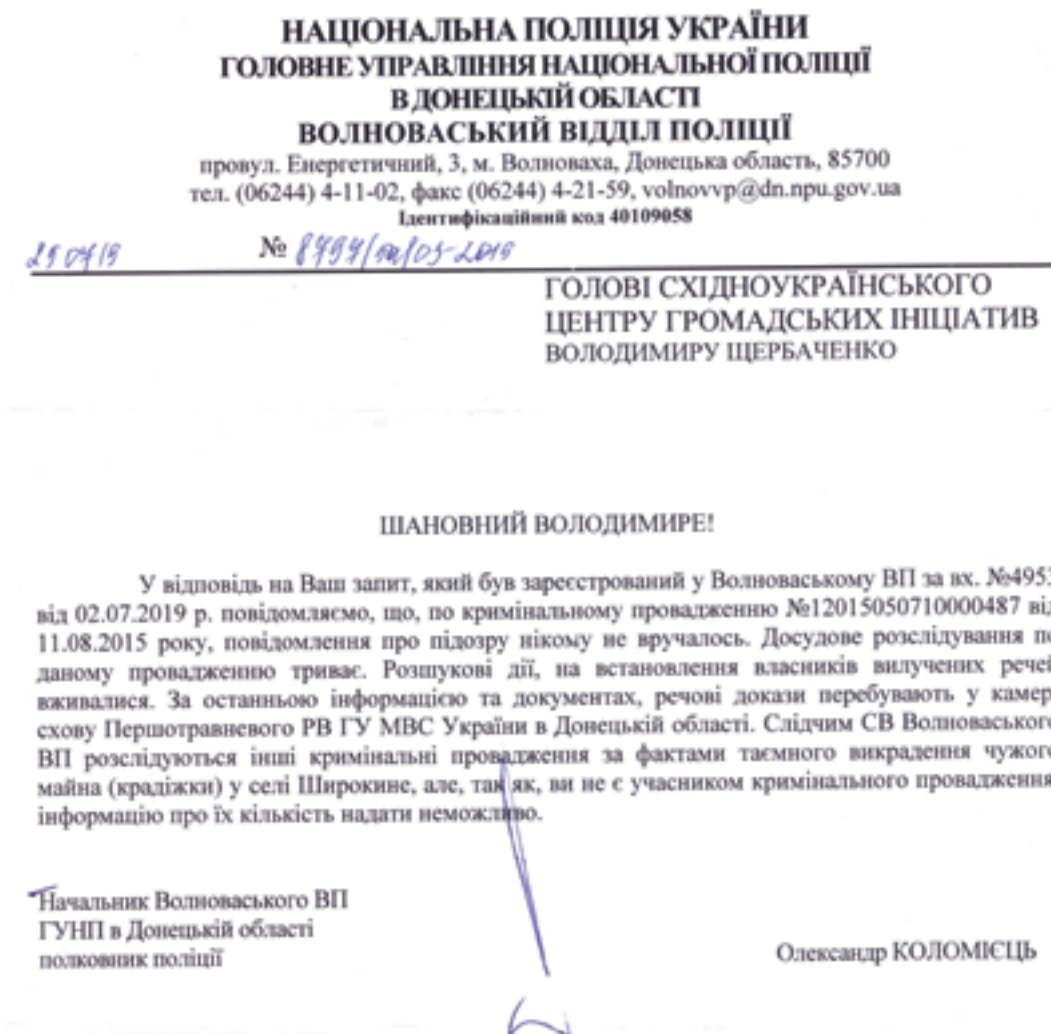


Photo 28. Volnovakha Police Department's reply

<sup>374</sup> Ukhvala Pershotravnevoogo rajonnoogo sudu Donec'koi oblasti vid 11.08.2015 u spravi № 241/1749/15-k. ЄDRSR. [Decision of the Pervomaisky district court of Donetsk oblast from 11.08.2015 in case no. 241/1749/15-K. USRCD.] 13.08.2015. Available at: <http://reyestr.court.gov.ua/Review/48204436>(retrieved: 11 September 2019).

<sup>375</sup> Letter from the Mangush police Department of to the MDNP in the Donetsk oblast dated 13.06.2019 outgoing correspondence. No. 6912/106/03-2019.

<sup>376</sup> Letter of the Volnovakha police Department of the MDNP in the Donetsk oblast dated 25.07.2019 outgoing correspondence No. 8797/5A / 03-2019.

**NATIONAL POLICE OF UKRAINE  
MAIN DEPARTMENT OF NATIONAL POLICE  
IN DONETSK REGION  
VOLNOVAKHA POLICE DEPARTMENT  
3, Energetychnyi Lane, Volnovakha city, Donetsk oblast, 85700  
phone. (06244) 4-11-02, fax (06244) 4-21-59, volnovvp@dn.npu.gov.ua  
Identification code 40109058**

**250719**

**№ 8797/59/03-2019**

**TO THE HEAD OF THE EASTERN- UKRAINIAN  
CENTER FOR CIVIC INITIATIVES  
VOLODYMYR SHCHERBACHENKO**

**DEAR VOLODYMYR!**

In response to your request registered in Volnovakha Police Department under the no. 4953 dd. 02.07.2019, we inform you that, in criminal proceedings no. 12015050710000487 dd. 11.08.2015, the notification of suspicion was not served to anyone. Pre-trial investigation on this case is ongoing. Search actions were used to identify the owners of the seized items. According to the latest information and documents, physical evidence is in the storage room of the Pershotravnevyi district unit of the Main Department of the Ministry of Internal Affairs of Ukraine in Donetsk region. The investigator of Volnovakha police department is investigating other criminal proceedings on the facts of theft of other people's property in the village of Shyrokyne, but, as you are not a participant of criminal proceedings, information regarding its number cannot be provided.

**The Head of the Volnovakha Volnovakha PD  
of MDNP in Donetsk oblast. Police colonel**

**O.V.Kolomiets**

Analysis of court decisions posted in the USRCDC for the period from January 2015 to April 2019 showed that this is probably the only case of official detention of a person with property stolen in the village of Shyrokyne.

One of the respondents told the Center that approximately in 2015, she participated in the identification of things (metal tanks, buckets, pans) seized by law enforcement officers from the Ukrainian military (presumably in the settlement of Sartana). Among the items presented to her for identification, she recognized two of her metal cans. The woman does not know anything about the further investigation of this case<sup>377</sup>.

Another respondent also recalls the case of removing items from the military: *"I got a call from Sartana: "Metal and non-ferrous metal dishes were taken out of your Shyrokyne. We arrived at the scrap metal reception point.*

*The police arrested them. There were three soldiers. The UAZ is clogged with pans and other metal. Some people recognized their things"*<sup>378</sup> The man is unaware about the further investigation of this case.

One of the respondents recalled a case where the Ukrainian military towed a local's tractor from Shyrokyne to Mariupol with a fuel tanker. Later, allegedly detained by the military law enforcement service and the police, the military explained that they seemed to have bought a tractor from a resident. It is unclear whether criminal proceedings have been initiated on this matter<sup>379</sup>.

According to the Shyrokyne activist, one of the police officials advised the residents of Shyrokyne "to be on duty with the military at checkpoints and help in the fight against looters"<sup>380</sup>.

<sup>377</sup> EUCCI interview-1 dd. 29.05.2018; Maroderstvo v Shirokino [MRPL CITY. Looting in Shirokino] 01.11.2017. Available at: [https://www.youtube.com/watch?v=-EIEZI\\_NMhY](https://www.youtube.com/watch?v=-EIEZI_NMhY) (retrieved: 22 September 2019).

<sup>378</sup> EUCCI interview-2 dd. 30.05.2018.

<sup>379</sup> Ibid.

<sup>380</sup> Pereselencam iz Shirokino predlozhili samim borot'sya protiv maroderov v poselke (video) [IDPs from Shyrokyne were offered to fight against looters in the village (video)] Mrpl.city. 07.11.2018. Available at: <https://mrpl.city/news/view/pereselentsam-iz-shirokino-predlozhili-samim-borotsya-protiv-marodjorov-v-poselke-video> (retrieved: 13 September 2019).

## Mercenary activities

Cases of official investigations into mercenaries were found in Serbia whose citizens participated in the fighting on the territory of Shyrokyne<sup>381</sup>. There is no information about the conviction of Serbian mercenaries who took direct part in the battles near Shyrokyne, but according to the Balkan edition of Radio Free Europe, the High Court in Belgrade, as of 2018, handed down 28 sentences to

citizens of Serbia for participation in the armed conflict in Ukraine.

Twenty-six of these sentences are final (based on a guilty plea and an agreement with the Prosecutor's office). Four individuals were given prison sentences, while others received suspended sentences. In general, 45 trials were initiated in Ukraine regarding the participation of Serbian citizens in the armed conflict.

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<sup>381</sup> Bojovik, zasudzenij u Srbii, znovu vojue na Donbasi [Militant, sentenced in Serbia, is fighting again in the Donbas]. Radio Liberty. 20.10.2018. Available at: <https://www.radiosvoboda.org/a/29554393.html> (retrieved: 13 September 2019).



# 4. RESIDENTS OF SHYROKYNE AS INTERNALLY DISPLACED PERSONS: CURRENT LEGAL AND HUMANITARIAN PROBLEMS OF THE VILLAGE RESIDENTS

## 4.1. Pensions and social payments

Ukraine is a State party to a number of international legal acts that protect the right to social security, including pensions<sup>382</sup>. Article 1 of Protocol 1 of the ECHR on the protection of property rights guarantees the right to the peaceful enjoyment of possessions, and pension is interpreted as a property right.

The armed conflict in the east of Ukraine affected the work of state bodies of Ukraine, which ceased to exercise their powers in the occupied regions of Donetsk and Luhansk regions. As a result, the Cabinet of Ministers adopted several legal acts to regulate public relations related to the internal displacement of residents of Donetsk and Luhansk regions, in particular regarding their receipt of social payments.

In October 2014, the Cabinet of Ministers adopted a Resolution “On providing monthly targeted aid to internally displaced persons to cover living expenses, including payment for housing and communal services”. Among other things, it stated that people who move from the ATO areas are paid a monthly targeted aid for housing and communal services. At the time of this report, the amount was UAH 1,000 per person per month for persons with disabilities and for UAH 442 per person for employable persons (family members)<sup>383</sup>. These payments are provided to persons who register as displaced in the departments of social protection, and are paid from the date of application for 6 months or until the removal from the register (as an IDP) to one of the family members.

One of the innovations is that people can get a pension if they are registered as IDPs in the GCA and have passed verification. In 2016, the CMU adopted Resolution No. 365 “Certain aspects of the provision of social payments to internally displaced persons”, which introduced verifications of the actual place of residence of IDPs, as well as established commissions that used the results of verification to make decisions on the continuation or suspension of social payments (in particular, pensions)<sup>384</sup>.

If an IDP is absent at the place of residence for more than 60 days, and if it is known that such a person left for the uncontrolled territory, their IDP certificate will be canceled and the person will be deprived of social benefits, and restoration of such payments in most cases will be conducted through a court. The absence of a displaced pensioner at home at the time of verification or the missed deadline for identification leads to the loss of the pension, which encourages people to stay at home constantly waiting for verification. Verification of lists of the SSU and other bodies often leads to incorrect informing of social protection bodies about cases of return of IDPs to their place of residence on the temporarily occupied territories. Later, this leads to mass illegal deprivation of social payments for persons who are entitled to it, including in Shyrokyne.

In December 2018, the Supreme Court declared the decisions of the CMU concerning the verification of the presence of IDPs at the registered place of residence to receive social payments as illegal<sup>385</sup>. However, human

<sup>382</sup> Article 22, 25 of the Universal Declaration of Human Rights; Article 9 of the International Covenant on Economic, Social and Cultural rights of 16.12.1966; the Social Security (Minimum Standards) Convention No. 102 of 28.06.1952 of the International Labour Organization.

<sup>383</sup> See On the provision of monthly targeted assistance to internally displaced persons for living expenses, including housing and communal services: Resolution of the Cabinet of Ministers No. 505 dd. 01.10.2014, p. 3. Available at: <https://zakon.rada.gov.ua/laws/show/505-2014-%D0%BF> (retrieved: 13.09.2019).

<sup>384</sup> Verification takes place in several stages: verification of the actual place of residence; physical identification in specific branches of the state bank; verification according to State Border Guard Service, Ministry of Internal Affairs, SSU, the Ministry of Finance, National Police, State Migration Service, State Financial Inspection, State Audit Service and other executive bodies and local self-governance authorities. See Certain aspects of the provision of social payments to internally displaced persons: resolution of the Cabinet of Ministers no. 365 dd. 08.06.2016. Available at: <https://zakon.rada.gov.ua/laws/show/365-2016-%D0%BF> (retrieved: 13.09.2019).

<sup>385</sup> Resolution of the panel of judges of the Cassation Administrative Court of the Supreme Court dd. 20.12.2018 in the case No. 826/12123/16. USRCD. 26.12.2018. Available at: <http://www.reyestr.court.gov.ua/Review/78808062> (retrieved: 11.09.2019).

rights activists and international organizations continue to record the facts of termination of payments by the Pension Fund of Ukraine (PFU) in accordance with the regulations already recognized invalid. *“This situation continues until now. This is a direct result of the state policy that binds the right to a pension to registration as internally displaced persons and the verification procedure following this link”*<sup>386</sup>, - said the former Head of the UN Monitoring Mission for human rights in Ukraine Fiona Fraser. Unfortunately, this problem is still relevant for all regions of Ukraine, where there are displaced pensioners.

This creates an artificial situation where victims are forced to file lawsuits to restore payments because this is the most effective solution to the problem. Mostly in such cases, the courts decide in favor of the displaced. However, the situation disproportionately complicates the lives of IDPs forced to conduct lengthy legal proceedings, pay a court fee and wait for payment while remaining deprived of their means of livelihood.

During the monitoring, a number of cases of illegal termination of pension payments to IDPs from Shyrokyne were recorded. At least seven Shyrokyne residents in that category were in particularly difficult circumstances. The interviewees described cases of termination of pension payments, after which they asked the PFU for an explanation of the reasons for such actions. The PFU indicated in its responses that this was done through “the need to establish the actual place of residence” and assured that these citizens were included in the list for pension restoration<sup>387</sup>. After some time, the commission decided to resume payment of the pension. However, as of August 2019, the PFU had not paid the debt for the period of delay justifying its actions by the need to wait for the adoption of a separate CMU order in accordance with the Resolution No. 365, which would create such a mechanism.

An elderly resident of the village says, *“And now we are waiting for the restoration of the pension. We waited for five months. Recently, in December, I went to the head of the Pension Fund and asked, “Please tell me when this pension will be paid, when the debt will be paid?” She said, “There is no order from the Cabinet of Ministers to pay this pension”*<sup>388</sup>.

In one of the mentioned cases, the PFU justified the termination of payments based on the data of the “Arkan”

system<sup>389</sup>. The case concerned a crossing of the border by an elderly man interviewed by the Center: *“... Arkan made a request in April. To check my place of residence. [...] I was checked on 10 May. For the first time, my pension was blocked in June. Both the Pension Fund and the department of social protection verified me”*<sup>390</sup>. The pensioner was forced to apply to the State Border Service to correct a technical error in the “Arkan” system.

As practice shows in similar cases, an effective solution for paying debts is to apply to courts authorities. In one of these situations, a pensioner from Shyrokyne in June 2018 stopped receiving pension due inaccurate information in the PFU system about her return to the temporarily occupied territories. Following numerous appeals to the PFU and other officials, in October 2018, the pension payment was resumed but without debt payment. In November 2018, the victim’s daughter appealed to the Donetsk District Administrative court with a claim to oblige the PFU to pay the debt for the period from 1 June 2018 to 30 September 2018 with compensation. The court decided in favor of the victim, and the PFU paid the pension debt.

Despite the successful completion of the case, the pensioner still did not receive a pension for a long time, and if it were not for her daughter’s help, the woman with serious health problems would not have any means to ensure her existence. The daughter who looks after her was forced to fight for her mother’s legal right to a pension due to the negligence of state authorities for a year: *“So, am I supposed to go to court every day? ...the absurdity of the situation... prove to me in a legitimate way that I am wrong, that I am doing something incorrect [...] What prevents them from paying money that person earned working for the State of Ukraine?”*<sup>391</sup>.

Using the return to an abandoned place of residence as an excuse to terminate payments is absurd in the situation of residents of Shyrokyne. Unlike other IDPs who can cross the contact line to visit their own homes in the temporarily occupied territory, village residents do not need to cross the contact line since the territory of the village is controlled by the Ukrainian military.

Such cases demonstrate violations of the rights of IDPs since the actions of the State violate international law and Ukrainian legislation. Article 46 of the Constitution of Ukraine and the Law of Ukraine “On State Pension” enshrine the right to social protection and a pension

<sup>386</sup> OON zaklilaie Ukrainu zminiti pravila viplati pensij pereselencjam [The UN calls on Ukraine to change the rules for payment of pensions to IDPs]. UKRINFORM.12.03.2019. Available at: <https://www.ukrinform.ua/rubric-society/2657610-oon-zaklikae-ukrainu-zminiti-pravila-viplati-pensij-pereselencjam.html> (retrieved: 11.09.2019).

<sup>387</sup> EUCCI interview-16 dd. 15.01.2019; EUCCI-17 dd. 15.01.2019, EUCCI-19 dd. 16.01.2019; EUCCI-18 dd. 16.01.2019; EUCCI-20 dd. 16.01.2019.

<sup>388</sup> EUCCI interview-17 dd. 15.01.2019.

<sup>389</sup> An interdepartmental automated system for the exchange of information regarding the control of persons, vehicles and cargo that cross the state border of Ukraine.

<sup>390</sup> EUCCI interview-19 dd. 16.01.2019.

<sup>391</sup> EUCCI interview -18 dd. 16.01.2019.

upon reaching a certain age, having a disability or other grounds. Ukrainian legislation establishes limited grounds for depriving a person of a pension, and the verification does not comply with the Law of Ukraine “On Mandatory State Retirement Insurance”, which was established by the Supreme Court in a decision dated 20.12.2018<sup>392</sup>.

The ECtHR case law establishes that, even in the case of limited control over a territory, the state has positive obligations towards persons living there. That is, Ukraine, as a State party to the European Convention, must take all possible measures that meet the norms of international law to protect human rights<sup>393</sup>. Since conditions for receiving pension by IDPs do not apply to other Ukrainian pensioners, it constitutes discrimination based on their place of residence or registration as IDPs. Such actions are contrary to the principles established in Article 14 of the ECHR.

The practice of Ukrainian state bodies in paying pensions does not meet the criteria of necessity and proportionality of restrictions, which suggests the future appearance of such cases against Ukraine in the ECtHR if the situation does not change.

As of August 2019, out of the **seven** mentioned **cases** identified during monitoring, all persons received a pension after the restoration of payments. However, only **one** person received the pension debt for the period when payments were groundlessly terminated due to numerous appeals to high-ranking officials. In all other cases, the debt has not yet been repaid.

According to respondents, pensioners have the opportunity to receive pensions **in the territories controlled by the so-called DPR**. One of the respondents<sup>394</sup> mentioned friends from Shyrokyne who live or travel to the temporarily occupied territories where they receive pension and social payments. In particular, this applies to settlements near Shyrokyne-Sakhanka, Bezimenne, Novoazovsk, etc.

In the so-called DPR, pensions are paid to citizens registered as pensioners residing on the territory of the

self-proclaimed republic. Payments are terminated if a person has not received them within two months. To restore payments, you must submit an application, but the sum of pension which was supposed to be paid during the period of termination of payments is not paid<sup>395</sup>.

In April 2019, the President of the Russian Federation signed a Resolution on simplification of procedure for the obtainment of a Russian passport for certain categories of citizens of Ukraine, which applies to residents of the so-called DPR/LPR<sup>396</sup>. However, Ukrainian citizens who thus receive Russian passports for the sake of Russian pensions will be able to receive payments only if their place of residence is registered in the Russian Federation<sup>397</sup>. The Pension Fund of the Russian Federation justified its decision by the current Agreement on guarantees of the rights of citizens of the CIS member States in the field of pension provision dated 13 March 1992, which establishes that pension provision to citizens of the CIS member States and members of their families is carried out according to the legislation of the State of their residence<sup>398</sup>.

