

**JUSTICE FOR PEACE
IN DONBAS**

*Coalition of Human Rights
Organizations*



**CHARITABLE FOUNDATION
"EAST-SOS"**

FREEDOM OF MOVEMENT

**FREEDOM OF MOVEMENT IN EASTERN UKRAINE.
CROSSING THE CONTACT LINE IN DONETSK AND LUHANSK REGIONS.**

**HDIM
WARSAW 2016**

CONTEXT

Since the beginning of military aggression of Russia in 2014, Ukraine faced numerous atypical problems, which had never had a place in peaceful Ukraine. Obstacles on freedom of movement are one of the major issues for the population of Donetsk and Luhansk regions of Ukraine.

Ukraine consists of 27 regions: autonomous republic (Crimea), 24 oblasts and two cities with special status (Kyiv and Sevastopol). Crimean peninsula in the south of Ukraine consists of the Autonomous Republic of Crimea and the city of Sevastopol, both of them were occupied and officially annexed by the Russian Federation in 2014. Until now, they are under full control of Russia. Donetsk and Luhansk regions in the east of Ukraine have been under unofficial occupation of Russia since 2014 until now and are de facto controlled by Russia. Non-government controlled areas of Donetsk and Luhansk regions are separated from the government-controlled areas of Ukraine by the contact line, which is a frontline as well.

Recent monitoring was a part of regular monitoring which is conducted every 2-3 months and provides an opportunity to examine the current situation with freedom of movement through the contact line and to follow up on the changes, if they take place. Given the authorities' ignorance (mainly, the Headquarters of the counter-terrorist operation which establishes the legal conditions for crossing the contact line), it is hard to see any improvements, except for those under the responsibility of international organizations. However, the level of provided services really varies at different control points.

MONITORING METHODOLOGY

Monitoring was conducted by the Charitable Foundation "East SOS" as part of the project "Recording human rights violations, advocacy and assistance to victims of the conflict in the East of Ukraine" with financial support of the UN Office of High Commissioner for Human Rights.

The monitoring was conducted from 11 August 2016 until 20 August 2016, along the whole contact line in both Donetsk and Luhansk regions, including at all six control points:

- "Stanytsia Luhanska" (includes "zero" checkpoint) in the corridor Luhansk – Stanytsia Luhanska;
- "Zolote" (includes "zero" checkpoint) in the corridor Pervomaisk – Lysychansk (not operating);
- "Zaytseve" (+ "zero" checkpoint "Mayorsk") in the corridor Horlivka – Bakhmut;
- "Maryinka" (+ "zero" checkpoint "Oleksandrivka") in the corridor Donetsk – Kurakhove;
- "Novotroitske" (+ "zero" checkpoint "Berezove") in the corridor Donetsk – Mariupol;
- "Hnutove" (includes "zero" checkpoint) in the corridor Novoazovsk – Mariupol.

During the monitoring, two main tools were used: interviewing and observation. Interviews were conducted with civilians who were crossing the contact line, officials from all involved law enforcement authorities, civil authorities, intergovernmental, international and non-governmental organizations at control points, checkpoints and nearby located cities, bus and railway stations. Observation had the same importance as interviewing, as it provided an opportunity to check and recognise the real situation in real time, not from the words of others. It helped to verify whether the gathered interview data is correct and complete, or whether perhaps there are other elements which need further attention.

MONITORING RESULTS

The results of monitoring are divided in thematic paragraphs depending on the issue or responsible authority.

DICTIONARY:

- **Contact line** – a line between Ukrainian law enforcement and illegal armed groups;
- **Control point** – expanded checkpoint where all operations and checks take place;
- **GCA (NGCA)** – (non-)government controlled areas;
- **Temporary order** – a document issued by the Headquarters of the counter-terrorist operation which establishes the legal conditions for crossing the contact line;
- **Traffic corridors** – routes for civilians via the contact line where they can cross the contact line, according to the agreement between the parties;
- **“Zero” checkpoint** – the last checkpoint before the contact line.

TRAFFIC CORRIDORS

Currently, there are five operating traffic corridors via the contact line, four of them serves both for pedestrians and vehicles in the Donetsk region. Meanwhile, in the Luhansk region, there is only one traffic corridor, and it serves only for pedestrians. There are three other traffic corridors in the Luhansk region, which can serve both for pedestrians and vehicles, but none of them for different reasons has been operating since the first half of 2015. The lack of corridors, especially in the Luhansk region, results in broken ties between Ukrainians from different sides of the contact line. The poorest and most vulnerable people suffer most, having fewer possibilities to cross the contact line. At the same time, the traffic corridor via “Zolote” control point (Luhansk region) is fully equipped and ready to renew its activity. However, the representatives of armed groups in Luhansk have rejected, without any clear reason, proposals to renew this traffic route. Regardless of an unconstructive position of armed groups, a visible necessity to open new traffic corridors exists.



