

AMNESTY INTERNATIONAL BRIEFING

8 September 2014

AI Index: EUR 50/040/2014

Ukraine: Abuses and war crimes by the Aidar Volunteer Battalion in the north Luhansk region

It's not Europe. It's a bit different... There is a war here. The law has changed, procedures have been simplified... If I choose to, I can have you arrested right now, put a bag over your head and lock you up in a cellar for 30 days on suspicion of aiding separatists.

--Aidar battalion commander to Amnesty International researcher

Members of the Aidar territorial defence battalion, operating in the north Luhansk region, have been involved in widespread abuses, including abductions, unlawful detention, ill-treatment, theft, extortion, and possible executions.

The Aidar battalion is one of over thirty so-called volunteer battalions to have emerged in the wake of the conflict, which have been loosely integrated into Ukrainian security structures as they seek to retake separatist held areas.

In the course of a two-week research mission to the region, an Amnesty International researcher interviewed dozens of victims

and witnesses of the abuses, as well as local officials, army commanders and police officers in the area and representatives of the Aidar battalion.

Our findings indicate that, while formally operating under the command of the Ukrainian security forces combined headquarters in the region members of the Aidar battalion act with virtually no oversight or control, and local police are either unwilling or unable to address the abuses.

Some of the abuses committed by members of the Aidar battalion amount to war crimes, for which both the perpetrators and, possibly, the commanders would bear responsibility under national and international law.

Part of the region where the Aidar battalion currently operates – such as the conurbation of Severodonetsk, Lysychansk and Rubizhne and the town of Shchastya - was under the control of the separatist forces of the so-called Lugansk People's Republic (LNR) from mid-May to late July. During this time, separatist forces are reported to have committed a wide range of abuses against civilians, including abduction, theft and murder. Amnesty International has documented such abuses by separatist armed groups in other regions.

The Aidar battalion played a significant role in the Ukrainian advances in July, most prominently in the recapture of the town of Shchastya, 24 kilometers north of Luhansk city. It has lost many of its combatants in the fighting. Up to several dozen were killed in an ambush south of Shchastya after the announcement of the ceasefire on 6 September, 2014.

While hailed by many nationally as a committed fighting force, the Aidar battalion has acquired locally a reputation for brutal reprisals, robbery, beatings and extortion.

Amnesty International is calling on the Ukrainian authorities to bring Aidar and other volunteer battalions under effective lines of command and control, promptly investigate all allegations of abuses, and hold those responsible to account.

The Ukrainian authorities cannot afford to replicate in the areas

they retake, the lawlessness and abuses that have prevailed in separatist-held areas. The failure to eliminate abuses and possible war crimes by volunteer battalions risks significantly aggravating tensions in the east of the country and undermining the proclaimed intentions of the new Ukrainian authorities to strengthen and uphold the rule of law more broadly.

Abuses by the Aidar battalion

Amnesty International documented dozens of cases of abuses allegedly committed by members of the Aidar battalion in Novoaidar district, Starobilsk, Severodonetsk, Lysychansk, and Shchastya between late June and late August.

Typically, the fighters abducted local men, often businessmen or farmers, whom they accused of collaborating with the separatists and held in makeshift detention facilities before either releasing them or handing them over to the Security Service (SBU).

In nearly all cases documented by Amnesty International the victims were subjected to beatings at the moment of capture and/or during interrogations, and either had to pay ransom for their release, or had possessions, including money, cars, telephones, and other valuables seized by the battalion members. Many of the witnesses and victims approached by Amnesty International were reluctant to share details of the incidents, fearing retaliation from Aidar battalion members. The names of victims and witnesses in illustrative cases detailed below have been changed.

- On 25-27 August, Aidar battalion members abducted 4 miners from Novodruzhesk, a small town north of Lysychansk. One of the men, "Andriy" (not his real name), undergoing chemotherapy for lung cancer, told Amnesty International that he was outside his home at 3pm on 27 August when a group of Aidar battalion fighters arrived in a minibus. Two men with automatic weapons, in camouflage uniforms approached him and ordered him to lie on the ground. He said:

They broke my jaw... When I lay down as they shouted

'lie on the ground!', one of them kicked me... They wound tape over my eyes and tied my wrists, also with tape.

They put me in a minibus with my neighbour ...They drove for about 20 minutes, then brought me into some kind of a room. I could not see where or what it was as my eyes were covered with tape the whole time... They held me there for a day. They gave water, one biscuit, led me to the toilet when needed.

There were about 12-15 other detainees there. We were forbidden to talk... I was interrogated twice: 'where were you? What did you do?', but not beaten any more. But I heard others being beaten in the next rooms."

Andriy said the captors drove him to a stadium in Severodonetsk and released him, still blindfolded. His wife said she went to the local police who eventually managed to return to the family some of the possessions taken from him by his abductors, 2 passports and a telephone, but not his car documents, driving licence, keys, wallet and bank cards. They did not open a criminal case into the incident. On 28 August there was an attempt to debit money from his bank card. Amnesty International saw the text message sent automatically to Andriy's phone, informing him of the attempt.