Already in July 2019, the President of the Russian Federation signed a Resolution that provided an opportunity to obtain Russian citizenship in a simplified manner for residents of the part of Donbas controlled by the Government of Ukraine. The document applies to all persons were registered in any part of Donetsk and Luhansk regions as of April 2014<sup>399</sup>.

## 4.2. Medical assistance and psychological support

IHL regulates the protection of civilians in the context of armed conflict but does not establish obligations to provide further medical assistance to victims. All respondents said that the fighting in Shyrokyne had negative impact on their future lives; their psychological and physical health had deteriorated. Respondents noted that the State did not provide (or provided insufficient) medical and psychological assistance for the harm, injuries and deaths resulting from the armed confrontation.

<sup>392</sup> Resolution of the panel of judges of the Cassation Administrative Court of the Supreme Court dd. 26.12.2018, case No. 826/12123/16. USRCD.] 20.12.2018. Available at: <http://www.reyestr.court.gov.ua/Review/78808062> (retrieved: 11.09.2019).

<sup>393</sup> Ilaşcu and Others v. Moldova and Russia, application no. 48787/99 (Judgment). The European Court of Human Rights. Para. 330-331. 08.07.2014. Available at: <http://hudoc.echr.coe.int/eng?i=001-61886> (retrieved: 11.09.2019).

<sup>394</sup> EUCCI interview-19 dd. 16.01.2019.

<sup>395</sup> Uvazhaemye pensionery: obrashhenie Pensionnogo fonda DNR [Dear pensioners: statement of the DPR Pension Fund]. DPR Pension Fund: web site. 29.06.2018. Available at: <http://pfdnr.ru/index.php/1112-uvazhaemye-pensionery-3> (retrieved: 07.09.2019).

<sup>396</sup> Decree on defining categories of persons entitled to apply for Russian citizenship in a simplified manner for humanitarian purposes / Administration of the President of Russia. 24.04.2019. Available at: <http://kremlin.ru/acts/news/60358> (retrieved: 13.09.2019).

<sup>397</sup> Pasporta i pensii: chto Rossija dast zhiteljam Donbassa / [Passports and pensions: what Russia will give to the residents of the Donbass]. Gazeta.ru. 26.04.2019. Available at: <https://www.gazeta.ru/business/2019/04/25/12322861.shtml> (retrieved: 13.09.2019).

<sup>398</sup> Article 1 of the agreement on guarantees of the rights of citizens of the CIS member States in the field of pension provision dated 13.03.1992.

<sup>399</sup> On amendments to the Decree No. 187 of the President of the Russian Federation as of 29.04.2019 “On certain categories of foreign citizens and stateless persons entitled to apply for citizenship of the Russian Federation in a simplified manner”: Decree of the President of the Russian Federation] Available at: <http://publication.pravo.gov.ru/Document/View/0001201907170036?index=0&rangeSize=1> (retrieved: 13.09.2019).

In November 2017, the Verkhovna Rada amended the Law of Ukraine “On the status of war veterans, guarantees of their social protection”, which established the right to receive disability status for civilians who sustained harm in the course of the ATO. Previously, such persons received a disability status with the definition of “general illness” which formally excluded the victims from the group of people who suffered in connection with the armed conflict. Since February 2018, the Law has entered into force and introduced a category that includes those “...who developed a disability resulting from injuries or other health injuries [...] from explosives, ammunition and military weapons on the territory of the anti-terrorist operation, implementation of measures to ensure national security and defense, repulse and deter the armed aggression of the Russian Federation in Donetsk and Luhansk oblasts until 1 December 2014; from 1 December 2014 – on the territory of the anti-terrorist operation, implementation of measures to ensure national security and defense, repulse and deter the armed aggression of the Russian Federation in Donetsk and Luhansk regions, where state authorities exercise their powers, and in settlements located on the contact line, during the anti-terrorist operation...”<sup>400</sup>.

Later, the CMU adopted a Resolution<sup>401</sup>, which defines the procedure for establishing the link between disability and injury or other damage to health. In November 2018, the Regulation on the Interdepartmental Commission for establishing the facts of injuries or other health injuries came into force<sup>402</sup> approving the procedure for the commission’s operations and the application form for establishing the fact of injury.

The Law of Ukraine “On the rehabilitation of persons with disabilities in Ukraine” also applies to civilians who lived in the ATO areas. It regulates the provision of rehabilitation services to persons with disabilities, including the preparation of an individual rehabilitation program.

Among the interviewed victims of violence and shelling in Shyrokyne, three people who certainly needed emergency medical assistance received free treatment immediately after being injured<sup>403</sup>. Medical assistance was provided

mainly after the victims were taken from Shyrokyne to the nearest hospital. One of these respondents due to attacks was forced to wait about 12 hours to be taken out of the village and delivered to the hospital<sup>404</sup>.

The victims also claim that after the injury, there was a need for further medical assistance. The resulting injuries and health problems require further treatment, which occurs mainly at the expense of the victims themselves. This topic was covered by the Ukrainian media, in particular, in one of the reports, two residents of Shyrokyne talked about the sustained contusions and paralysis of their legs as a result of the shelling<sup>405</sup>.

One of the men was seriously injured as a result of the shelling, his leg was partially amputated in the hospital, and several fragments are still in the other leg and near the heart, because it is dangerous to remove them. The victim applied to the medical evaluation commission and received a second category of disability. It is obvious that the man needs supportive therapy for his injuries.

Another respondent became a wheelchair user because his car was hit and one of the bullets damaged his spine<sup>406</sup>. The man went through several operations and rehabilitation. Most of all, he resented the fact that the documents identified the cause of disability as a “general illness” rather than an injury caused by shelling: “[...] I am not satisfied that my pension certificate states “general illness”. That is, it is not reflected anywhere that it did not happen due to my stupidity, that it was not an accident or a car crash”<sup>407</sup>. This situation was a common practice before the adoption of changes to the legislation, and there was no mechanism for recognizing such persons as victims of war.

Two out of three respondents received the status of a person with a disability and the corresponding social payments but no rehabilitation services. The payments received are too small to cover treatment, so they were forced to turn to individuals and charitable foundations to get funds for medical care.

Often, an obtainment of the status of a person with a disability is associated with a long bureaucratic procedure.

<sup>400</sup> On the status of war veterans, guarantees of their social protection: Law of Ukraine No. 3551-XII dd. 22.10.1993. Article 7. Available at: <https://zakon.rada.gov.ua/laws/show/3551-12> (retrieved: 13.09.2019).

<sup>401</sup> Certain aspects of establishing the link between disability and injuries or other health injuries: resolution of the Cabinet of Ministers No. 306 as of 25.04.2018. Available at: <https://zakon.rada.gov.ua/laws/show/306-2018-n> (retrieved: 13.09.2019).

<sup>402</sup> On the approval of Regulations on the interdepartmental Commission on establishment of facts of wounds or other health damage suffered as a result of explosives, ammunition and military arms on the territory of the anti-terrorist operation: order of the Ministry of Social Policy of Ukraine No. 1411 dd. 25.09.2018. Available at: <https://zakon.rada.gov.ua/laws/show/z1186-18?lang=ru> (retrieved: 13.09.2019).

<sup>403</sup> EUCCI interview-12 dd. 01.08.2018; EUCCI-13 as of 01.08.2018; EUCCI-10 as of 01.08.2018.

<sup>404</sup> EUCCI interview-13 dd. 01.08.2018.

<sup>405</sup> Reportazh iz sela Shirokino – edinstvennogo v seroj zone, kuda ne mogut vernut'sja zhiteli [Report from the village of Shyrokyne-the only one in the grey zone where residents cannot return: video on YouTube channel]. Gromadskoe. 17.11.2017. Available at: <https://www.youtube.com/watch?v=MOLyH4zBUFY> (retrieved: 10.09.2019).

<sup>406</sup> EUCCI interview-12 dd. 01.08.2018.

<sup>407</sup> Ibid.

One of the victims who did not receive the status of a person with a disability claims that he spends his entire pension on medications, but does not want to undergo the confirmation procedure, because he considers it long and difficult, *"I can't fight anymore; I'm going to die, to be honest"*<sup>408</sup>.

According to the respondents, the injuries received due to the fighting significantly affected their current state of health. A respondent who had been subjected to torture during illegal detention noted that after being detained and tortured, his health deteriorated, in particular, his blood pressure increased<sup>409</sup>. One of the respondents from Shyrokyne said that after a concussion received during the shelling his hearing has deteriorated<sup>410</sup>.

It should also be noted that residents of Shyrokyne who were not directly injured still suffered from other health consequences or post-traumatic stress disorder. Some respondents claim that the events experienced and the unknown future provoked numbness in legs due to hiding in basements<sup>411</sup>, diabetes<sup>412</sup>, pressure problems<sup>413</sup>, stroke<sup>414</sup>, anxious dreams<sup>415</sup>, and panic disorders caused by loud sounds<sup>416</sup>.

*"I sat there for two weeks [...] and because of nerves, my feet got numb [...] I could barely walk. Then I started walking a little. My legs have already given up after this basement experiment"*<sup>417</sup>.

*"My husband suffered a stroke twice. He had one stroke before that. A second stroke in 2016. And the last one was a muscle stroke. It's difficult... Now, of course, his health is shaken. His left hand is not working. Right hand, too. He needs constant care"*<sup>418</sup>.

*"Even now: something falls, and you twitch. And then, I remember, a thunderstorm began at night. Lightning... I woke up, and raised everyone to their feet - the attack! You know? It feels like this lightning is shooting"*<sup>419</sup>

The fighting in Shyrokyne led to an increase in the mortality rate of displaced persons due to diseases resulting from

experienced events. Oleksandr Pylypenko, an activist of "Saving Shyrokyne" CSO, said during a conversation with journalists in 2017 that he was aware of 70 dead residents of Shyrokyne aged 45 to 70 years, who resided in Mariupol after the eviction. According to him, these people experienced severe stress, and the main cause of death was cardiovascular diseases (in particular, strokes and heart attacks)<sup>420</sup>.

The psychological and physical consequences of the armed conflict are also felt by pensioners, who have to constantly fight for their right to receive a pension. The lack of pension and problems with its payments made it impossible for a man interviewed by the Center to receive treatment for his leg since he needs funds to purchase medicines<sup>421</sup>. Another elderly victim, who had problems with receiving pension was blind, and during the shelling of Shyrokyne broke her hip and now moves around on crutches<sup>422</sup>. The woman did not receive a disability status, only a medical report with a diagnosis of "comminuted fracture of the left hip with displacement", and only the help of her daughter allowed her to buy the necessary medicines.

It is also difficult for pensioners who receive a pension, but it is not enough to provide themselves with the necessary medicines. A former resident of the village said that only with the help of charitable organizations they could buy the necessary medicines. However, when her husband started having toothaches, he did not have the funds for dentist treatment, and through despair and pain, he pulled them out with pliers: *"Well, he already had paradontitis.*



**Video: Residents of Shyrokyne hide from shelling in the basements of their houses, February 2015**

<sup>408</sup> EUCCI interview -13 dd. 01.08.2018

<sup>409</sup> EUCCI interview -25 dd. 16.01.2019.

<sup>410</sup> EUCCI interview -17 dd. 15.01.2019.

<sup>411</sup> EUCCI interview -16 dd. 15.01.2019.

<sup>412</sup> EUCCI interview -2 dd.30.05.2018.

<sup>413</sup> EUCCI interview -9 dd.01.08.2018.

<sup>414</sup> EUCCI interview -17 dd.15.01.2019.

<sup>415</sup> Ibid

<sup>416</sup> EUCCI interview -7 dd.01.08.2018; EUCCI-8 as of 31.07.2018.

<sup>417</sup> EUCCI interview -16 dd.15.01.2019.

<sup>418</sup> EUCCI interview -17 dd.15.01.2019.

<sup>419</sup> EUCCI interview -7 dd.01.08.2018.

<sup>420</sup> Posle stressa iz-za boevyh dejstvij umerlo 70 zhiteljev Shirokino, – aktivist [After the stress of the fighting, 70 residents of Shyrokyne died – activist says]. Regional portal of the Donbas "Donetsk news". 11.10.2017. Available at: <https://dnnews.dn.ua/news/651588> (retrieved: 13.09.2019).

<sup>421</sup> EUCCI interview-19 dd. 16.01.2019.

<sup>422</sup> EUCCI interview -18 dd. 16.01.2019.

*The tooth started to stagger, get sick. He could not eat anything. They stagger... And he tore them out... I came and fell... And he was all swollen. Can you imagine pulling out that many? And he says, "It was causing so much pain that I didn't know what to do". So I told to Shyrokyne residents: "If someone needs help, come, please, it is for free. Grandfather will do everything"<sup>423</sup>.*

The majority of respondents say that they spend all their money on rent, utilities, and basic necessities, while they receive medical care and funds for treatment from international and charitable organizations, as well as from relatives. Gradually the number of programs of international humanitarian assistance is decreasing, and it worries the former residents of Shyrokyne.

As for psychological assistance, it should be provided to victims by centers of social and psychological assistance that work with people in a difficult situation due to the armed conflict and other causes<sup>424</sup>.

There is no national mechanism to assist civilians affected by the conflict despite the need for such mechanism. In particular, Shyrokyne residents need various forms of support in the form of necessary medicines, medical and psychological assistance and rehabilitation programs. Today, the State provides free primary medical care following an injury, but it does not solve further systemic health problems of Shyrokyne victims.

### 4.3. Problems of social adaptation

The usual life of most residents of Shyrokyne has changed forever. Some residents of Shyrokyne moved to the territory controlled by the government of Ukraine, while others moved to the temporarily occupied territories. According to the testimonies of the interviewed employees of the centers of social services for families, children and youth of the Mariupol city council, in 2015, about 900 Shyrokyne residents moved to the city of Mariupol and registered as IDPs<sup>425</sup>. The choice of place of residence (in the government-control or temporarily occupied areas) was determined by a number of factors, including the search for better living conditions, the ability to financially support themselves and their families, the place of residence of relatives, as well as ideological beliefs.

Some of the respondents are depressed due to the lack of their own home and poor financial situation. The majority of

respondents believe that the State does not support them enough, and society does not understand their problems.

Among the basic factors that affect the social adaptation of Shyrokyne residents is the **lack of their own housing**. The problem of housing for displaced persons remains unresolved. Today, there is no separate national program for displaced that would help them acquire housing.

The Law of Ukraine "On ensuring the rights and freedoms of internally displaced persons" establishes that IDPs have the right to free temporary residence for 6 months from the date of registration as IDPs in the case of payment of the cost of utilities by a person that is provided by government authorities and private law entities<sup>426</sup>. However, the procedure for obtaining housing is not established, so IDPs are often denied housing (it is claimed that it is due to their absence).

Interviewed employees of social services centers claim that after the evacuation in 2015, individual residents of Shyrokyne were given temporary housing in which they lived for 2 months. One of the women interviewed by the Center confirmed the facts of the provision of social housing to Shyrokyne residents: *"And they accommodated people... Here, in the former kindergarten. Well, those who had absolutely nowhere to go"*<sup>427</sup>.

Part of Shyrokyne residents, who left for the temporarily occupied territories, live in a boarding house in the village of Sedove of the Novoazovsk district. The boarding house was allocated as a hostel housing for former residents of Shyrokyne<sup>428</sup>.

In Mariupol, some respondents interviewed by the Center rent housing, and the rest reside with relatives or friends. Pensioners are in a difficult situation because, in some cases, the pension is insufficient to rent housing or pay for utilities. In March 2016, one of the Ukrainian TV channels showed a story in which four elderly women from Shyrokyne talk about how they jointly rent an apartment in Mariupol to have a place to stay<sup>429</sup>.

Among the housing-related problems, Shyrokyne residents highlighted the high cost of rent and utilities, which has a tendency to increase. Of particular concern are the large payments for heating during winter, which are prohibitively high and become the main expenditure for pensioners in the winter.

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<sup>423</sup> EUCCI interview -20 dd. 16.01.2019.

<sup>424</sup> On approval of standard regulations on social support institutions for families, children and youth: Resolution of the Cabinet of Ministers No. 741 as of 04.10.2017. Available: <https://zakon.rada.gov.ua/laws/show/741-2017-%D0%BF> (retrieved: 13.09.2019).

<sup>425</sup> EUCCI interview-33 dd. 07.06.2019.

<sup>426</sup> On ensuring the rights and freedoms of internally displaced persons: Law of Ukraine No. 1706-VII of 20.10.2014. Available at: <https://zakon.rada.gov.ua/laws/show/1706-18> (retrieved: 13.09.2019).

<sup>427</sup> EUCCI interview-32 dd. 07.06.2019.

<sup>428</sup> EUCCI interview -34 dd. 05.06.2019.

<sup>429</sup> Na protjazhenii proshlogo goda za selo Shirokino shli ozhestochennye boi: video na YouTube-kanale telekanala [Over the past year, fierce fighting has been going on for the village of Shyrokyne: video on the YouTube channel.] TV5 Channel. 09.03.2016. Available at: <https://www.youtube.com/watch?v=fheEL7JP8mk> (retrieved: 11.09.2019).

An elderly resident of the village describes the situation as follows: *"The rent was 76, now it is 180 UAH. Everything is getting more expensive. And pensions? And how to live? [...] so I just survive. They gave aid [charitable organizations]... both detergents and pasta. At least I don't spend money on it. Oil was provided. You can eat it. Well, what next? But you still have to pay for the apartment. And I also have problems with my leg"*<sup>430</sup>.

In Mariupol, where the majority of Shyrokyne residents live today, two social housing facilities have already been built, repaired, and assigned for temporary use by IDPs<sup>431</sup>. However, the authors of the report do not know anything about the re-settlement of residents of Shyrokyne to these facilities, except for one case when the victim was given an apartment.

The fighting in Shyrokyne led to the **loss of livelihoods and employment** of its residents, which contributed to sudden poverty. People were forced to change jobs or even lost the opportunity to work which exacerbated their financial situation.

Most Shyrokyne citizens who got employment did not find a job with sufficient wages to ensure a minimum level of living (rent, clothing, food, health, etc.). Shyrokyne residents who receive a pension argue that it is too low to provide even a minimum level of accommodation.

A resident of the village interviewed by the Center describes his situation as follows: *"I am retired, my wife is retired. ... The pension is two thousand hryvnia. Two thousand four hundred is the cost of heating per month... It's a shame, of course, but we receive a subsidy. It's low, though. I believe that I have earned a normal pension in my life, and not be humiliated by this subsidy. But I can't do without it. Without it, I have to go to the apartment or live on cardboard or go to the barracks"*<sup>432</sup>.

The loss of income sources has affected the lives of Shyrokyne residents in different ways. **Tetiana Podobna**, a former resident of Shyrokyne, noted that in cases of deaths of Shyrokyne residents, relatives often do not have enough funds to organize a funeral, and some of the dead did not have close people to bury them.

The armed conflict in eastern Ukraine has significantly exacerbated problems related to human rights violations, in particular human trafficking. Attackers take advantage of the atmosphere of lawlessness, as well as the difficult situation of civilians. The problem of human trafficking in

the context of job search abroad is particularly relevant for displaced persons. IDPs, including Shyrokyne residents, are a particularly vulnerable group, as they are in a difficult financial situation and do not have housing. This leads to cases where people under the burden of circumstances agree to questionable offers and may become victims of human trafficking.

As a result of financial difficulties, **Natalia Lohozynska**, interviewed by the Center, and her husband borrowed money and went to work in Austria. In a foreign country, they went to work where the salary did not correspond to the nature and intensity of work, and the employer exerted psychological pressure, forcing them to work excessively; sometimes he resorted to physical violence. During the interview, the woman shared her experiences: *"If it wasn't for the war, we would never have left for Austria. We lived normally, had our own business: my husband and I... Children grew up and studied... normal family [...] Austria really broke me, broke me ...psychologically. Austria broke me physically; my health has deteriorated seriously, my husband's too. And now we feel these consequences and will probably always feel it"*<sup>433</sup>.