At control point “Stanytsia Luhanska” a man is moving to separatists-controlled Luhansk via the damaged bridge which can be crossed only on foot.

WORKING HOURS

In the summer, traffic corridors operate officially from 6 a.m. until 8 p.m. (14 hours per day). In the autumn and spring, the working hours are from 7 a.m. until 6.30 p.m. (11,5 h/d) and in the winter from 8 a.m. until 5 p.m. (9 h/d). No person can cross the contact line after the hours in the timetable. At some traffic corridors, such as Horlivka – Bakhmut (former Artemivsk), approximately an hour before closing, it is possible to cross the control point only in one direction (to NGCA). Sometimes traffic corridors are closed for an indefinite period due to the violations of ceasefire. Because of this, the capacity of traffic corridors in the autumn and especially in winter reduces unlike the amount of travelers.

PUBLIC TRANSPORTATION

According to the amendments to the Temporary order (article 1.6), all official public transportations via the contact line are prohibited. Thus, since June 2015 it is not possible to cross the control points and “zero” checkpoints by public transport. The most common practice is in buses which operate between different checkpoints and control points without crossing them. For example, to get from Donetsk (NGCA) to Mariupol (GCA, second largest city in the Donetsk oblast), passengers are used to changing four buses (three of them at GCA), instead of taking a direct train and a bus as before. Passenger railroad connection was prohibited even earlier than buses, while freight trains have successfully continued to operate until today.

CIVIL INFRASTRUCTURE

The most essential needs of people are clearly access to toilets, drinking water and medical assistance. Additional needs include awnings and benches – both provided by the United Nations High Commissioner for Refugees and installed by local servicemen. For cold periods, additionally tents with heating and hot drinks (food) are necessary.

TOILETS

Many grants were given to numerous organizations and toilet cabins were installed at traffic corridors. However, after installation there was often nobody to take care of their maintenance. In practice, if an organization does not maintain the toilets, it is better not to install a cabin at all. Nobody visits dirty abandoned toilet cabins which after some time become a sanitary hazard, being located along the traffic corridor where people queue for hours.

Different organizations and institutions operate toilets at different traffic corridors. Among them there are the *Première Urgence Internationale*, which is the only organization that in addition to regular maintenance of toilet cabins, installed water tanks with technical water next to the cabins. Unfortunately, this organization serves only a part of toilets and only in one traffic corridor (Horlivka – Bakhmut). In other corridors, there are no water tanks near toilets. Only a small part of the installed toilets at checkpoints are maintained. To compare, in the control point “Maryinka” (traffic corridor Donetsk – Kurakhove), there are no toilets for civilians whatsoever and civilians have to go to the toilet before or after the control point.

DRINKING WATER

In the Donetsk region, drinking water is supplied by Adra, Médecins sans frontières and *Première Urgence Internationale*. Again, it is necessary to mention that *Première Urgence Internationale* is the only organization which provides disposable cups near water tanks. Unlike in the Donetsk region where there are more international organizations, there are no INGO in traffic corridors in the Luhansk region which would distribute drinking water. However, in both Donetsk and Luhansk regions, distribution of drinking water is also organized by the State Emergency Service of Ukraine. And if the work of this service is inefficient in the Donetsk region, fortunately, in the Luhansk region it is organized really well. For example, they serve more people at the Stanytsia Luhanska control point (traffic corridor Luhansk – Stanytsia Luhanska) than at other control points altogether. The overall situation with drinking water has improved, however in some corridors, there are still few sources of drinking water.



MEDICINE

The situation with medical assistance varies the most. At control points “Novotroitske”, “Hnutove” and “Zolote” (not operating), there are no medics at all. Since June 2016, there is a medic on duty at “Maryinka” control point. In the traffic corridor Horlivka – Bakhmut, there are two medical tents at “Zaytseve” control point and “Mayorsk” checkpoint organized by Premier Urgence Internationale. Unfortunately, they only work until 4 p.m. and, even though they have ambulances, it is not allowed according to their internal rulings to use them to deliver suffering persons to the hospital. The best-organized medical assistance was observed at the “Stanytsia Luhanska” control point which is served by an ambulance team from the hospitals located in the vicinity. Nevertheless, the team can be absent at the beginning and at the end of the control point’s work.