Family members of two of the other detained men, seeking information on 28 August at Severodonetsk police station about their whereabouts, told Amnesty International that police and soldiers in Lysychansk told them about a secret detention facility in Severodonetsk, but Severodonetsk police denied its existence - as indeed they have to Amnesty International. An acquaintance just released from the same place had recognised one of the two men there, and recounted that detainees were forced to recite the Ukrainian national anthem and beaten if they failed.

- On 25 August, at around 4 p.m., members of the Aidar battalion abducted Yevhen a 31-year-old local businessman, near the TV tower outside of Starobilsk.

Yevhen told Amnesty International that three men in masks, who arrived in a black VAZ car, approached him when he stopped for a bathroom break at a disused petrol station, searched his car, took UAH 30,000 (roughly 1700 Euros) they found in it, and accused him of being a separatist. He said:

“They pulled a mask over my head, and drove me for about 20 minutes. They brought me to a place that seemed to be a garage, and started interrogating me, demanding I confess to being a separatist.

“They interrogated me three times. Each time, they beat me: with rifle barrels, in the kidneys with the blunt end of an axe, and other things. They threatened to take me out to a field and execute me.

“After a day had passed they came in again and said I had been detained by the Aidar battalion, but was now in the hands of ‘Alpha’ [a unit belonging to the Ukrainian Security Service (SBU)], but I could see they were the same people.”

Yevhen said that eventually the captors asked him how much money he was willing to pay for his release, and, when he said that they had already taken all he had, decided to let him go. He filed a case with the police, but was not able to recover his confiscated possessions – the money, his car, two mobile phones, and golden jewellery.

- On 23 August in the afternoon, members of Aidar battalion raided the house of Olena in the village of Olexandrivka near Severodonetsk.

82-year-old Olena told Amnesty International that she was at home with her daughter, her son-in-law, and her grandson. The family heard gunfire and saw a number of vehicles approaching the house on their security camera. Olena said:

“I just opened the gate, and they rushed at me. From fright I let go and it swung shut. They began firing. One jumped up on a car. I made a run for it, into the garage. They were firing. Bursts of automatic fire. A racket. Rat tat tat tat.

In the garage they had already got me... I crawled my way to the door, cried out and fell at the threshold. My daughter came out shouting: "What's going on? What are you doing? Call an ambulance, quickly..." Blood was spilling. My daughter staunches it."

Olena told Amnesty International that the armed men searched the house, and wanted to detain her grandson, accusing him of being a separatist. She managed to convince them not to take him away, but they took some money that they found in the house, and her grandson's four-wheel drive car.

Olena was quickly sent in a taxi to Severodonetsk hospital and, as doctors informed Amnesty International, underwent 7 hours of surgery. Her significant abdominal injuries were from shrapnel rather than bullets - there were ragged entry and exit wounds. Her colon was severed. She had two smashed ribs removed.

Response of the authorities

Amnesty International raised its concerns regarding abuses committed by members of the Aidar battalion directly with its commander for Severodonetsk and Rubizhne. He confirmed that the battalion used a "simplified" procedure for detentions and indicated that the battalion indeed had its own facility in the Severodonetsk area for holding detainees. He acknowledged that there could be instances of beating during arrest, confirmed that detainees were blindfolded throughout the detention, that his troops had held Andriy, and that he personally supervised the handover of his bag of documents to the police.

He did not acknowledge any acts of theft by the battalion and saw no need to introduce any measures to address them. He acknowledged that his troops took the car of Olena's grandson as it was temporarily needed, and stated that an order had been given for its return. However, Olena's family later informed

Amnesty International that police in Troitsk (in the far north of Luhansk region) detained the car and a man driving it, after it had apparently been illicitly sold.

Police and military authorities in Severodonetsk informed Amnesty International that there are 38 criminal cases opened into actions allegedly committed by the members of the Aidar battalion, mostly involving incidents of robbery. Reports on this spate of crimes were submitted up the line to the Ministries of Defence and Interior, without tangible result thus far. Local police told Amnesty International that they were well aware of the widespread criminal actions by the Aidar members but were unable to do anything beyond the registration of criminal cases.

A high ranking military official in the area informed Amnesty International that after receiving his reports the Ministry of Defence sent two commissions in early August to inspect the Aidar battalion. Their recommendations for its re-organisation and the regularisation of procedures, have yet to be acted upon.

Recommendations

Amnesty International urges the Ukrainian authorities to:

- Clarify the legal status of the Aidar battalion and other volunteer units;
- Integrate the volunteer battalions into clear chains of command, control and accountability.
- Conduct prompt, thorough, impartial and effective investigations into all allegations of abuses committed by members of volunteer battalions, including, specifically, abuses committed by the Aidar battalion in the north Luhansk region;
- Effectively protect victims and witnesses of abuses under investigation against reprisals;
- Ensure that all those involved in military and law-enforcement operations, including members of volunteer battalions, are made fully aware of the provisions of national and international law applicable to their actions and their potential personal and command responsibility for their breach.

END/