The activities of Ukrainian state authorities remain to be the main component in addressing the problems faced by Shyrokyne residents. However, the study found that **institutional mechanisms and programs aimed at protecting civilians and providing compensation to victims were insufficient and ineffective**. Respondents say that the state authorities have not created the necessary programs to help victims of hostilities in Shyrokyne, in particular where the actions of combatants have caused destruction, injuries, and death of loved ones.

One of the well-known initiatives created is the issuance of "certificates of destruction" issued by local authorities, and cases when the civil-military cooperation of the AFU responds to the needs of victims by taking photos of destroyed property and sometimes the transfer of the survived property. However, representatives of the AFU CIMIC do not have access to all streets in Shyrokyne due to mines. Part of Shyrokyne residents is deprived of the opportunity to assess the state of their property, and therefore of prospects for the obtainment of compensation for its destruction in the future (see 3.7 "Destruction of housing and social infrastructure").

State policy should provide compensation for the damage caused by military operations and provide funding to all entities involved in its implementation.

<sup>430</sup> EUCCI interview-19 dd. 16.01.2019.

<sup>431</sup> Pokazali, no ne poselili! V Mariupole otkryli dom dlja pereselencev, – foto, video [They showed it but did not accommodate! Mariupol opened a house for IDPs-photos, videos] 0629.com.ua -Site of the city of Mariupol. 31.08.2018. Available at: <https://www.0629.com.ua/news/2143147/pokazali-no-ne-poselili-v-mariupole-otkryli-dom-dlja-pereselencev-foto-video> (retrieved: 13.09.2019); U Mariupoli vidkrili pershij v Ukraini socgurtozhitok za koshti Yevrosojuza (foto) / Depo. The Donbas. [First social dormitory built at the expense of EU is opened in Mariupol (photo)] 02.06.2017. Available at: <https://dn.depo.ua/ukr/mariupol/u-mariupoli-vidkrili-pershij-v-ukrayini-socgurtozhitok-za-koshti-yevrosoyuza-foto-20170602582644> (retrieved: 13.09.2019).

<sup>432</sup> EUCCI interview-2 dd. 30.05.2018.

<sup>433</sup> EUCCI interview -36 dd. 05.06.2019.

The low level of social integration of Shyrokyne residents is also manifested through the alleged biased attitude of the residents of Mariupol towards them. Shyrokyne residents complain about the complicated procedure of the obtainment of social payments and the discriminatory attitude of the administrative staff and residents of Mariupol.

Shyrokyne citizens repeatedly mentioned **discrimination** and unfriendly attitude on the part of individual residents of Mariupol, who made it clear that they were not welcome in their new place of residence, accused Shyrokyne citizens of causing war, unwillingness to work or fight for their homeland, and abuse of the benefits provided<sup>434</sup>.

*"They sometimes say, "These IDPs. How tired we are of them! Everything happened because of them" [...] I once could not stay quiet and said: "Woman, I would like to see you if you were in my place when you come to your house – and there is nothing not inside nor outside. What do you blame us for? I sit in the queue like everyone else, and I pay", one of the elderly residents of the village recalls<sup>435</sup>.*

One of her fellow villagers describes the situation as follows: *"Good for you, you are being helped, this is because of you everything is expensive, everything has gone up in price in Mariupol. It's because of you". I say, "Let's switch. You take my benefits, and give me your house. And try to live in someone else's house and find out. The landlord comes every other day and checks whether everything is in place and whether we behave. I say, try it in your old age... And in your old age, you cannot listen to all this"<sup>436</sup>.*

Despite the existence of stereotypes and biased attitudes towards Shyrokyne citizens, certain **efforts to integrate into the new community** were also required by them. Not all IDPs (due to age or psychological factors) were ready to abandon paternalistic attitudes and take a proactive position in finding new sources of financial support for their family. The strong local identity of Shyrokyne residents (and, at times, contrasting themselves with Mariupol residents as another community)<sup>437</sup> does not always contribute to their successful integration into the new community.

Experts interviewed by the Center, who have significant experience working with IDPs, spoke about Shyrokyne

residents' partial unwillingness to integrate into the new community<sup>438</sup>. A resident of Mariupol involved in the program of humanitarian aid in the south of Donetsk region claimed that sometimes the assistance was not accepted because it was considered insincere: *"[...] I understand that there should be more respect for the identity that people have chosen for themselves, and build a dialogue on this. In the case of Shyrokyne – it was a very bright demonstration of their identity when we were actively involving them in Mariupol. It always seemed to us that we were cajoling them with all the benefits there, but in fact, they did not trust us, despised us, etc. [...]"<sup>439</sup>.*

Shyrokyne residents with proactive attitude, who are focused on solving problems with their own efforts, have been most successful in integrating into new communities. Despite the hardships, a former resident of Shyrokyne, **Natalia Lohozynska**, found sources to open a new business and was trained by one of the founders of a fast-food chain. Thanks to a grant from the IOM, she opened a Panini kiosk in Mariupol, and soon - a bistro with a large variety of meals<sup>440</sup>. She actively participates in public life and periodically initiates various social events. For instance, she initiated the construction of a small square together with the residents of the district "Skhidnyi" in Mariupol.

Another Shyrokyne resident also found the opportunity to settle into a new life in marine fisheries. After being forced to move from Shyrokyne, **Valeriy Nikolaev** resumed his fishing business in Mariupol. The man moved boats and equipment and created new jobs for the displaced people with whom he works today<sup>441</sup>.

Ukrainian strategies for the integration of IDPs do not always work effectively, since some people are not interested in moving forward, risking the stability of payments for the displaced, and they themselves ensure life on the verge of survival. Finally, the system creates paternalism by blocking initiative and opportunities for self-development.

Shyrokyne residents require various forms of support, including the provision of social and pension payments, financial aid to cover the cost of medical care and food, housing and work, as well as effective compensation programs for the damage caused. Some local and international humanitarian organizations provide material

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<sup>434</sup> EUCCI interview -9 dd. 01.08.2018; EUCCI-20 dd.16.01.2019; EUCCI-34 dd.05.06.2019.

<sup>435</sup> EUCCI interview -9 dd.01.08.2018.

<sup>436</sup> EUCCI interview -20 as of dd. 16.01.2019.

<sup>437</sup> Shirokino Shirokino. A Mariupol'cy za vojnu????!!! [Shyrokyne. And do Mariupol citizens support the war????!!!]. YouTube video. 03.07.2019. Available at: <https://www.youtube.com/watch?v=Cf20jTaptQU> (retrieved: 24.09.2019).

<sup>438</sup> EUCCI interview-38 dd. 14.08.2019; EUCCI-24 dd. 18.01.2019.

<sup>439</sup> EUCCI interview-24 dd. 18.01.2019.

<sup>440</sup> Mal'j biznes pereselencev iz Shirokino. [Small business of IDPs from Shirokino: video on the YouTube channel]. Gromadskoe. 19.11.2017. Available at: <https://www.youtube.com/watch?v=Q3zD0zvLPjc> (retrieved: 11.09.2019).

<sup>441</sup> Malen'kij flot: Predprinimatel' iz Shirokino sobral brigadu rybakov-pereselencev (foto) [Small fleet: an entrepreneur from Shyrokyne gathered a team of fishermen-IDPs (photo)]. Regional portal of the Donbas "Donetsk news".] 27.04.2018. Available at: <https://dnews.dn.ua/news/674431> (retrieved: 10.09.2019).



support to Shyrokyne citizens, but they cannot provide permanent and comprehensive assistance. The main responsibility for the protection of its citizens is with the State of Ukraine.

#### 4.4. Public activity

Even at the initial stage of the armed conflict, before the deployment of hostilities in Shyrokyne, part of Shyrokyne residents were publicly active and provided aid to IDPs from other towns of the Donbas, which came under the control of the self-proclaimed republics<sup>442</sup>. Some Shyrokyne residents provided free housing, food, funds, and necessities to IDPs. An interviewee Vira Kachura describes these events, “We ourselves took IDPs, Shyrokyne took IDPs. With this flow of IDPs, there were already more IDPs than residents. And we provided space, simply, some of our residents provided their house to IDPs and slept on the street. Because people came, I remember a time when a line of cars stopped in the center, and people wearing just slippers, and they said, “As soon as the shelling stopped, we all jumped in, just in slippers, and drove” [...] The stories were very scary... people were saying horrible things... we thought that this would not happen to us”<sup>443</sup>.

After moving to Mariupol, in order to coordinate efforts, Shyrokyne residents hold regular meetings where they discuss news, problems of the village, collect funds to provide social aid to families of the sick and deceased, those with the low-income, and jointly celebrate religious and public holidays<sup>444</sup>. Several times over the past four years, Shyrokyne residents held public events (protests), where they voiced their problems<sup>445</sup>.

On 15 October 2015, several Shyrokyne residents registered “Saving Shyrokyne” CSO. The organization has about 30 members. The organization operates in Mariupol, where the majority of Shyrokyne residents lives. One of the problems that hinder the effective functioning of the organization is the lack of its own premises and funds to cover the rent cost.

Shyrokyne activists have created and support through crowdfunding the website of the organization <http://shirokino.net/>, and film and post videos on the thematic YouTube channel “Shyrokyne Shirokino”. Videos on the YouTube channel describe the problems of the village’s civilian population and offer a mostly critical look at the actions of the Ukrainian military<sup>446</sup>.



**Photo 29.** Rally of Shyrokyne residents on the anniversary of the involuntary evacuation from the village, Mariupol, 2016. *Photo from the private archive of Tetiana Podobna*

<sup>442</sup> EUCCI interview-1 dd. 29.05.2018; EUCCI-34 dd. 05.06.2019.

<sup>443</sup> EUCCI interview-41 dd. 29.05.2018.

<sup>444</sup> EUCCI interview-3 dd. 31.05.2018.

<sup>445</sup> Miting zhitel'ev Shirokino. God spustja [Meeting of residents of Shyrokyne. A year later: video on the YouTube channel] Channel TV7 Mariupol. 16.02.2016. Available at: [https://www.youtube.com/watch?v=dToBVZ\\_KEQo](https://www.youtube.com/watch?v=dToBVZ_KEQo) (retrieved: 22.09.2019).

<sup>446</sup> A Mariupol'cy za vojnu???! [And do Mariupol citizens support the war???! video on the YouTube channel] Shyrokyne Shirokino. 03.07.2019. Available at: <https://www.youtube.com/watch?v=Cf20jTaptQU> (retrieved: 24.09.2019); Fakt maroderstva VSU v Shirokino . [The fact of looting of property in Shyrokyne by AFU]. Shyrokyne Shirokino. 26.08.2019. Available at: [https://www.youtube.com/watch?v=D7U\\_e4117DA](https://www.youtube.com/watch?v=D7U_e4117DA) (retrieved: 24.09.2019); 15.02.2015 . [15.02.2015: video on a private YouTube channel] Shyrokyne Shirokino, 10.11.2018. Available at: <https://www.youtube.com/watch?v=NQYH-1ivkJE> (retrieved: 22.09.2019); Prinuditel'no vyvezli iz Shirokino . [Forcibly removed from Shyrokyne: video on a private YouTube channel] Shyrokyne Shirokino. 28.06.2018. Available at: <https://www.youtube.com/watch?v=2oGfklJzPYs> (retrieved: 22.09.2019).



**Screenshot 22.** Shyrokyne residents at a meeting with Mariupol Mayor Vadym Boychenko, 2016. Source: YouTube channel 0629.com.ua

Establishing the organization allowed residents of Shyrokyne to collectively contact state and international institutions and ask urgent questions that are important for many residents of the village. In such way, united in an organization, Shyrokyne residents are trying to solve problems related to the delay of pension and social payments, access to their housing in the village and the investigation by law enforcement agencies of crimes committed during the fighting.

Sometimes these messages help Shyrokyne residents resolve issues. For example, at the request of Shyrokyne residents in April 2017, the CIMIC Operational Tactical Group “Mariupol” coordinated the evacuation of the archive of the village council of Shyrokyne, and the archive documents were transferred to the Donetsk regional CMA in Volnovakha<sup>447</sup>. However, members of the organization are not satisfied with the progress in solving of their problems.

Meetings, information exchange, and mutual support are an important part of the work of the village’s public

asset. *“We have a community of Shyrokyne people. We meet every Thursday and discuss all the news [...] our community has been preserved, that is, we all are ... the goals are the same. We are not scattered anywhere”<sup>448</sup>*, this is how **Lyubov Shevchenko** describes the spirit of interaction and sense of community among Shyrokyne residents.

Despite the fact that Shyrokyne residents live on different sides of the contact line, a significant part of them continue to feel like members of the same community and maintain a relationship. One of the respondents describes these contacts as follows: *“We are all Shyrokyne residents. We meet, we hug, we kiss, we cry, we congratulate each other; we collect money for each other’s funerals, for the birth of a child, because we do not have it. Someone died on the other side – we gathered, passed the money there. Remembered. Someone died on this side – too... All this is happening; we do not feel divided. We consider ourselves as one. As it was, so it remains”<sup>449</sup>*.

<sup>447</sup> Z Shirokinogo evakujovano dokumenti arhivu sil's'koi radi, – CVS “Mariupol” [Documents from the village Council archive were evacuated from Shyrokyne – Mariupol CMC / CMC AUF: website.] 05.04.2017. Available at: <https://civic.com.ua/news/2017/04/05/11301> (retrieved: 13.09.2019).

<sup>448</sup> EUCCI interview-42 as of 15.01.2019.

<sup>449</sup> EUCCI interview-1 as of 29.05.2018.

# 5. SHYROKYNE IN THE INFORMATION WARFARE

Since September 2014, Shyrokyne has been actively mentioned in Russian and Ukrainian media, and coverage of events in the village has become part of the information warfare. In order to investigate how the situation in the village was presented to the media by both sides of the conflict, the authors of the report analyzed news television stories of nine influential Ukrainian and Russian TV channels.

In particular, five Russian state and semi-state TV channels (Russia-24, First Channel, NTV, Russia-1, RT) which broadcast on the territory of Ukraine and, accordingly, represented the official policy of the occupying State were analyzed. There are no influential state channels in Ukraine, so influential national TV channels that belong to leading figures of the Ukrainian political community and have a significant audience coverage (1+1, Channel 5, Inter, UA: First) were included in the monitoring.

The monitoring covered all videos of these TV channels, which mentioned Shyrokyne during September 2014 – June 2019. Thus, the subject of the analysis were 362 stories of Russian and 1,392 stories of Ukrainian TV channels (for more information, see the section “Research methodology”). In the following section, only figures that relate to the analyzed stories will be provided.

In addition to the mentioned TV stories, other well-known facts of manipulation related to the events around Shyrokyne village were analyzed for this chapter.

For the purpose of the study, among others, TV channels’ coverage of such topics was analyzed:

- the intensity of attacks on the village;
- non-compliance of the belligerents with the Minsk agreements (ceasefire violations);
- withdrawal of IAG troops from the village;
- use of heavy weaponry by the parties to the conflict;
- attacks on residential areas of the village;
- evacuation of Shyrokyne;
- death of civilians in Shyrokyne;
- death of combatants in Shyrokyne;
- illegal detentions and torture;
- looting the property of villagers;

- the danger of landmines;
- termination of pension payments to Shyrokyne villagers.

The most active events in Shyrokyne were covered in the stories of Russian TV channels in September 2014, March 2015, April 2015 and July 2015. The increase in the number of reports about Shyrokyne in the stories of Ukrainian TV channels occurred in September 2014, February 2015, March 2015 and July 2015. The results show that the largest number of stories were released at key moments of military events in Shyrokyne.

The themes that were most often covered in the stories are common to both sides of the conflict. Most the stories of Russian and Ukrainian TV channels, which mentioned Shyrokyne, were devoted to the **intensity of attacks** on the village. In the Russian media, 144 stories were published on this topic (39% of the total number), in the Ukrainian media – 883 (63 % of the total number).

Both sides of the conflict often spoke in stories about **ceasefire violations by enemies** (Minsk agreements). Russian media released 112 stories about this (31 % of the total), Ukrainian – 291 stories (20 % of the total).

TV channels of both countries often talked about the **use of heavy weapons** by the enemy: 60 stories in the Russian media (16 % of the total) and 488 stories in the Ukrainian media (35 % of the total).

Russian TV channels actively popularized the topic of **withdrawal of troops from Shyrokyne** by members of the IAG. Every fourth story of Russian TV channels covered by monitoring was devoted to this topic (in general – 90 stories). The Russian media turned the withdrawal of the IAG from Shyrokyne into a PR campaign of a sort. The withdrawal is described in Russian TV channels as a “gesture of goodwill”. In the stories, the image of the participants of the IAG is similar to peacekeepers, and the responsibility for solving the situation in the Donbas is transferred exclusively to the Ukrainian authorities. The government of Ukraine appears as if it does not want peace in the Donbas, and therefore any negotiations with it will not bring results<sup>450</sup>.

Ukrainian media either did not give evaluation<sup>451</sup> of the withdrawal of troops from Shyrokyne by members

<sup>450</sup> Kiev celenapravlenno sryvaet mirnye iniciativy, na kotorye Doneck idet v odnostoronnem porjadke [Kyiv purposefully disrupts peace initiatives that Donetsk is going to unilaterally]. First Channel. 05.07.2015. Available at: [https://www.1tv.ru/news/2015-07-05/16039-kiev\\_tselenapravlenno\\_sryvaet\\_mirnye\\_initsiativy\\_na\\_kotorye\\_donetsk\\_idyot\\_v\\_odnostoronnem\\_poryadke](https://www.1tv.ru/news/2015-07-05/16039-kiev_tselenapravlenno_sryvaet_mirnye_initsiativy_na_kotorye_donetsk_idyot_v_odnostoronnem_poryadke) (retrieved: 12 September 2019).

<sup>451</sup> Bojoviki pokinuli #Shirokyne: Hto sposterigatime za dotrimannjam rezhimu tishi? [The militants left Shyrokyne: Who will monitor the observance of the silence regime?] Channel 5: video on the YouTube channel. 04.07.2015. Available at: <https://www.youtube.com/watch?v=8V-IOUHdMKA> (retrieved: 12 September 2019).

of the IAGs, or called such withdrawal a “trap”<sup>452</sup> and “deception”<sup>453</sup>.

A striking example of manipulation of the topic of ceasefire violation by the enemy is the photo “Ceasefire in Shyrokyne” taken by a volunteer and adviser to the Minister of Defense of Ukraine **Dmytro Muravsky**. On 17 August 2016, the editor-in-chief of an online media

Censor.net **Yuri Butusov** posted the photo taken by Muravsky on his Facebook page with an appeal to share<sup>454</sup>. The photo quickly spread in social networks and the media as an illustration of a ceasefire exists only formally. This and other works of the volunteer caused an outrage among Ukrainian and foreign professional photographers, who accused the author of staged photos<sup>455</sup>. The author himself insisted on its veracity<sup>456</sup>.



**Photo 30.** Scandalous photo, 2016. Source: *Dmytro Muravsky's Facebook page*

<sup>452</sup> Dobrovol'chi batal'joni vvažajut' pastkoju vihid bojovikiv z Shirokine [Volunteer battalions consider the exit of militants from Shyrokyne as a trap]. TSN. 12.07.2015. Available at: <https://tsn.ua/video/video-novini/dobrovolchi-bataljoni-vvazhayut-pastkoyu-vidhid-boyovikiv-vid-shirokinogo.html> (retrieved: 12 September 2019).

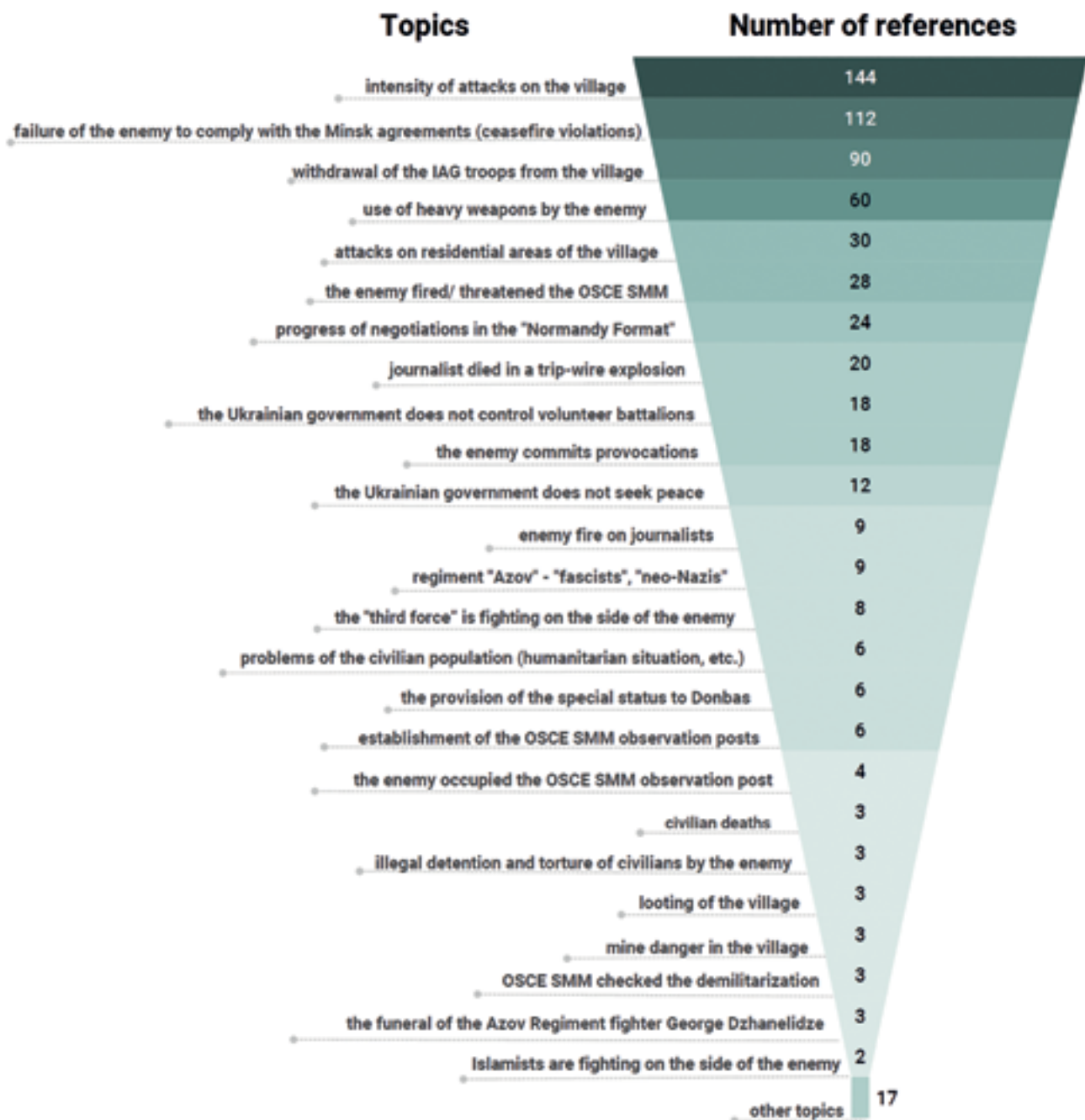
<sup>453</sup> Armija Rosii pid Shirokino provodit' rotaciju [The Russian army under Shyrokyne conducts rotation] Podrobnosti (website of news program of Inter TV Channel) 15.07.2015. Available at: <https://podrobnosti.ua/2047339-armija-rossii-pod-shirokino-provodit-rotatsiju-video.html> (retrieved: 12 September 2019).

<sup>454</sup> Yuri Butusov. In my opinion, “the Truce in Shyrokyne” is an impressive photo. On 4 June 2016, one of the best national photographers, Dmytro Muravsky, an officer of the press Department of the Ministry of Defense, celebrated his birthday in an original way – he worked in the village of Shyrokyne near Mariupol, which is at the very frontline. Butusov's Facebook post. 16.08.2016. Available at: <https://www.facebook.com/photo.php?fbid=1305114312862195&set=a.479663955407239&type=3&theater> (retrieved: 11 September 2019).

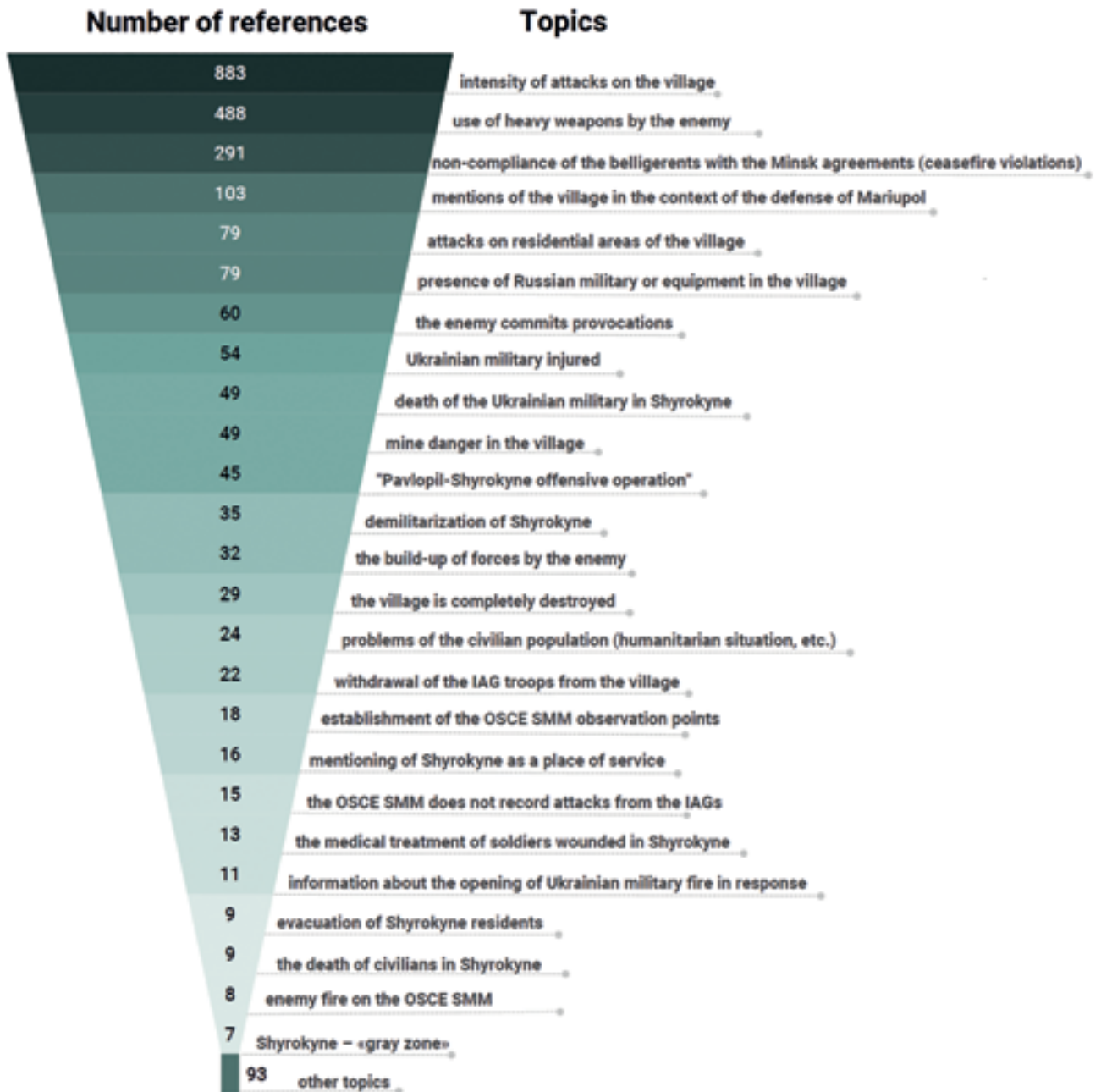
<sup>455</sup> Ukraïncy sfabrykowali dramatyczne zdjęcia z Donbasu? / Kresy.pl. 16.08.2016. Available at: <https://kresy.pl/wydarzenia/ukraincy-sfabrykowali-dramatyczne-zdjecia-z-donbasu-foto/> (retrieved: 12 September 2019); Was this Ukrainian combat photo staged? Soldiers and photographers think so / The Washington Post. 26.08.2016. Available at: <https://www.washingtonpost.com/news/checkpoint/wp/2016/08/26/was-this-combat-photo-staged-soldiers-and-photographers-think-so/?postshare=9951472240476208> (retrieved: 12 September 2019); Chomu vid odnogo postanovochnogo foto mozna dokotitisja do “rozip’jatih hlopchikiv” / Depo.ua. [Why you can go from one staged photo to “crucified boys” / Depo.ua.] 24.08.2016. Available at: <https://www.depo.ua/ukr/war/istoriya-skandalu-navkolo-odnogo-foto-23082016150000> (retrieved: 12 September 2019); “Mina informacijnoi dii”. Chim shkodjat' Ukraini postanovochni foto z peredovoi [Information mine. How staged photos from the front line harm Ukraine]. Hromadske. 28.08.2016. Available at: <https://hromadske.ua/posts/mina-informatsiinoi-dii-chym-shkodiat-ukraini-postanovochni-foto-z-peredovo> (retrieved: 12 September 2019); Maks Levin. We are talking about the impressive photos of Dmytro Muravsky, an adviser to the Minister of Defense, a volunteer, which were recently distributed by Yuri Butusov, positioned as documentary footage from the front line: the Facebook page update. 22.08.2016. Available at: <https://www.facebook.com/levin.maks/posts/10207928318338862> (retrieved: 11 September 2019).

<sup>456</sup> Mina priletila v toj moment, koli ja natiskav na spusk kameri – avtor foto “Peremir’ja v Shirokini” / Radio “Svoboda” [The mine arrived at the moment when I pressed the camera trigger-the author of the photo “truce in Shyrokyne” / Radio Svoboda.] 22.08.2016. Available at: <https://www.radiosvoboda.org/a/27937620.html> (retrieved: 12 September 2019); “Mina informacijnoi dii”. Chim shkodjat' Ukraini postanovochni foto z peredovoi / Gromadske. [“Mine with information impact”. How staged photos from the front line harm Ukraine / Hromadske.] 28.08.2016. Available at: <https://hromadske.ua/posts/mina-informatsiinoi-dii-chym-shkodiat-ukraini-postanovochni-foto-z-peredovo> (retrieved: 12 September 2019).

## Topics in the context of which Shyrokyne was mentioned in Russian media



## Topics in the context of which Shyrokyne was mentioned in Ukrainian media



On 28 August 2016, Dmytro Muravsky was dismissed from the post of adviser to the Minister of Defense of Ukraine due to the resonance caused by his photos<sup>457</sup>. The MoD noted that they did not consider the photos as photos of actual combat operations and did not declare it officially.

**Problems of the civilian population** (access to water, availability of food, or finding shelter from attacks in unequipped premises, etc.) in Shyrokyne are almost not covered by Ukrainian and Russian media. Among 362 stories about Shyrokyne on Russian TV channels, only six are devoted to the problems of civilians (1.6 % of the total). Among 1,392 stories on Ukrainian TV channels, 24 are devoted to the problems of Shyrokyne civilians (1.7 % of the total).

The **problems of attacks on residential areas** of the village were covered by the media with elements of manipulation. There are 30 stories devoted to the shelling of residential areas and the destruction of villages in Russian media, and 79 – in Ukrainian media.

In September 2014, the Russian media began to talk about the fact that the participants of the IAGs are establishing firm positions in Shyrokyne and on the outskirts of Mariupol. At the same time, the stories noted that not a single house in the village was damaged, because the participants of the IAG use only small arms during the offensive<sup>458</sup>. These reports were inaccurate (see 3.7 “Destruction of housing and social infrastructure”). In the future, the Russian media either did not name those responsible for the destruction of the village<sup>459</sup>, or accused the Ukrainian military<sup>460</sup>.

*“Since our last visit, the village is unrecognizable – the village was destroyed by artillery. Here, if 10 % of the*

*houses remain intact, it is good. To hold on here, by the sea – is the last hope of the “Azov” battalion [...] The enemy’s positions are at a height – the Ukrainian military, as they say, “throws” from above”, this is how the situation in the village is described in one of the stories of the Russian TV channel<sup>461</sup>.*

Ukrainian media, touching on the topic of the destruction of the village, also either did not name those responsible for the destruction or blamed only the participants of the IAG.

*“Once widely known in Donetsk oblast, the Azov resort of Shyrokyne resembles a village-cemetery. Most of the houses are broken, and there are no locals at all. Everywhere only war-torn streets”, one of the stories says<sup>462</sup>.*

*“The village of Shyrokyne, a former resort on the Azov Sea, has been turned into a dump of ruins by the Russian occupants. And almost every day it is finished off by enemy mortars”, another story notes<sup>463</sup>.*

In fact, the fighting was carried out directly in the village, and both sides of the conflict were involved in the destruction of residential structures (see 3.5 “Deaths and injuries of civilians from shelling” and 3.7 “Destruction of housing and social infrastructure”).

Touching on the topic of the suffering of civilians from the shelling of Shyrokyne, the Russian media did not mention the **evacuation** at all. In the Ukrainian media, nine TV stories are devoted to the evacuation. The actions of the soldiers of the “Azov” battalion who had conducted the evacuation were shown positively on TV<sup>464</sup>.

Both Ukrainian and Russian media occasionally raised the issue of **civilian deaths** in Shyrokyne. The Ukrainian

<sup>457</sup> Volontera i fotografa Dmitra Muravs'kogo zvil'нено z posadi radnika Ministra oboroni [Volunteer and photographer Dmitry Muravsky was dismissed from the post of adviser to the Minister of Defense]. MoD website. 28.08.2016. Available at: <http://www.mil.gov.ua/news/2016/08/28/volontera-i-fotografa-dmitra-muravskogo-zvil'нено-z-posadi-radnika-ministra-oboroni--/> (retrieved: 12 September 2019).

<sup>458</sup> Opolchenie podoshlo k Mariupolju: silovikam predlozhenno pokinut' gorod [The militia approached Mariupol: the security forces were asked to leave the city]. Vesti. 05 September 2014. Available at: <https://www.vesti.ru/doc.html?id=1947538> (retrieved: 12 September 2019).

<sup>459</sup> Basurin: batal'onny unichtozhajut doma i mirnyh ljudej [Basurin: the battalions destroy homes and innocent people] Vesti. 05.05.2015. Available: <https://www.vesti.ru/videos/show/vid/644026/#> (retrieved: 12 September 2019).

<sup>460</sup> Denis Pushilin: Shirokino fakticheski unichtozhenno voruzhennymi silami Ukrainy [Denis Pushilin: Shyrokyne was actually destroyed by the AFU] Vesti, 06.07.2015. Available at: [https://www.vesti.ru/videos/show/vid/650044/#/video/https%3A%2F%2Fplayer.vgtrk.com%2Fframe%2Fvideo%2Fid%2F1236743%2Fstart\\_zoom%2Ftrue%2FshowZoomBtn%2Ffalse%2Fsid%2Fvesti%2Fisplay%2Ftrue%2F%3Facc\\_video\\_id%3D650044](https://www.vesti.ru/videos/show/vid/650044/#/video/https%3A%2F%2Fplayer.vgtrk.com%2Fframe%2Fvideo%2Fid%2F1236743%2Fstart_zoom%2Ftrue%2FshowZoomBtn%2Ffalse%2Fsid%2Fvesti%2Fisplay%2Ftrue%2F%3Facc_video_id%3D650044) (retrieved: 12 September 2019).

<sup>461</sup> Kleshhi. Fil'm Aleksandra Buzaladze na “Rossii-1” [Pliers. Alexander Buzaladze’s film on “Russia-1”] Vesti. 22.04.2015. Available at: <https://www.vesti.ru/videos/show/vid/642854/> (retrieved: 12 September 2019).

<sup>462</sup> Pozicii u Shirokine obstriljujut' vorozhi snajperi [Positions in Shyrokyne are being shelled by enemy snipers] Podrobnosti (website of news program of Inter TV Channel). 01.03.2019. Available at: <https://podrobnosti.ua/2285914-pozitsii-u-shirokino-obstriljujut-vorozh-snajperi.html> (retrieved: 11 September 2019).

<sup>463</sup> Vorozhi minometi postupovo peretvorjut' Shirokine na zvalishhe ruin [Enemy mortars gradually turn Shyrokyne into a dump of ruins] TSN. 15.11.2018. Available at: <https://tsn.ua/video/video-novini/vorozhi-minometi-postupovo-peretvoryuyut-shirokine-na-zvalische-ruyin.html> (retrieved: 12 September 2019).

<sup>464</sup> Mirni zhiteli Shirokine tikajut' do Mariupolja telekanalu. [Shyrokyne civilians flee to Mariupol: video on the YouTube channel.] Channel 5. 12.02.2019. Available at: <https://www.youtube.com/watch?v=TeT3aim2CMo> (retrieved: 12 September 2019).

media has published nine stories about the death of civilians in Shyrokyne; Russian media produced three stories. In Russian TV stories, the Ukrainian side was blamed for the death of civilians<sup>465</sup>. While the Ukrainian media did not name the perpetrators and recalled the death superficially<sup>466</sup>.

At the same time, the Ukrainian media relatively often talked about the **death of the Ukrainian military** in Shyrokyne (49 stories). The situation of the army, the issue of losses is important for the Ukrainian society and the Ukrainian media actively covered the course of military operations in Shyrokyne, the conditions of stay of soldiers in positions, talked about the wounded and dead Ukrainian military. Information about military losses is available through official sources, which makes it easier for journalists to prepare relevant materials. At the same time, this does not justify low interest and inattention to the topic of civilian deaths.

Russian media did not report on the **deaths of members of the IAG** in Shyrokyne but covered the **death of the Ukrainian military**. Russian TV channels tried to dehumanize the Ukrainian side, in particular by manipulating the call sign "Satan" of Georgy Dzhanelidze, a volunteer of Georgian origin who died in Shyrokyne. *"The unrecognized Ukrainian Patriarch Filaret even awarded "Satan" posthumously. It sounds wild, but for today's Ukraine – nothing surprising"*, such comments were accompanied by a story about the funeral of a fighter in one of the analyzed Russian media outlets<sup>467</sup>. It is significant that for all the time of the confrontation around Shyrokyne, these were the only stories in the Russian media about the Ukrainian military killed in the battle for the village.

Ukrainian media reported on the number of **deaths among the IAG** in Shyrokyne during the day of fighting<sup>468</sup>, and that the participants of the IAG are carrying out an offensive under the pretext of the evacuation of their dead<sup>469</sup>.

The topic of illegal detentions and torture of local civilians was not covered in the Ukrainian media (see 3.4 "Arbitrary arrest and detention. Torture and ill-treatment"). Russian television devoted three stories to this topic.

Three stories were published on Russian TV channels about the looting of the village. Russian media accused the Ukrainian military of looting. In one of the stories, it is noted that looting began after the withdrawal of combatants of the IAG<sup>470</sup>, which is not true because houses had been looted earlier (see 3.8 "Property looting").

There were five stories in the Ukrainian media that covered the topic of looting. Ukrainian journalists accuse members of the IAGs of these crimes, although both sides are involved in such violations (see 3.8 "Property looting"), as well as Shyrokyne residents themselves, who dismantled the damaged equipment for scrap<sup>471</sup>.

49 stories were published in the Ukrainian media, and 3 in the Russian media on the topic of mine danger in the village.

At the same time, there were 20 stories on Russian TV channels about the bombing of Russian journalist Andrey Lunev in April 2015.

The injury of an employee of the Russian TV channel Zvezda, which is managed by the Russian Ministry of

<sup>465</sup> Nabljudateli OBSE osmotreli mesto gibeli voditelja grazhdanskogo avtomobilja u poselka Shirokino [OSCE observers examined the scene of the death of the civilian car driver near the village of Shyrokyne] First channel. 30.03.2015. Available at: [https://www.1tv.ru/news/2015-03-30/22256-nablyudateli\\_obse\\_osmotreli\\_mesto\\_gibeli\\_voditelya\\_grazhdanskogo\\_avtomobilja\\_u\\_poselka\\_shirokino](https://www.1tv.ru/news/2015-03-30/22256-nablyudateli_obse_osmotreli_mesto_gibeli_voditelya_grazhdanskogo_avtomobilja_u_poselka_shirokino) (retrieved: 12 September 2019); V rezul'tate nochnyh obstreliv v Donecke i Shirokino pogibli dva mirnyh zhitelja [Two civilians were killed in night attacks in Donetsk and Shyrokyne] First Channel. 30.04.2015. Available at: [https://www.1tv.ru/news/2015-04-30/24354-v\\_rezultate\\_nochnyh\\_obstreliv\\_v\\_donetske\\_i\\_shirokino\\_pogibli\\_dva\\_mirnyh\\_zhitelya](https://www.1tv.ru/news/2015-04-30/24354-v_rezultate_nochnyh_obstreliv_v_donetske_i_shirokino_pogibli_dva_mirnyh_zhitelya) (retrieved: 12 September 2019); V rajone Donecka zafiksirovany ozhestochennye boi [In the area of Donetsk fierce fighting is recorded]. Vesti. 13.04.2015. Available at: <https://www.vesti.ru/videos/show/vid/641916/#> (retrieved: 12 September 2019).

<sup>466</sup> Teroristi obstriljujut' #Shirokine zaboronenoju zbroeju telekanalu.[Terrorists fire banned weapons at #Shyrokyne: video on the YouTube channel] Channel 5. 22.02.2015. Available at: <https://www.youtube.com/watch?v=Z-XXEACbluc> (retrieved: 09 September 2019); Teroristi pripinili obstrili z vazhkoi tehniki [Terrorists stopped firing from heavy equipment]. Podrobnosti (website of news program of Inter TV Channel). 27.03.2015. Available at: <https://podrobnosti.ua/2024837-teroristi-pripinili-obstrili-z-vazhko-tehniki.html> (retrieved: 12 September 2019).

<sup>467</sup> Shahterskij Majdan ne dostuchalsja do vlasti / [The miners' Maidan did not reach the authorities] Vesti. 26.04.2015. Available at: <https://www.vesti.ru/doc.html?id=2534713#> (retrieved: 12 September 2019); Jacenjuk prodolzhaet bor'bu s georgievskoj lentochkoj na Ukraine [Yatsenyuk continues to fight the Georgiyevskaya ribbon in Ukraine]. Vesti. 25.04.2015. Available at: <https://www.vesti.ru/doc.html?id=2530419> (retrieved: 12 September 2019).

<sup>468</sup> Vnochi stavsja zapekljij bij pid Shirokinim. [At night there was a fierce battle next to Shyrokyne], TSN. 27.05.2015. Available at: <https://tsn.ua/video/video-novini/vnochi-stavsya-zapekljij-bij-pid-shirokinim.html> (retrieved: 12 September 2019).

<sup>469</sup> Poblizu Mariupolja pozicii ZSU obstriljali 6 raziv. [Near Mariupol, AFU positions were shelled 6 times.]. TSN. 19.03.2015. Available at: <https://tsn.ua/video/video-novini/poblizu-mariupolja-poziciji-vsu-obstriljali-6-raziv.html> (retrieved: 12 September 2019).

<sup>470</sup> Minoborony DNR ozvuchilo plan otvoda voennoj tehniki ot linii soprikosnovenija [The DPR Defense Ministry announced a plan to withdraw military equipment from the contact line / NTV.] 19.07.2015. Available at: <https://www.ntv.ru/novosti/1444896/> (retrieved: 12 September 2019).

<sup>471</sup> V Mariupole rezhim prekrashhenija ognja sobljudaetsja s obeih storon [In Mariupol the ceasefire is observed by both sides]. Podrobnosti (website of news program of Inter TV Channel). 06 September 2014. Available at: <https://podrobnosti.ua/992210-v-mariupole-rezhim-prekrashchenija-ognja-sobljudatsja-s-obeih-storon.html> (retrieved 12 September 2019).



Defense, became the subject of information manipulation in the Russian media. On the day of his injury, while being in the combat zone, journalist Andrey Lunev did not wear a bulletproof vest and helmet. He was injured when he went to the side of the road in the area of the village controlled by the IAG where he was blown up on the stretch. The explosion of munition, which blew up the journalist, provoked a mutual exchange of fire between the parties<sup>472</sup>. On the other hand, Russian media reported on television that the Ukrainian side had started shelling in order to prevent the removal of the wounded<sup>473</sup>.

The studied TV channels did not cover the problem of **termination of pension payments** to Shyrokyne residents after the evacuation (see 4.1 “Pensions and social payments”). At the same time, Ukrainian TV channels talked about problems with pension payments at the beginning of the fighting – in September 2014, five stories were published on this topic.

Since February 2015, the Russian media has been actively covering the topic of **attraction of foreign States to the battles for Shyrokyne**. For this purpose, Yevgeny Chudnetsov, a soldier of the “Azov” battalion, taken prisoner in Shyrokyne, was used. In a forced interview, the prisoner spoke about foreign weapons, as well as instructors who allegedly came to Ukraine from near and far abroad: Georgians, Swedes, and US citizens<sup>474</sup>. At the same time, during the monitoring, it was recorded that Russian citizens, one citizen of Sweden, Georgia, and a US citizen who received an official Ukrainian

military ID took part in the battles for Shyrokyne (see 3.12 “Participation of foreigners in military operations in Shyrokyne”). After his release, Chudnetsov said that he was forced to give false statements in front of the camera, and was threatened that his relatives who live on the temporarily occupied territory would be killed<sup>475</sup>.

In March-April 2015, there were stories with references to the fictional presence of American tanks in Shyrokyne (the so-called third force)<sup>476</sup>. In part of the stories, Russian propagandists talk about the participation of “Blackwater”, a private military company from the United States, on the side of the Ukrainian forces<sup>477</sup>.

*“The OSCE even talks about the appearance of a “third force” on the front, which shoots and provokes the continuation of the war. Mysteriously. Although – and this is Le secret de Polichinelle – just in the area of Shyrokyne there is a battalion of mad fascists “Azov”. Sometimes they put three flags on their armored vehicles at once: Ukraine, the “Right sector” and the United States of America. This is even somehow awkward to comment. Everything is clear”*, Russian journalist **Dmitry Kiselyov** said in one of the TV stories<sup>478</sup>.

The use of intrigue is one of the clearest signs of propaganda. Russian political scientist and media expert Vladimir Solovey notes that the media use hints and intrigue to push people to certain conclusions. The advantage of this method is that people will value such thoughts and conclusions, considering them as their own. In addition,

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<sup>472</sup> EUCCI interview-37 dd. 16.08.2019.

<sup>473</sup> Ranenogo zhurnalista Luneva perevez v Rossiju vertolet [The wounded journalist Lunev was transported to Russia by helicopter] Vesti. 14.04.2015. Available at: [https://www.vesti.ru/doc.html?id=2504464#/video/https%3A%2F%2Fplayer.vgtrk.com%2Fframe%2Fvideo%2Fid%2F1202561%2Fstart\\_zoom%2Ftrue%2FshowZoomBtn%2Ffalse%2Fsid%2Fvesti%2FisPlay%2Ftrue%2F%3Facc\\_video\\_id%3D642105](https://www.vesti.ru/doc.html?id=2504464#/video/https%3A%2F%2Fplayer.vgtrk.com%2Fframe%2Fvideo%2Fid%2F1202561%2Fstart_zoom%2Ftrue%2FshowZoomBtn%2Ffalse%2Fsid%2Fvesti%2FisPlay%2Ftrue%2F%3Facc_video_id%3D642105) (retrieved: 12 September 2019).

<sup>474</sup> Plennyj iz “Azova”: est’ mechat – prihat’ v Kiev i ustroit’ nastojashhuju ljustraciju [Captive from “Azov”: I have a dream-to come to Kyiv and arrange a real lustration]. Vesti. 19.02.2015. Available at: <https://www.vesti.ru/videos/show/vid/636322/> (retrieved: 12 September 2019); Podgotovkoj bojcov polka “Azov” zanimalis’ inostrancy [foreigners were engaged in Training of soldiers of the “Azov” regiment]. Life.ru.]. 19.02.2015. Available at: <https://life.ru/t/%D0%BD%D0%BE%D0%B2%D0%BE%D1%81%D1%82%D0%B8/150110> (retrieved: 12 September 2019).

<sup>475</sup> “Vdarili plaskogubcjami – zubi viletili”: spogadi “azovcja” pro polon [Hit with pliers-teeth flew out: memories of the “Azov” soldier about captivity] BBC. Available at: <https://www.bbc.com/ukrainian/features-42736809> (retrieved: 12 September 2019); Bez rehabilitacii i pomoshhi gosudarstva ostalis’ tri tysjachi osvobozhdennyh iz plena [Three thousand released from captivity were left without rehabilitation and state aid] Podrobnosti (website of news program of Inter TV Channel) 02.02.2018. Available at: <https://podrobnosti.ua/2224070-bez-reabilitatsii-i-pomoschi-gosudarstva-ostalis-tri-tysjachi-osvobozhdennyh-iz-plena.html> (retrieved 12 September 2019).

<sup>476</sup> General-polkovnik Lencov popal pod obstrel pod Mariupolem [Colonel-General Lentsov came under fire near Mariupol] Vesti. 24.03.2015. Available at: [https://www.vesti.ru/videos/show/vid/639876/#/video/https%3A%2F%2Fplayer.vgtrk.com%2Fframe%2Fvideo%2Fid%2F1193655%2Fstart\\_zoom%2Ftrue%2FshowZoomBtn%2Ffalse%2Fsid%2Fvesti%2FisPlay%2Ftrue%2F%3Facc\\_video\\_id%3D639876](https://www.vesti.ru/videos/show/vid/639876/#/video/https%3A%2F%2Fplayer.vgtrk.com%2Fframe%2Fvideo%2Fid%2F1193655%2Fstart_zoom%2Ftrue%2FshowZoomBtn%2Ffalse%2Fsid%2Fvesti%2FisPlay%2Ftrue%2F%3Facc_video_id%3D639876) (retrieved: 12 September 2019); Nabljudateli OBSE zajavljajut: minskie dogovorenosti narushajutsja pod selom Shirokino [OSCE observers say that the Minsk agreements are being violated near the village of Shyrokyne]. First Channel.19.04.2015. Available at: [https://www.1tv.ru/news/2015-04-19/23623-nablyudateli\\_obse\\_zayavlyayut\\_minskie\\_dogovorenosti\\_narushajutsya\\_pod\\_selom\\_shirokino](https://www.1tv.ru/news/2015-04-19/23623-nablyudateli_obse_zayavlyayut_minskie_dogovorenosti_narushajutsya_pod_selom_shirokino) (retrieved: 12 September 2019).

<sup>477</sup> “Tret’ja sila”: amerikanske naemniki ljubjat poigrat’ v vojnu [“Third force”: American mercenaries like to play war]. Vesti. 26.04.2015. Available at: [https://www.vesti.ru/doc.html?id=2534340#/video/https%3A%2F%2Fplayer.vgtrk.com%2Fframe%2Fvideo%2Fid%2F1207357%2Fstart\\_zoom%2Ftrue%2FshowZoomBtn%2Ffalse%2Fsid%2Fvesti%2FisPlay%2Ftrue%2F%3Facc\\_video\\_id%3D643232](https://www.vesti.ru/doc.html?id=2534340#/video/https%3A%2F%2Fplayer.vgtrk.com%2Fframe%2Fvideo%2Fid%2F1207357%2Fstart_zoom%2Ftrue%2FshowZoomBtn%2Ffalse%2Fsid%2Fvesti%2FisPlay%2Ftrue%2F%3Facc_video_id%3D643232) (retrieved: 12 September 2019).

<sup>478</sup> Siloviki ne skryvajut narushenie peremirija [Militants do not hide the ceasefire violation] Vesti. 19. 04.2015. Available at: <https://www.vesti.ru/doc.html?id=2517077#> (retrieved: 12 September 2019).

information that evokes a sense of “awareness”, knowledge of what is known to a few, is more interesting to people<sup>479</sup>.

In May 2015, the narrative of the “third force” in Shyrokyne is complemented by the thesis that **Islamists are fighting in the village** on the Ukrainian side<sup>480</sup>. “The white book of the special information operations against Ukraine, 2014–2018” of the Ministry of Information Policy of Ukraine notes that, in Russia in 2013, there was an active promotion of the myth on relations of Ukraine and ISIS, because in the countries of developed democracy ISIS is regarded as an absolute evil, a threat, and danger to humanity. In April 2015, Russia launched a second wave of information attacks against Ukraine on this topic. Using the fact that soldiers of the Dzhokhar Dudayev battalion participated in the battles for the village<sup>481</sup>, the Russian media imposed an opinion on the connection of this military unit with ISIS<sup>482</sup>.

Another case is equally important. On 2 May 2018, the Ukrainian military officer Vitaly Chmil disappeared near Shyrokyne during the shelling. The JFO press center reported that the fighter probably moved to the other side. The press services of the 36th separate marine brigade suggested that their soldier was taken prisoner<sup>483</sup>. Subsequently, media resources of the so-called DPR published videos where a soldier talks about the lack of Russian equipment on the side of the IAGs and claims that British citizens are fighting on the Ukrainian side in Shyrokyne<sup>484</sup>. He also accused the Ukrainian military of targeting children in Shyrokyne, although there were no civilians in the village during this period (see 2.2. “Military

actions in the village from 24 August 2014 to 9 February 2015”).

Theses about the presence of foreigners on the Ukrainian side and the alleged involvement of the Ukrainian military in the deaths of children were covered in the Russian media, but without mentioning Shyrokyne<sup>485</sup>.

Ukrainian media raised the topic of the presence of Russian military and equipment in Shyrokyne (see 2.5 “Participation of the Russian Federation in the armed conflict in the Donbas (southern Donetsk region)”). 79 stories were published on this topic. They were based on reports of Russian-made military equipment and ammunition found in Shyrokyne<sup>486</sup>, and Ukrainian military testimony<sup>487</sup>.

In stories about Shyrokyne, describing the Ukrainian military, Russian media used hate speech calling Ukrainians “thugs”, “punishers”, “fascists”, “Nazis”, “neo-Nazis”. In this way, the Russian media try to evoke fear through associations with World War II (14 such stories were recorded). Another common term in the subjects of the Russian media refers to the Ukrainian military “security forces”. In Ukrainian TV shows, participants of the IAG are called “militants”, “terrorists”, “mercenaries”, “occupiers”.

Propaganda is characterized by **escalating the situation, creating a sense of anxiety, danger, fear**, etc. In the stories about Shyrokyne, the viewer’s sense of fear was aroused through the production of the thesis that the Kyiv government does not control the volunteer

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<sup>479</sup> Matvejchev O., Gusev D., Chernakov S., Hazeev R. Ushi mashut oslom. Sovremennoe social'noe programmirovaniye [Matveychev, O., Gusev, D., Chernikov S., R. Hazeev Ears flap the donkey. Modern social programming] Available at: [https://stavroskrest.ru/sites/default/files/files/books/ushi\\_mashut\\_oslom.pdf](https://stavroskrest.ru/sites/default/files/files/books/ushi_mashut_oslom.pdf). pp. 50-51.

<sup>480</sup> Za Poroshenko vojujut islamisty batal'ona shejha Mansura [Islamists of Sheikh Mansour's battalion are fighting for Poroshenko]. Vesti. 17.05.2015. Available at: <https://www.vesti.ru/doc.html?id=2586852> (retrieved: 12 September 2019).

<sup>481</sup> Bila kniga special'nih informacijnih operacij proti Ukraini 2014-2018 [The white book of special information operations against Ukraine 2014-2018]. Zolotukhin D. Available at: [https://mip.gov.ua/files/pdf/white\\_book\\_2018\\_mip.pdf](https://mip.gov.ua/files/pdf/white_book_2018_mip.pdf) (retrieved: 12 September 2019).

<sup>482</sup> Ibid.

<sup>483</sup> Zniknennja ukrains'kogo morpiha: vtecha chi polon?/ BBC [Disappearance of a Ukrainian marine: escape or capture?/ BBC.] Available at: <https://www.bbc.com/ukrainian/news-43988114> (retrieved: 12 September 2019).

<sup>484</sup> Press-sluzhba UNM DNR. Press-konferencija plennyh voennosluzhashhih VSU [Press service of the DNP DPR. Press conference of captive servicemen of the AFU] 24.05.2018. Available at: <https://www.youtube.com/watch?v=ZFs9swqtS-o> (retrieved: 09 September 2019); NovorossijaTV. Slezy plennogo VSUshnika na Allee Angelov: video na YouTube-kanale telekanala [Novorossija TV. The tears of the imprisoned AFU member at the Alley of Angers], 10.05.2018, YouTube video. Available at: <https://www.youtube.com/watch?v=adjJ7XRWoeM>. (Retrieved 09 September 2019).

<sup>485</sup> Rossija-24. Voennoplennye: “jekskursija” morpeha VSU po Donecku – Rossija 24: video na YouTube-kanale telekanala [Russia-24. Prisoners of war: “excursion” of the AFU marine in Donetsk – video on the YouTube channel.] 11.05.2018. Available at: [https://www.youtube.com/watch?v=G-\\_dSYTPsKw](https://www.youtube.com/watch?v=G-_dSYTPsKw) (retrieved: 09 September 2019); Ukrainskij diversant vstal na koleni pered pamjatnikom pogibshim detjam Donbassa / Vesti.[ Ukrainian saboteur knelt in front of the monument to the dead children of the Donbas/Vesti] 10.05.2018. Available at: <https://www.vesti.ru/doc.html?id=3015953> (retrieved: 12 September 2019).

<sup>486</sup> 5 kanal. Ukrainis'ki vijs'kovi povnistju kontroljujut' Shirokine telekanalu. [Channel 5. The Ukrainian military fully controls Shyrokyne: video on the YouTube channel.] 24.02.2016. Available at: <https://www.youtube.com/watch?v=XtVWKKNSeYY> (retrieved: 12 September 2019).

<sup>487</sup> 5 kanal. Bijci “Azovu” zakripili svoi pozicii na linii Shirokine-Pavlopil' telekanalu [Channel 5. “Azov” fighters secured their positions on the Shyrokyne-Pavlopil line: video on the YouTube channel.] 11.02.2015. Available at: [https://www.youtube.com/watch?v=ZyTj\\_25AtOg](https://www.youtube.com/watch?v=ZyTj_25AtOg) (retrieved: 12 September 2019).

battalions, and therefore, any outrages can be expected from them (the thesis is present in 18 stories).

Shyrokyne is also mentioned in other manipulative messages designed to trigger a sense of fear. In April 2015, the anti-Ukrainian group of hackers “Kiberberkut” published a video where men in military uniforms, who represent themselves as members of the “Azov” regiment, allegedly burned an unknown person on the cross. “Kiberberkut” noted that the video was shot near Shyrokyne and was allegedly sent by the Ukrainian military for the purpose of intimidation<sup>488</sup>.

“Azov” replied that this video was a fake and is intended to discredit the regiment. *“Soldiers of the “Azov” regiment are not presented in this video. The appearance of the*

*people captured in the video is different from the uniform of the “Azov” fighters. The actors in the video called the “Azov” a battalion, which is typical of the Russian media. Ukrainian military and media know that since September 2014, “Azov” is a regiment of the National Guard. In the video, the actor is allegedly wearing an “Azov” chevron. The size of the depicted chevron is much larger than the size of the standard chevron used by “Azov”. Well, in the end, it is clear that no one was burned in the video, because the video was cut off at the moment when a person is allegedly set on fire”, “Azov” argued<sup>489</sup>.*

**International organizations in the information messages.** Russian media try to increase the influence of their videos by referring to the OSCE or showing representatives of this international organization in the shot (62 % of the 362 analyzed stories). Russian TV channels selectively presented information from the OSCE reports, without recalling the violations by the IAGs recorded in the reports<sup>490</sup>.

Ukrainian TV channels also recalled and showed the OSCE, but did so with less frequency (8 % of the 1,392 analyzed stories). Ukrainian media often referred to the OSCE negatively in stories (15 such stories).



**Video:**  
A staged video with  
“atrocities” of the  
“Azov” regiment



**Screenshot 23.** A staged video of a man being burned by “Azov” regiment fighters in 2015. *Source: KiberBerkut VKontakte page*

<sup>488</sup> Kiber Berkut. Neonacisty prodolzhajut svoi akcii zapugivanija: obnovlenie stutusa v “VKontakte” [Kiber Berkut. Neo-Nazis continued their campaign of intimidation: “VKontakte” post] 24.04.2015. Available at: [https://vk.com/wall251480481\\_87](https://vk.com/wall251480481_87) (retrieved: 25 September 2019).

<sup>489</sup> Polk “Azov”: video iz nibito “pidpalennjam opolchencja” – provokacija [Regiment “Azov”: video with the alleged “arson of the militia” - provocation]. Radio Liberty. 27.04.2015. Available at: <https://www.radiosvoboda.org/a/26981569.html> (retrieved: 25 September 2019).

<sup>490</sup> See, for example, OBSE: boi v Shirokino sprovocirovali ukrainskie siloviki [OSCE: the fighting in Shyrokyne was provoked by UAF]. Vesti. 15.04.2015. Available at: <https://www.vesti.ru/videos/show/vid/642126/#> (retrieved 17 September 2019); Latest from OSCE Special Monitoring Mission to Ukraine (SMM), based on information received as of 19:30 (Kyiv time) 13.04.2015 / OSCE. 14.04.2015. Available at: <https://www.osce.org/ukraine-smm/150811> (retrieved: 17 September 2019).

The monitoring mission of this international organization was accused of the fact that its observers do not record the attacks on Shyrokyne carried out by representatives of the IAGs<sup>491</sup>.

**Findings.** Analysis of media news reports shows that military events around the village often became the subject of information manipulation by both sides, and individual events and phenomena were described in a distorted or incomplete manner.

In both Russian and Ukrainian television stories, the topic of the difficulties faced by civilians as a result of the military actions in Shyrokyne was not covered efficiently. The stories of both sides are focused on military issues. Their main task is negative depiction of the enemy.

The topic of human rights violations and breaches of IHL norms has not always been adequately covered in news reports. There are media reports on a number of complex and important issues for society resulting from the war (including in the context of Shyrokyne). For example, leading Ukrainian TV channels did not pay attention to the problem of excessive use of force by Ukrainian combatants against detained civilians; almost no coverage was given to the problem of extra-statutory relations and non-combat losses among the Ukrainian military in Shyrokyne.

The media on both sides of the conflict suppressed the topic of theft/use of property of Shyrokyne residents by combatants who represented the same side of the conflict as the corresponding media. The silencing of the topic of the use of the civilian property by the military did not allow the media to explain why the combatants were in many cases forced to use the abandoned property of locals.

In the analyzed Russian media, manipulations were massive and systematic. Russian TV stories do not meet the standards of objective journalism. Their aim is to fuel confrontation between the parties, justify the actions of the IAGs and deliver negative coverage of the actions of the Ukrainian military.

In the modern world, public opinion is influenced by information and psychological influence of many social institutions, including media. Media is also a means of community participation in public administration. Full and correct coverage of the problems of individuals and communities is an important component for their further solution and a guarantee of public trust.

When society lacks knowledge on a difficult and worrying issue, incomplete and suppressed information is surrounded with rumors. On the other hand, it only indulges the purposeful propaganda of the opposite side, giving materials to support certain myths. In this way, the excessive use of force by certain representatives of Ukrainian law enforcement agencies is actively used by the Russian media to create a myth about the Ukrainian military as “fascists”. At the same time, the Ukrainian media should not create an opposite myth. It is necessary to establish real facts, inform, clarify the causes of certain social phenomena, further public discussion and condemnation of gross violations of human rights, regardless of which side of the conflict committed them. Truthful information creates conditions for greater identification of citizens with their own State. Thus, citizens receive confirmation that the State cares about them, in contrast to the “DPR” and “LPR” that lack the rule of law and respect for human rights.

Manipulation of important topics and insufficient information about the war-related problems of Shyrokyne residents makes it difficult to solve these problems, which has negative impact on some of the residents. Shortcomings in the state policy reinforced by news stories from leading media outlets create a situation where residents are afraid to talk about human rights violations by the Ukrainian military, their trust in Ukrainian institutions is undermined, and they have no hope of being heard. It complicates the process of reintegration of the residents of the temporarily occupied territories and restoration of the country's territorial integrity.

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<sup>491</sup> See, for example, Pid Mariupolem bojoviki zastosovujut' zaboronenu umovami peremir'ja tehniku [Near Mariupol, militants use equipment prohibited by the terms of ceasefire] TSN. 13.03.2015. Available at: <https://tsn.ua/video/video-novini/pid-mariupolem-bojoviki-zastosovuyut-zaboronenu-umovami-peremir-ya-tehniku.html> (retrieved: 12 September 2019).

# FINDINGS

1. At least 12 civilians were killed and 24 others sustained injuries of varying severity during hostilities in Shyrokyne.

The causes of death were:

- in six cases – bullet wounds;
- in five cases – shrapnel wounds;
- in one case – injuries (beating) and subsequent hypothermia.

Artillery fire and small arms fire were equally responsible for the injuries of 24 civilians.

One of the reasons for the use of small arms against civilians could be the erroneous attribution of individual civilians (in particular, through certain elements of their clothing or behavior) to the combatants.

It appears that the deaths and injuries of civilians may have been the result of the actions of the members of both the IAGs and the Ukrainian military. Therefore, both sides of the conflict are responsible for the deaths and injuries of people.

2. Between September 2014 and January 2020, at least 58 Ukrainian soldiers were killed in or near Shyrokyne. Among the military units that participated in the fighting in the Shyrokyne area, the “Azov” regiment suffered the greatest losses with at least 15 members killed.

3. Participants of hostilities in Shyrokyne on the side of “DPR” included citizens of Ukraine, in particular residents of the temporarily occupied territories of Donetsk and Luhansk regions, and citizens of the Russian Federation, including military personnel. Mainly the Russian military personnel carried out the military command. Russian-made items and weapons were used. According to representatives of the IAG, more than 80 members of illegal armed groups were killed in the battles for the village. During the study, the Center was able to identify the names of 40 deceased, including 12 people who are very likely to have been Russian citizens. Foreigners engaged in the IAG activities and took part in hostilities in the area came from France, Serbia, Brazil, and Uzbekistan.

4. The placement of military defense facilities (fortifications) at “Shyrokyne heights” by the Ukrainian military in July-August 2014 could have posed a threat to persons and objects protected under IHL; with a high probability, these positions became the main goal of the IAG during the first shelling of the village on 4-5 September 2014. Given the military necessity, the placement of positions should be recognized as justified and proportionate to the advantage over the enemy gained with the Ukrainian military control over the heights.

5. The massive shelling of the village by the IAG on 4-5 September 2014 amounts to an indiscriminate attack

and, accordingly, a war crime, since, with a high degree of probability, there were no military objectives directly in the village (among residential buildings).

6. The study did not collect sufficient data to determine whether the control over the village established by “Azov” regiment on 10 February 2015, as one of the episodes (stages) of the general military operation, was accompanied by breaches of IHL norms, such as failure to take precautions during the attack. According to available information, when planning and conducting a military operation, the Ukrainian side has taken adequate security measures in the choice of means and methods of attack; the potential harm (risks) to persons and objects protected by the IHL at the beginning of the military operation did not appear excessive compared to the concrete military advantage that could be achieved in case of successful operation.

7. When carrying out a counter-attack on a village on 10 February 2015, the IAGs were under obligation to use precautions both during the attack and also in relation to its aftermath, in particular, take into account the prohibition on the use of methods or means of warfare that cannot be directed at specific military objectives; they failed to exercise such precautions. The shelling of the village and its surrounding areas by the IAG on 10 February 2015, in particular with the use of MLRS, as a response to the occupation of the village by “Azov” regiment amounts to a war crime in the form of an indiscriminate attack.

8. In the future, during the coordination and exercise of fire against the enemy in the military operations of 11-15 February 2015, both sides clearly did not take into account the degree of concentration of the civilian population and the presence of objects under the protection of IHL.

9. The Ukrainian side tried to fulfill its duty to take measures regarding the consequences of the attack to the maximum extent possible and to remove the local population from the area of military operations. During the active phase of the “Shyrokyne operation” (10-15 February 2015), “Azov” regiment carried out the evacuation of Shyrokyne residents. There are no reports of forced evacuation with the use of physical violence or threats. However, the decision to leave the village did not stem from the people’s free will and was made under the influence of external circumstances (armed confrontation).

10. The study did not establish whether there was an organized evacuation of the civilian population by members of the IAG as part of precautionary measures regarding the consequences of the attack during their counteroffensive on 10-15 February 2015. There were only isolated cases of evacuation of the wounded

civilians from 15 February to 15 June 2015, and a well-documented fact that the last 12 civilians were removed from the village on 16 June 2015.

11. Both sides of the conflict resorted to the illegal imprisonment of civilians, which included deprivation of liberty in illegal places of detention. At least eight cases on the Ukrainian side and three cases on the IAG side have been established. During the apprehension/abduction of people and their subsequent detention in places of incarceration, they were often subjected to ill-treatment and torture. The reason for such actions on the Ukrainian side was often the suspicion in cooperation with the IAGs and counterintelligence measures. Members of the IAG committed the above-mentioned illegal actions mainly out of self-interest (robbery, extortion).

12. The deliberate targeting of medical personnel and an ambulance picking up a wounded person on 25 April 2015 by members of the IAGs (the vehicle was unable to pick up the wounded person, which had fatal consequences) constitutes a gross violation of IHL and a war crime.

13. One case of a person under the age of 18 being used by the IAG for active participation in military operations in Shyrokyne has been established. No such facts have been established on the Ukrainian side. However, there were cases when the Ukrainian military, despite the risks, allowed children (persons under the age of 18) to visit Shyrokyne accompanied by adults from among the members of a religious organization.

14. There were cases of abuse of dead bodies of Ukrainian soldiers by members of the IAGs (cutting off organs, mining bodies, etc.). There is not data on such actions on the Ukrainian side.

15. The absolute majority of civilian objects in the village were destroyed following the use of heavy weapons by the parties to the conflict or from the armed clashes in the village. At the same time, the shelling of the village after 15 February 2015 carried out by both sides cannot be considered as attacks of an indiscriminate nature, since civilian objects in the form of residential buildings and social infrastructure were converted into military objectives and used as defense structures, that is, they actually lost their immunity.

16. A significant part of the property of the civilian population of Shyrokyne was looted, which constitutes a war crime. Based on the data obtained during the study, it can be argued that both sides of the conflict resorted to looting, as did the individual civilians from settlements located near Shyrokyne.

17. Criminal proceedings related to the murder of civilians in Shyrokyne, bodily harm, looting of property of the civilian population and other crimes are investigated inefficiently. At the time of this report, there were no cases where perpetrators were held (even in isolated cases of detention of persons with stolen goods, the perpetrators were not brought to justice). In addition to the generally recognized flaws of the law enforcement system of Ukraine, the main reasons for the ineffective investigation include the lack of access to the site (inability to examine the area, identify and interview possible witnesses, remove evidence, etc.), as well as the situation in which the crime was committed (the context of hostilities). It should be recognized that it is extremely difficult to identify the direct immediate perpetrator of a crime in the context of military operations, and it is usually at best possible to identify the party to the conflict to which the perpetrator belonged. The general distrust towards law enforcement officers and disbelief in their ability to conduct an effective investigation was the main reason why many Shyrokyne residents did not report crimes against them and/or their relatives to law enforcement agencies.

18. There was a systemic problem of illegal and unjustified termination of pension payments to residents of Shyrokyne, a significant part of whom after the evacuation remained in Mariupol and received the IDP status. At least seven of these people were in particularly difficult circumstances at the time. As of the date of preparation of this report, the majority of interviewees were able to restore their pension payment. However, mostly they did not receive the debt for the non-payment period.

19. At the time of the writing of this report, only one resident of Shyrokyne passed the procedure of establishing the fact of injury (damage to health) from explosives, ammunition and military weapons on the territory of the ATO and was entitled to benefits established by the legislation of Ukraine for war veterans with war-related disabilities.

20. At the time of the writing of this report, none of the residents of the village had an official document issued by the competent authority to certify the fact of destruction of real estate, the degree of damage, or the scope of material damage.

21. None of the residents of Shyrokyne received financial compensation from the State for the destroyed housing. A significant number of Shyrokyne residents after the evacuation could not buy new houses in the government-controlled areas. Some of these people stayed with relatives, and most are forced to rent. A significant number of respondents describe the lack of their own housing as their main social problem.

# RECOMMENDATIONS

## To the Verkhovna Rada of Ukraine:

1. To recognize the jurisdiction of the International Criminal Court under the conditions set out in the Rome Statute of the ICC.
2. To adopt the draft Law of Ukraine no. 9438 dd. 20.12.2018 "On amendments to certain legislative acts of Ukraine regarding harmonization of criminal legislation with provisions of international law designed to ensure maximum harmonization of the penal legislation of Ukraine with the provisions of contemporary international law and practice, their implementation into the national legal system in the aspect of responsibility for acts which constitute crimes under the international law".
3. To adopt a separate law in order to address the issue of monetary compensation for the housing destroyed by military actions taking into account the property interests of all categories of victims without exception. The Resolution no. 623 adopted by the Cabinet of Ministers only partially eliminates the problem of legislative regulation of compensation. According to the above resolution, residents of Shyrokyne might not be able to receive compensation in the near future for the following reasons:
  - due to the lack of access to the village, it is impossible to conduct a survey of the destroyed housing of Shyrokyne;
  - many people have lost documents confirming their ownership and for a long time and for various reasons are not able to restore them;
  - Shyrokyne residents were forced to leave the village, that is, they did not "stay at the previous place of residence", which is one of the conditions for receiving compensation.
4. To sign and ratify the European Convention on the Compensation of Victims of Violent Crimes (ETS No. 116).

## To the Prosecutor's General Office (subordinate prosecutor's offices):

1. To launch the investigation of crimes committed in the village of Shyrokyne from 4 September 2014 until present based on the information provided in this report.
2. To strengthen the oversight over the observance of laws during pre-trial investigation of criminal proceedings related to military activities in Shyrokyne, in particular, to give the investigators mandatory guidance on the undertaking of specific investigative (search) and other procedural activities at reasonable intervals within the time clearly defined by law or the prosecutor; to ensure that investigators follow relevant instructions.

## To the Ukrainian media

1. To pay due attention to the coverage of the problems of civilians living near the contact line and IDPs; to cover human rights violations alleged by both sides of the conflict objectively.

## To the Ministry of Defence of Ukraine/ General Staff of the Armed Forces of Ukraine/the National Guard of Ukraine:

1. To strictly adhere to the principles of distinction between civilians and combatants, between civilian objects and military objectives in the planning and conduct of military operations (warfare) with the aim of protecting the civilian population and civilian objects from the effects of hostilities and the concentration of troops (forces) only against military objectives of the enemy. At the same time, the principles of legality, limitation, proportionality, humanity and military necessity should be observed.
2. To take adequate measures to stop the practice of looting of settlements located on the contact line (in particular, by creating conditions that prevent property looting) and organize official investigations in the known (in particular, from the reports of citizens and NGOs) facts of the robbery of civilian housing by the armed forces of the AFU.
3. To prohibit military personnel from taking photos and videos of belongings of the civilian population during their stay in the homes of the people (along with posting such materials online), or damaging property (making inscriptions, drawing, etc.) unless it is related to the performance of functions assigned to the relevant units.
4. To urgently consider possible ways to ensure access to the territory of Shyrokyne village for the special commission tasked with issuing the reports on inspection of damaged (destroyed) property of the civilian population.
5. As soon as possible, to immediately conduct a survey of the territory of the village of Shyrokyne with regard to explosive devices; to carry out marking and drawing up of the appropriate map(s) of the territory; to perform mine clearance (detection, transportation, neutralization and (or) destruction of explosive objects).

## To the Security Service of Ukraine/the National Police of Ukraine (subordinate offices):

1. To launch the investigation of crimes committed in the village of Shyrokyne from 4 September 2014 until present based on the information provided in this report.
2. To enter the data on criminal offenses committed in Shyrokyne and other settlements located on the contact line in the unified register of pre-trial investigations in a timely manner, providing the applicants with an extract from the register (if criminal proceedings commence at the request of citizens); to conduct investigative (search) activities in a timely manner, in particular, at the request of victims.

## Annex 1

### Civilians who died in the village of Shyrokyne from 4 September 2014 to 16 June 2015

Nº	Full name	Date of birth	Date of death	Cause of death
1	Noskov Ivan Oleksandrovych	17.10.1951	04.09.2014	shrapnel wound
2	Spevakin Serhii Viktorovych	23.02.1961	05.09.2014	shrapnel wound
3	Poltorybatko Yevhen Anatoliyovych	1958/1968	04.02.2015	bullet wound
4	Novikov Volodymyr Petrovych	1948	14.02.2015	bullet wound
5	Gryshko Volodymyr Mefodiyovych	14.07.1951	15.02.2015	bullet wound
6	Danylov Volodymyr Oleksiyovych	05.04.1966	15.02.2015	mine-blast injury
7	Lohozynska Anastasiia Ivanivna	1935	15.02.2015	bullet wound
8	Lykhatskyi Anatoliy Mykytovych	15.03.1939	21.02.2015	hypothermia (was severely beaten by robbers, thrown into the basement, where he stayed in a semi-conscious state for three days)
9	Zakharov Ihor Mykhailovych	1968	11.03.2015	bullet wound
10	Murashenko Dmytro Viacheslavovych	1958	30.04.2015	shrapnel wound
11	Uskov Serhiy Pavlovych	24.05.1975	13.05.2015	shrapnel wound
12	Pohorelov Hryhorii Leontiiovych	1951	30.05.2015	bullet wound

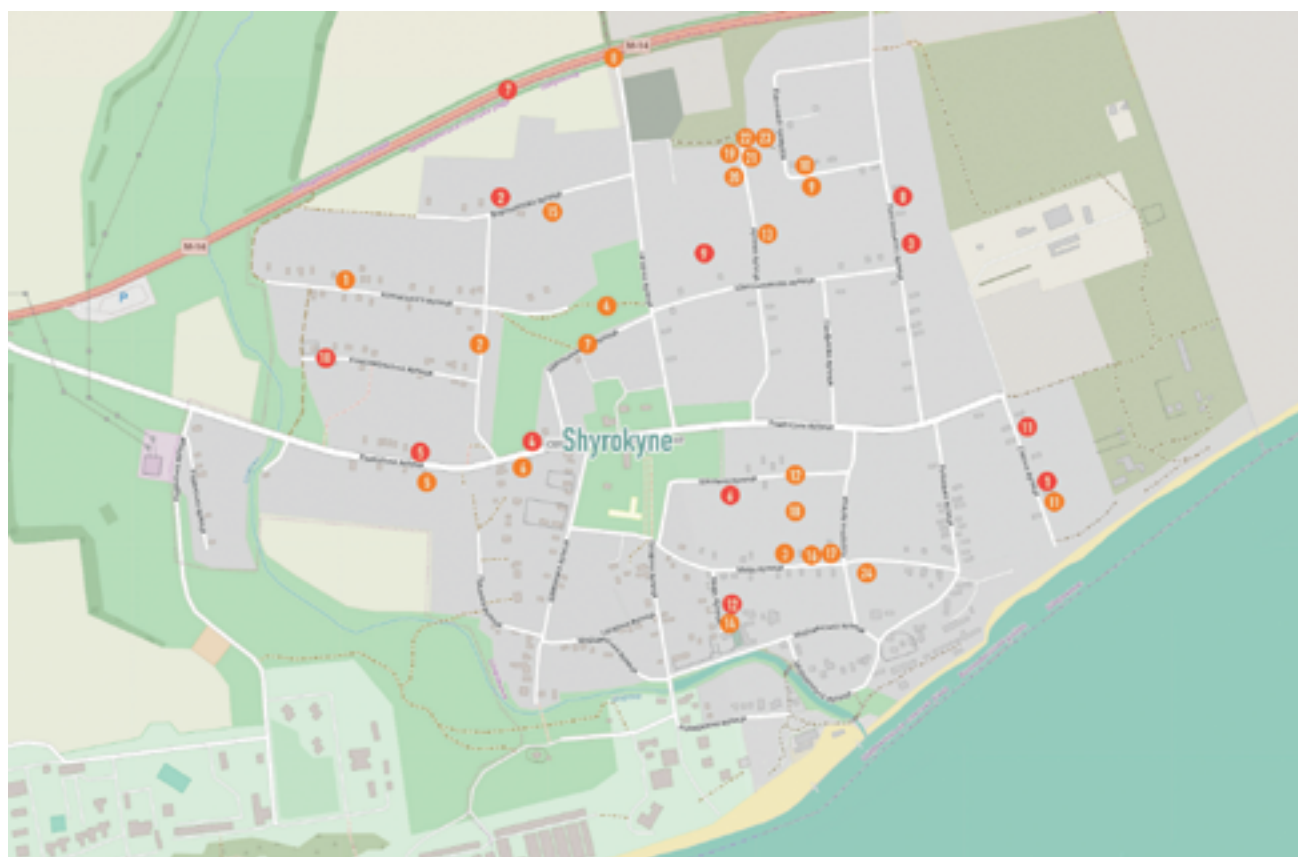
## Annex 2

### Civilians who sustained injuries in the village of Shyrokyne from 4 September 2014 to 16 June 2015

Nº	Name, surname	Date of birth	Date of injury	Cause of death
1	Isakov Mykola Fedorovych	1939	05.09.2014	shrapnel wound
2	Nedayvodina Liliia Oleksandrivna	1959	13.02.2015	bullet wound
3	Poliezhayev Mykola Oleksandrovych	1965	14.02.2015 & 05.06.2015	the nature of the injury is unknown
4	Tykhonov Stepan Kyrilovych	1935	14.02.2015	shrapnel wound
5	Korabliov Valentyn Kostiantynovych	1939	14.02.2015	severe shrapnel wound
6	Kovaliov Anatoliy Ivanovych	1953	14.02.2015	contusion
7	Shvarts Volodymyr Yevhenovych	1945	16.02.2015	shrapnel wound
8	Glutskyi Oleksandr Vasyliovych	1984	06.03.2015	bullet wound, disability
9	Glushchenko Oleksandr Mykolayovych	1962	17.03.2015	shrapnel wound
10	Glushchenko Olena Viktorivna	1968	17.03.2015	shrapnel wound
11	Ponomariova Galyna Mykolaivna	1968	21.05.2015	the nature of the injury is unknown
12	Hudilov Yurii Vasylyovych	1949	30.05.2015	shrapnel wound
13	Maksymenko Liudmyla Ivanivna	1960	30.05.2015	shrapnel wound
14	Kudriavtsev Ivan Viktorovych	1959	30.05.2015	bullet wound
15	Demydenko (Tkachenko) Hanna Stepanivna	05.02.1988	April-May 2015	shrapnel wound
16	Isikova Raisa Afanasiivna	14.05.1940	04.06.2015	contusion
17	Netkacheva (Isikova) Hanna Afanasiivna	14.12.1934	04.06.2015	contusion
18	Ovsianko Valentyna Ivanivna	1963	05.06.2015	the nature of the injury is unknown
19	Ostapenko Vasyl Ivanovych	1946	15.06.2015	contusion
20	Shcherbak Viktor Hryhorovych	1960	15.06.2015	shrapnel wound, disability
21	Fishchenko Anatoliy Oleksiyovych	1959	15.06.2015	contusion
22	Dzhurynets Tetiana Volodymyrivna	1957	15.06.2015	shrapnel wound, contusion
23	Stryzhak (Zhyrova) Iryna	1974	15.06.2015	shrapnel wound
24	Firsov Anatoliy Grygorovych	1952	23.10.2015	mine-blast injury

<sup>492</sup> The lists of dead and injured persons in the Annexes may be incomplete, contain errors and inaccuracies.





**Area plan 3.** Possible places of death and injuries of civilians of Shyrokyne resulting from hostilities in the village<sup>493</sup>.

## Annex 3

### Ukrainian soldiers who died in the village of Shyrokyne from 4 September 2014 to 22 January 2020

Nº	Name, surname, call sign	Date of birth	Place of birth	Military unit	Date of death and circumstances of death
1	Demydov Yuriy	03.02.1983	Bohatyr village, Yakymivskiyi district, Zaporizhzhia region.	23rd battalion	05.09.2014
2	Popov Volodymyr	23.03.1993	Yakymivka urban settlement, Yakymivskiyi district, Zaporizhzhia region	23rd battalion	05.09.2014
3	Komar Vyacheslav	26.04.1984	Lubyske village, Novomykolaivskyi district, Zaporizhzhia region	23rd battalion	05.09.2014
4	Havelya Bohdan	05.09.1974	Kremenchuk city, Poltava region	79th brigade	04.02.2015
5	Zaichenko Oleksandr	03.10.1975	Kyiv	79th brigade	04.02.2015
6	Kryvoruchenko Stepan ("Vuzh")	18.10.1969	Sarny city, Rivne region	"Azov" regiment	05.02.2015
7	Koryak Dmytro ("Brat")	25.04.1989	Myrhorod city, Poltava region.	"Azov" regiment	11.02.2015
8	Radionov Volodymyr ("Chempion")	07.11.1988	Luhansk city	"Azov" regiment	14.02.2015
9	Holchenko Ihor ("Ernest")	16.10.1996	Sumy city	"Azov" regiment	14.02.2015
10	Chernenko Roman ("Bench")	25.05.1995	Dnipro city	"Azov" regiment	14.02.2015
11	Chebotariov Mykhailo ("Chavur")	29.07.1987	Novy Urhal urban settlement, Verkhniobureinskyi district, Khabarovsk region, Russia	"Azov" regiment	15.02.2015
12	Kyrylov Vyacheslav ("Kozak")	19.12.1981	Odesa city	"Azov" regiment	15.02.2015
13	Grytsay Anton ("Sif")	07.05.1987	Poltava city	"Azov" regiment	15.02.2015
14	Troitsky Mykola ("Akela")	19.10.1965	Odesa city	"Azov" regiment	15.02.2015
15	Kutuzakii Oleksandr ("Kutuz")	26.12.1986	Odesa city	"Azov" regiment	15.02.2015
16	Shabelnyi Oleh ("Tsar")	11.10.1966	Pishchana village, Bilotserkovskyi district, Kyiv region.	46th SAB "Donbas-Ukraine"	15.02.2015
17	Telnov Yevhen ("Usach")	20.11.1961	Kropyvnytskyi city	46th SAB "Donbas-Ukraine"	15.02.2015

<sup>493</sup> The plan indicates the locations of civilian deaths and injuries that were identified during the study.

<b>№</b>	<b>Name, surname, call sign</b>	<b>Date of birth</b>	<b>Place of birth</b>	<b>Military unit</b>	<b>Date of death and circumstances of death</b>
18	Burlaka Oleh ("Olesh")	05.07.1972	Donetsk city	46th SAB "Donbas-Ukraine"	15.02.2015
19	Ambros Serhii ("Ambros")	16.05.1990	Cherkasy city	"Azov" regiment	18.02.2015
20	Yeysiukov Oleksandr ("Doc")	08.01.1978	Staryi Krym city, AR Crimea	79th brigade	21.02.2015
21	Vakoliuk Volodymyr	10.11.1981	Pechenha urban settlement, Pechenzky district, Murmansk region, Russia	79th brigade	22.02.2015
22	Pobedynskyi Volodymyr ("Krit")	21.10.1991	Manhush urban settlement, Mangusky district, Donetsk region.	46th SAB "Donbas-Ukraine"	07.03.2015
23	Nakudaliuk Petro	01.07.1990	Ploska village, Dubensky district, Rivne region.	17th brigade	17.03.2015
24	Makeyev Oleh ("Boroda")	12.02.1967	Zaporizhzhia city	93rd brigade	05.04.2015
25	Shcherbak Dmytro ("Pilot")	25.11.1960	Zaporizhzhia city	93rd brigade	05.04.2015
26	Dzhanelidze Heorhii ("Satana")	1977	Georgia	"Azov" regiment	18.04.2015
27	Malukhin Kostyantyn ("Mar'yachi")	30.12.1973	Kyiv	46th SAB "Donbas-Ukraine"	25.04.2015
28	Sotnyk Ivan ("Chekist")	18.08.1987	Hrudky village, Kamen-Kashirsky district, Volyn region	46th SAB "Donbas-Ukraine"	02.05.2015
29	Ivanov Dmytro ("Spasatel")	22.07.1987	Ananyiv city, Odesa region	46th SAB "Donbas-Ukraine"	24.05.2015
30	Diusov Vladyslav ("Dushes")	25.03.1994	Mohyliv-Podilsky city, Vinnytsia region.	"Azov" regiment	31.05.2015
31	Denysiuk Denys ("Dyus")	04.07.1990	Kyiv city	"Azov" regiment	10.06.2015
32	Stefanovych Viktor	10.05.1987	Ternopil city	UVC Right Sector	15.06.2015
33	Rusakov Borys ("Ratibor")	1981	Novosibirsk, RF	Azov Regiment	30.06.2015
34	Shylov Serhii ("Grin")	16.01.1972	Zhovti Vody, Dnipropetrovsk region	UVC Right Sector	16.07.2015
35	Ivanchenko Yevhen	21.05.1978	Vatutine city, Cherkasy region	36th brigade	08.08.2015
36	Zhordochkin Vadym	22.11.1978	Malyn city, Zhytomyr region	54th brigade	18.04.2016
37	Shavriiev Ihor	16.12.1981	Terebovlia city, Ternopil region.	56th brigade	23.04.2016
38	Savinov Eduard	10.08.1970	Chornomorsk, Odesa region.	36th brigade	10.05.2016
39	Honcharuk Vasyl ("Tsyhan")	09.05.1993	Osycky village, Savranskyi district, Odeska region	36th brigade	04.07.2016
40	Sheludko Volodymyr ("Karas")	09.08.1986	Novyi Rozdil city, Lviv region	Ukrainian Volunteer Army	26.08.2016
41	Shermurovskyi Vladyslav ("Maestro")	23.08.1993	Radyvyliv city, Rivne region	Ukrainian Volunteer Army	31.08.2016
42	Nenitsa Anatolii	29.06.1988	Kamyanka vilage, Apostolivskyi district, Dnipropetrovsk region	54th brigade	10.10.2016
43	Babivskyi Ruslan	21.04.1972	Brovary city, Kyiv region.	54th brigade	28.10.2016
44	Volkov Yurii	24.06.1989	Novohrad-Volynskyi city, Zhytomyr region	54th brigade	29.10.2016
45	Kaptovanets Maryan ("Molodyi")	29.06.1986	urban settlement Rozdil, Mykolayivskyi district, Lviv region	54th brigade	22.11.2016
46	Moroz Oleksandr ("Liutyi")	25.11.1953	Hrushivka village, Krynychanskyi district, Dnipropetrovsk region	Ukrainian Volunteer Army	26.12.2016
47	Ksenchuk Andriy	18.06.1980	urban settlement Shyrokyi, Susumanskyi district, Magadan region, RF	74th brigade	26.01.2017
48	Zhuyevych Oleksandr	20.09.1978	Podilsk, Odesa region	11th battalion	15.08.2017
49	Konokeyenko Dmytro ("Chornomor")	11.08.1990	Illichivsk city, Odesa region	11th battalion	03.12.2017
50	Novytskyi Andriy	13.12.1995	Bakhmut city, Donetsk region	36th brigade	killed by comrades 14.02.2018
51	Lytvynenko Valeriy	12.09.1987	Pisochky village, Lohvytskyi district, Poltava region.	36th brigade	killed by comrades 14.02.2018
52	Burdanov Oleksandr	29.05.1979	urban settlement Pryshyb, Mykhaylivskyi district, Zaporizhzhya region	36th brigade	killed by comrades 14.02.2018
53	Zhovtobrukh Artem	11.04.1997	Kryvi Kolina village, Talnivskyi district, Cherkasy region.	36th brigade	killed by comrades 14.02.2018
54	Shvets Oleksandr	26.06.1971	Oleksandriya city, Kirovohrad region.	36th brigade	11.03.2018
55	Gryshchuk Andriy	20 y.o.	Norynsk village, Ovrutskyi district, Zhytomyr region	95th brigade	Died on 25.01.2019, presumably as a result of suicide

<b>№ Name, surname, call sign</b>	<b>Date of birth</b>	<b>Place of birth</b>	<b>Military unit</b>	<b>Date of death and circumstances of death</b>
56 Dashkovets Dmytro	26.03.1983	urban settlement Myropil, Romanivskiy district, Zhytomyr region	36th brigade	13.07.2019
57 Kosteniuk Dmytro	08.10.1989	Chernivtsi city	80th brigade	29.03.2019
58 Sorochuk Mykola	23.05.1997	Lyshche village, Lutskiy district, Volyn region	10th brigade	22.01.2020

## Annex 4

### Possible Ukrainian citizens among the IAG members who died following hostilities in Shyrokyne from 4 September 2014 to 19 November 2019

<b>№</b>	<b>Name and surname</b>	<b>Place of residence before the conflict</b>	<b>Date of death</b>
1	Radionov Oleh	Kharkiv city	18.01.2015
2	Kovaliuk Artem	Vuhlehirsk city, Donetsk region	19.01.2015
3	Medvediev Volodymyr	Donetsk city	22.02.2015
4	Mosin Mykola	Snizhne city, Donetsk region	23.02.2015
5	Nechyporenko Ruslan	Makiivka city, Donetsk region	16.03.2015
6	Shenderuk (Shyndryuk) Andriy	Mariupol city, Donetsk region	29.03.2015
7	Malyhin Yevhen	Shakhtarsk city, Donetsk region	08.04.2015
8	Pererva Pavlo	Horikhove village, Pokrovskiy district, Donetsk region	08.04.2015
9	Pleshkov Denys	Berdiansk, Zaporizhzhia region	12.04.2015
10	Revin Valeriy	Chystyakove city, Donetsk region	03.05.2015
11	Rafayilov Oleksiy	Makiivka city, Donetsk region	05.05.2015
12	Zelenyi Mykola	Unknown	10.05.2015
13	Pokrovskiy V'yacheslav	Donetsk city	13.05.2015
14	Starevych Mykhailo	Mariupol city, Donetsk region	24.05.2015
15	Ahieyev Yevhen	Samsonove village, Novoazovskiy district, Donetsk region	24.05.2015
16	Artemyev Pavlo	Novoazovsk city, Donetsk region	25.05.2015
17	Abrosimov (Zorin) Oleksandr	Chystyakove city, Donetsk region	26.05.2015
18	Ovchynnikov Oleksandr	Shakhtarsk city, Donetsk region	26.05.2015
19	Zakirov Vyacheslav	Donetsk city	28.05.2015
20	Aleksieyenko (Kovaliov) Serhiy	Mariupol city, Donetsk region	25.06.2015
21	Krasovskiy Mykola	Dnipro city	03.07.2015
22	Kyseliov Oleksandr	Unknown	2015
23	Fazilov Enver	Hranitne village, Volnovaskiy district, Donetsk region	2015
24	Kosenko Dmytro	Horlivka city, Donetsk region	24.07.2016
25	Chukalenko Andriy	Horlivka city, Donetsk region	13.08.2016
26	Babych Oleksandr	Kharkiv city	16.04.2017
27	Levin Yulian	Donetsk city	20.01.2019
28	Svynariov Vitaliy	Makiivka city, Donetsk region	19.11.2019

## Annex 5

### Possible Russian citizens among the IAG members who died following hostilities in Shyrokyne from 4 September 2014 to 30 August 2019

<b>№</b>	<b>Name and surname</b>	<b>Place of residence before the conflict</b>	<b>Date of death</b>
1	Vorobyov Serhii	Koryazhma city, Arkhangelsk region, RF	15.02.2015
2	Chernenko (Cherchenko) Oleksiy	Severodvisnk city, Arkhangelsk region, RF	23.02.2015
3	Voropayev Roman	Komsomolsk-on-Amur city, Khabarovsk region, RF	26.02.2015
4	Shyshkov Vadym	Unknown	23.04.2015
5	Yegorov Maksym	Kogalym city, Tyumen region, RF	01.05.2015
6	Krasylnykov Eduard	Moscow city, RF	07.05.2015
7	Butorin Oleksiy	stanitsa Kushevska, Kushevskiy district, Krasnodar kray, RF	24.05.2015
8	Chernikov Yevgeniy	Rostov-on-Don city, RF	24.05.2015
9	Morozov Artem	Bataysk city, Rostov region, RF	28.05.2015
10	Mishchenko Yaroslav	Khabarovsk city, RF	20.06.2015
11	Vyslobokov Roman	Volgograd city, RF	21.06.2015
12	Pavlov Oleksandr	Barnaul city, Altayskiy kray, RF	02.07.2015

## Annex 6

### Military units of the Ukrainian forces involved in the Shyrokyne standoff<sup>494</sup>

#### **“Azov” Separate Special Operations Unit (Azov SSFU, m/u 3057)**

Date of founding: 5 May 2014.

First commander: Andrii Biletsky.

Size: 800 - 1,500 people.

Location: Mariupol.

“Azov” was founded as a volunteer battalion in May 2014. In September of the same year, the battalion was reorganized into a regiment with the same name. In November 2014, the regiment joined the NGU.

The regiment participated in the battles of Mariupol, Ilovaysk, Maryinka, and Shyrokyne.

#### **“Donbas” 2nd Special Operations Battalion**

Date of founding: April-May 2014.

First commander: Semen Semenchenko (Kostiantyn Hryshyn).

Size: 100 - 1,000 people in different periods.

Location: Sievierodonetsk.

“Donbas” was formed in April-May 2014 as a civil territorial defense unit. Since 29 May 2014, it has been a part of the NGU. It is now part of the 18th operational regiment (m/u 3057) of the NGU.

The battalion participated in the battles of Karlivka, Lysychansk, Maryinka, Pisky, Ilovaysk, Shyrokyne and other settlements in eastern Ukraine. The battalion joined the Shyrokyne operation on 15 February 2015.

#### **“Eastern Corps”, “Berda”, “Sokil”, “Skif”**

Volunteer special units created in 2014 in the structure of the main regional departments of the Ministry of Internal Affairs of Ukraine. These units participated in the Shyrokyne operation presumably from its beginning (from 10 February 2015).

#### **“Right Sector” Ukrainian Volunteer Corps (UVC) / Ukrainian Volunteer Army (UVA)**

Date of founding: July 2014.

Location: Novohrodivka, Donetsk region.

The “Right Sector” UVC was created as a Ukrainian volunteer formation and a combat wing of the “Right Sector” organization. It took part in the battles of Savur-Mohyla, Pisky, Avdiivka and other settlements, as well as the Donetsk airport. Participated in the Shyrokyne standoff presumably since March 2015.

The 8th “Aratta” battalion took part in military operations in Shyrokyne (commander Andrii Herherth, stationed in Yuryivka village, Donetsk region). In December 2015, following Dmytro Yarosh and his associates leaving the “Right Sector”, some members of the organization formed another volunteer military formation called the Ukrainian Volunteer Army (Ukrainian Volunteer Army). The 8th “Aratta” battalion left the “Right Sector” and became part of the UVA.

#### **Sheikh Mansur International Peacekeeping Battalion**

Date of foundation: October 2014.

Size: unknown (10-20 people).

The military unit consists mainly of Chechens who migrated from Russia. Participates in the armed conflict in eastern Ukraine as part of the “Right Sector” UVC units. Took part in the Shyrokyne standoff.

#### **“Khortytsia” 23<sup>rd</sup> Separate Motorized Infantry Battalion (23 SMIB, m/u A2988, f/p B0131)**

Date of founding: 30 April 2014.

Size: approximately 500 people.

Location: Mariupol.

Created as “Khortytsia” 23rd territorial defense battalion consisting of the residents of Zaporizhzhia and the region. Was involved in the defense of Mariupol, battles of Avdiivka, and Pisky. Participated in hostilities in Shyrokyne area in September 2014.

#### **79<sup>th</sup> Separate Mykolaiv Air Assault Brigade (79 SAAB, m/u A0224, f/p B4174)**

Location: Mykolaiv city.

The brigade was created during the Soviet era; as of 1992, it was called “40th Separate Air Assault Brigade”. Units of the brigade took part in the battles of Debaltseve, Donetsk Airport, Marinka, and Shyrokyne (Phoenix 3rd AAB).

#### **“Phoenix” 3<sup>rd</sup> Air Assault Battalion (line unit of the 79th SAAB)**

Date of founding: 2014.

Size: approximately 550 people.

Location: Mykolaiv city.

The battalion was created from volunteers. Participated in the battles near Shyrokyne in 2015.

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<sup>494</sup> Information about military units originates from open sources and may contain inaccuracies. The involvement of other military units of the Ukrainian forces in the Shyrokyne standoff is not excluded.

### **Hetman Bogdan Khmelnytsky Separate Presidential Regiment (SPR, m/u A0222)**

Date of founding: 2 January 1992.

Size: approximately 1,500 people.

Location: Kyiv.

Special military unit of the Ukrainian ground forces subordinate directly to the President of Ukraine, which is entrusted primarily with the ceremonial functions of the Life Guard and ceremonial events involving the Head of State and the Minister of Defense. Some soldiers of the regiment took part in the hostilities in eastern Ukraine, in particular in Shyrokyne.

### **“Zaporizhzhia” 37th Separate Motorized Infantry Battalion (37 SMIB, m / u A3137, fp B6266)**

Date of founding: 4 September 2014.

Location: Prymorsk, Zaporizhzhia region.

Military unit created as a territorial defense battalion in Zaporizhzhia region (37th TDB). Since May 2015, it is part of the 56th separate motorized infantry brigade of Mariupol (56 SMIB, m / u A0989, fp B2095). Participated in the defense of Mariupol and the battles of Shyrokyne and Donetsk Airport.

### **Admiral Mykhailo Bilynsky 36th Separate Naval Infantry Brigade (36th SNIB, m/u A2802)**

Date of founding: 20 July 2015.

Location: Mykolaiv city.

Formed on the basis of military units withdrawn from the occupied Crimea. The brigade participated in the defense of Mariupol and the battle of Shyrokyne (501 SBNI).

### **501st Separate Marine Battalion (501 SMB, m / u A1965 (A0669))**

Location: Berdiansk.

Since the end of July 2015, the battalion's soldiers have been performing combat missions in the area of Shyrokyne and Lebedynske villages.

### **54th Separate Intelligence Battalion (54 SIB, b / h A2076)**

Date of founding: 1943.

Location: Novohrad-Volynsky city.

The battalion was created during the Soviet era. After Ukraine gained independence, it was reassigned to the Minister of Defense of Ukraine. It is now part of the military intelligence of Ukraine and Ukrainian ground forces. Participated in the Shyrokyne standoff.

### **11th Separate Motorized Infantry Battalion (11 SMIB, m / u A2980, fp B2262)**

Date of founding: 4 April 2014.

Location: Podilsk, Odesa region.

Created in 2014 as the “Kyiv Rus” 11th territorial defense battalion (11th TDB) mainly from residents of Kyiv and the region. In October 2014, it was reorganized as the 11th separate motorized infantry battalion (11 SMIB) as part of the 72nd SMIB. It is now part of 59th SMIB (m / u A1619, fp B4050). Members of the battalion performed combat missions in Shyrokyne.

### **Kostiantyn Pestushko 17th Separate Tank Brigade of Kryvy Rig (17 STB m / u A3283)**

Date of founding: 1992.

Location: Kryvy Rig.

Formation of tank troops within the AFU ground forces. In 2003, it was reorganized from the 17th Guards Tank Division from the Soviet era. The brigade participated in the battles for Debaltseve, Siversk, Maryinka, and other settlements, as well as in the defense of Mariupol. Military personnel of the brigade performed tasks in the area of Shyrokyne.

### **80th Separate Air Assault Brigade (80 SAAB, m / u A0284, fp B3720)**

Date of founding: 1992.

Location: Lviv.

Military formations of the Air Assault Forces of Ukraine. The brigade took part in the siege of Sloviansk, the battles for Debaltseve, Avdiivka, Shchastia, Donetsk and Luhansk airports, and many other military operations in eastern Ukraine. The military personnel performed tasks in the area of Shyrokyne.

### **87th Separate Airmobile Battalion (87 SAB, m / u A2582, fp B0377)**

Date of founding: 2013.

Location: Chernivtsi.

The battalion was formed on the basis of the 300th separate mechanized regiment. It is now part of the 80th SAAB. Soldiers of the battalion performed tasks in the area of Shyrokyne.

### **Dmytro Vyshnevetsky 18th Operational Regiment (18 OR, m / u 3057)**

Date of founding: 2 January 1992.

Location: Mariupol.

The division is part of the Eastern Operational-Territorial Association of the NGU. Soldiers of the regiment performed combat missions in the Shyrokyne area.

## Annex 7

### IAGs involved in the Shyrokyne standoff and individual representatives of their command<sup>495</sup>

#### “Semenovsky Battalion” (“1st motorized rifle battalion in the 9th regiment”)

Size: unknown. The battalion consisted of four platoons.

Location: Bezimenne village and Novoazovsk town (Donetsk region).

The battalion entered Shyrokyne on 14 February 2015 and remained there at least until 2 July 2015. The formation participated in the battles of Sloviansk, Snizhne, Savur-Mohyla, and Shyrokyne.

Commanders and main figures:



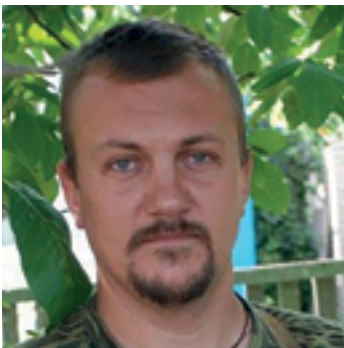
**Photo 31.** Source: “Argumenty i fakty” news website

During its stay in Shyrokyne, a member of the IAF with call sign “Maloy” was in charge of the armed unit. He was suspended from command around May 2015.



**Photo 32.** Source: “Vkontakte” profile of George Slavyanskyi

**George Slavyanskyi** (call sign “George” or “George Slavyanskyi”), 04.09.1978, the commander of the 1st platoon.



**Photo 33.** Source: Necro Mancer Twitter

**Igor** (call sign “Karas”), commander of the 1st, later - the 3rd platoon, deputy commander of the battalion. Died at the end of May 2018.

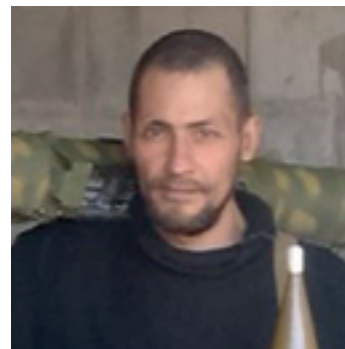


**Photo 34.** Source: website of Donetsk school no. 42

**Volodomyr Medviediev** (call sign “Misha”), 03.06.1965, commander of the 2nd platoon. Was in Shyrokyne approximately since 14 February 2015. He was killed in the village on 22 February 2015 in a mortar attack. Members of the IAG often referred to the 2nd platoon as “Misha’s platoon”.

In the village, the platoon was located approximately along Voroshylova Street.

After Medviediev’s death, a resident of Murmansk (Russia) with the call sign “Groz” (died on 25.02.2015) took over the command. The next commander after that was a member of the IAG with the call sign “Arkan”. The command was then passed to a resident of Moscow with the call sign “Yorsh”.



**Photo 35.** Source: “Vkontakte” profile of Minya Fedorov

A notable figure in the 2nd platoon was **Mykhailo Fedorov**, a resident Murmansk city in Russia (call sign “Svarnoy”). Arrived to the 2nd platoon on 22 February 2015. Later, he actively commented on the activities of the platoon in social networks (in one of posts in “Vkontakte” social network he described the forced looting of the settlement due to the lack of material support for the platoon). On 16 June 2015, he was evacuating the last inhabitants of the village. He is the author of numerous videos that depict the village streets of the village after hostilities.

<sup>495</sup> Information about IAGs was collected from open sources and may contain inaccuracies. It is not excluded that other armed groups have been involved in the Shyrokyne standoff.

### **Ninth Separate Naval Infantry Brigade (9 SNIB)**

Size: approximately 1,300 people.

Location: Bezimenne village and Novoazovsk town (Donetsk region).

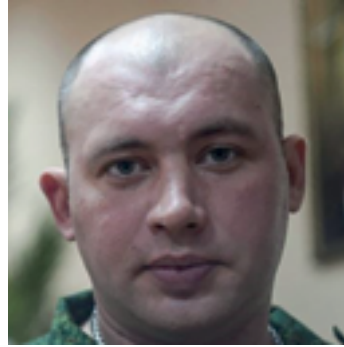
Formed on the basis of the "Semenovsky Battalion" in November 2014. Participated in the hostilities around Shyrokyne and Novoazovsk. The formation has repeatedly changed its name: before 12 February 2016, it was called "9th separate motorized rifle regiment", later - "9th separate motorized rifle regiment of the naval infantry". Since the beginning of March 2016 - "9th separate assault motor rifle regiment of the naval infantry".

Commanders and main figures:

**Savelyev** (call sign "Savelyi"). Commander and subsequently deputy commander of the regiment.



**Photo 36.** Source: "Mikhail Polynkov" YouTube channel



**Photo 37.** Source: Myrotvorets Center website

**Oleksandr Zentsev** (call sign "Boxer"), Russian citizen. In the 2015 videos, he appears as a deputy commander or regimental commander.

**Andrii Opryshchenko** (call sign "Utes"), 05.04.1983. Since 2016 served as the regimental commander. Reports to the Russian officer with the call sign "Bereg".

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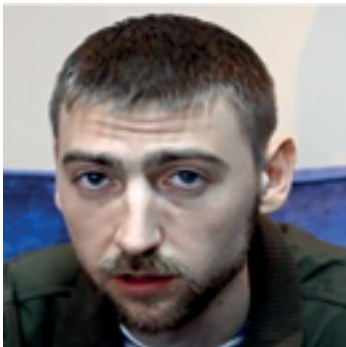
### **Republican guard of the DPR**

Size: 4,500-5,000 (as of July 2015).

Location: Donetsk city, Bezimenne village (Donetsk region).

The formation was created in January 2015. It is considered an elite unit that reports directly to the "Head of the DPR".

Commanders and main figures:



**Photo 38.** Source: Myrotvorets Center website



**Photo 39.** Source: Myrotvorets Center website

**Ivan Kondratov** (call sign "Vanya Russkyi"), 30.06.1988. Led the "Republican Guard" from the moment of its creation. After the murder of Oleksandr Zakharchenko, he was arrested by other members of the IAG.

**Yevgenii Ivanov** (call sign "Kopye"), 28.11.1976., a Russian citizen, commander of the 3rd motorized rifle battalion. Was in charge of a "Republican Guard" unit that had been stationed in Shyrokyne for about half a year

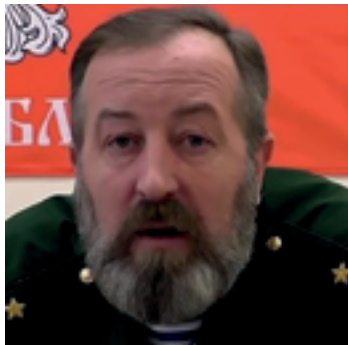
### “Kalmius” Separate Artillery Brigade

Size: approximately 500 people.

Location: Snizhne city (Donetsk region).

Created on 26 June 2014 as a battalion and subsequently reformatted as an artillery brigade. The formation controlled Snizhne city and its surroundings.

Commanders and main figures:



**Photo 40.** Source: Myrotvorets Center website

**Valentyn Motuzenko** (call sign “Ataman Ivanovich”), born 18.05.1964. Took part in the Nagorny-Karabakh conflict and the First Russian-Chechen war.



**Photo 41.** Source: LJ ronin\_077

**Oleksandr Nemogay** (call sign “Aleks”), born 09.08.1956, died in Donetsk in 2016 under mysterious circumstances.

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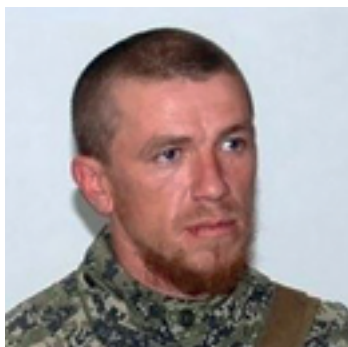
### “Sparta” Separate Intelligence Marine Corps Battalion

Size: approximately 300 people (as of 1 July 2016)

Location: Donetsk

The formation was created in the spring of 2014; it is part of the 1st “DPR” army corps. Took part in hostilities around Donetsk, Shakhtarsk, Vuhlehirsk, Snizhne, Ilovaysk, Debaltseve, Pisky, and Shyrokyne (April 2015).

Commanders and main figures:



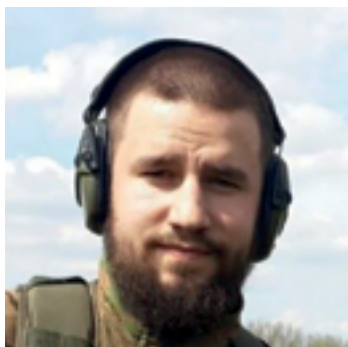
**Photo 42.** Source: the news website 24media

**Arsen Pavlov** (call sign “Motorola”), 02.02.1983, Russian citizen. He was killed in Donetsk on 16 October 2016.



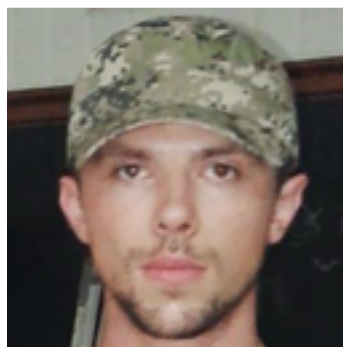
**Photo 44.** Source: Vkontakte profile of Aleksandr Matros

**Oleksandr Ahranovych** (call sign “Matros”), born 29.10.1967, commander of the intelligence company of the “Sparta” battalion. Since April 2015, his division had been located in Shyrokyne.



**Photo 43.** “Vkontakte” profile Vovchuk Zhoha

**Volodymyr Zhoha** (call sign “Voha”), born 26.05.1993. Until October 2016, he was the deputy of “Motorola”, and became the commander of “Sparta” after his death.



**Photo 45.** Source: Andrey Plotnikov “Vkontakte” profile

**Andriy Plotnykov** (call sign “Artist”), born 29.10.1967, resident of Voronezh region (Russia), assistant to the deputy commander. At the time of writing, he has been living in Moscow.



### **“Typhoon” Special Forces of the “DPR”**

Size: unknown.

Location: Novoazovsk town and Siedove settlement.

Created in May 2015 to launch assault on coastal settlements. Part of the formation consists of a boat equipped with a machine gun “Utes” and automatic grenade launchers.

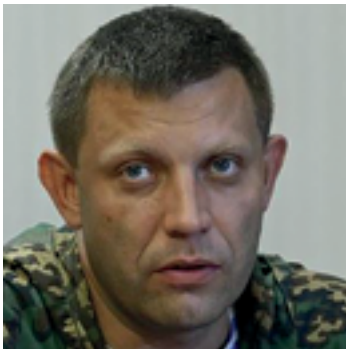
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### **“Oplot” Battalion**

Size: unknown.

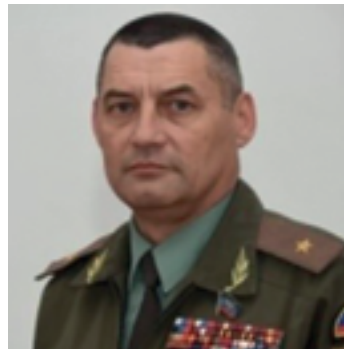
Location: Donetsk city, Dokuchaievsk city.

Created on the basis of a sports club in Kharkiv in 2014. It was later reorganized as the 5th separate motorized rifle brigade "Oplot". In early 2015, the “Republican Guard of the DPR” was formed on its basis. “Oplot” members participated in hostilities in the area of Snizhne, the Donetsk Airport, Dokuchaievsk, and held positions in Shyrokyne. Commanders and main figures:



**Photo 46.** Source: stock.adobe.com

**Oleksandr Zakharchenko**, 26.06.1976, former head of the “DPR”. Was in charge of “Oplot” until 7 July 2014. Killed on 31 August 2018 in Donetsk.



**Photo 47.** Source: “Tribune” news website

**Mykhailo Tykhonov** (call sign “Tykhon”), 04.08.1967. Became the head of “Oplot” on 7 July 2014.



## **EASTERN-UKRAINIAN CENTER FOR CIVIC INITIATIVES**

<http://totalaction.org.ua/>

EUCCI is a non-governmental, non-profit organization established in December 2002 in Luhansk. The mission of EUCCI is to develop and maintain the ability of Ukrainian society to face its current challenges based on the principles of democracy and the rule of law through education, advocacy and research.

Since the beginning of the military conflict in the Donbas, the EUCCI has been working on the documentation of gross human rights violations that have occurred during the conflict in the east of Ukraine; it contributes to the restoration of peace in the east of the country. EUCCI is one of the founders of the Coalition "Justice for Peace in Donbas"; it administers the Coalition's database of human rights violations during the armed conflict.

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## **COALITION “JUSTICE FOR PEACE IN DONBAS”**

<https://jfp.org.ua/>

The Coalition was created in December 2014 as a voluntary informal union of 17 human rights organizations in Ukraine, primarily from Donetsk and Luhansk regions.

The Coalition’s mission is to build a sustainable and just peace in the Donbas by consolidating the efforts of civil society institutions to ensure respect for human rights and freedoms, in particular for victims of the conflict, in Ukraine.

Coalition members, therefore, cooperate to collect, systematize and preserve the evidence of human rights violations committed during the armed conflict in eastern Ukraine.

The Coalition works to consolidate the efforts of civil society organizations working for the common goal of lasting peace.

The member organizations of the Coalition agree that bringing perpetrators to justice is a prerequisite for the restoration of peace and a condition for reconciliation in eastern Ukraine.



We ask anyone who knows about the facts of gross violations of human rights in the conflict to inform the documentators of the Coalition “Justice for Peace in Donbas”.

We provide free legal aid and guarantee confidentiality.

The documented information about human rights violations forms the basis for future investigations, trials, and compensation programs for all those who have suffered from injustice.

You will find the necessary contacts above on page 121 of this publication and on the Coalition’s website in the “Notify of Violation” section ([https://jfp.org.ua/report\\_violation/povidomyty-pro-zlochyn](https://jfp.org.ua/report_violation/povidomyty-pro-zlochyn)).

Only joint efforts can help us prevent impunity of perpetrators and restore lasting peace in Ukraine.

SCIENTIFIC-INFORMATION PUBLICATION

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IN THE VILLAGE OF SHYROKYNE (DONETSK REGION)  
DURING THE ARMED CONFLICT IN THE DONBAS:  
MONITORING REPORT

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