LOGISTICS CENTERS

Such centers were created in the traffic corridors Donetsk – Mariupol and Horlivka – Bakhmut. They are useless as very few people use the services offered by these centers. The initial hope was that logistics centers would provide a wide range of services which will be easier to obtain and, as a result, there will be less obstacles to cross the contact line. In reality, it has not been the case and, as for now, only a mobile state bank operates there.

LAND MINES

Even though there are no large offensives, no entity has made attempts to demine at least those areas which are adjacent to traffic corridors. The situation is dangerous, as many people who queue in line for hours, in an absence of proper facilities nearby, go off the road to relieve themselves.

State Emergency Service of Ukraine. The work of this service is organized quite well in the Luhansk region, while in the Donetsk region it has a serious problems with organization. For example, the tent of this Service in the Donetsk – Mariupol traffic corridor is located not before, but after the control point “Novotroitske”. This means that all people who could not cross the contact line before its closure will have no possibility to use the services of the tent. In the traffic corridor Donetsk – Kurakhove, a tent is located 2 km from the control point “Maryinka” which is too far from the control point, making this tent useless as well.



*Typical tent of State Emergency Service of Ukraine
at control points.*

STATE BORDER GUARD SERVICE OF UKRAINE

This Service has the biggest amount of representatives at control points and de facto governs the work of control points. Fortunately, in most cases, its representatives perform their job well. However, it is necessary to mention that servicemen do not want to take responsibility on themselves in controversial or disputable situations, which is a disadvantage.

HEADQUARTERS OF COUNTER-TERRORIST OPERATION & SECURITY SERVICE OF UKRAINE

The Headquarters issued the Temporary order and are, therefore, responsible for all changes to this crucially important document. Nevertheless, the institution is oftentimes impenetrable for civilians and, with its own strong point of view, difficult to negotiate with. The Headquarters enjoy great power and remain reluctant or oblivious towards the proposals or criticism from NGOs.

The situation is even worse in the field, as its representatives do not want to help people to solve their problems with passes (even though they can easily do that). Usually, the cause is indifference. In this context, it is necessary

to note an incident which took place at “Stanytsia Luhanska” control point when a representative of the Security Service of Ukraine without a badge (which is obligatory) started to ask pensioners from the queue why they need Ukrainian passports and why they do not get such passports from “the young republic” (meaning the so-called “Luhansk People’s Republic”). Then he asked a young man standing with his girlfriend whether his father had arms and legs. When the young man answered in the affirmative, the serviceman started inquiring in which separatists regiment the man’s father served. It is not necessary to produce full quotes to understand the situation. The Headquarters of the counter-terrorist operation and the Security Service of Ukraine have no will to cooperate with NGOs on an equal basis or need to change the attitude of servicemen towards the civilians.

STATE FISCAL SERVICE OF UKRAINE

Representatives of this service usually quickly and professionally check the luggage of civilians. Nevertheless some serious problems have been observed in their practice as well. At “Hnutove” control point (traffic corridor Novoazovsk – Mariupol), representatives of the service did not correctly answer any of the three questions on what a civilian is allowed to carry (the observers asked about issues which were not fully regulated, yet all the answers were wrong) and they were impolite, not even allowing the observers to take a photo of the list of products which can be carried through the control point. At “Novotroitske” control point they were nitpicking about three packs of cigarettes, while at “Zaytseve” they have not allowed the transportation of a broken car, claiming that since it cannot cross the control point without assistance, it is cargo and not a vehicle.



Serviceman from the State Fiscal Service of Ukraine is checking the bag of civilian.

MINISTRY OF INTERNAL AFFAIRS OF UKRAINE

The Ministry of Internal Affairs would be more efficient if it started to deliver persons without documents (or with problematic documents, e.g. due to shelling or robbery) to the nearest department of the State Migration Service of Ukraine to identify their identity. Currently, such persons would not be allowed to enter GCA to restore their documents and they cannot restore them at NGCA either, which makes them hostages of the whole situation.

QUEUES

When comparing results of the current (mid of August) and previous monitoring (end of May – beginning of June), it is possible to summarize that the queues have increased at “Hnutove” and “Maryinka” control points, reduced at “Novotroitske” and “Stanytsia Luhanska” and remained without changes at “Zaytseve” and “Zolote”.

SHELLING

Recently, the amount of shelling from the direction of NGCA has increased significantly. It is absolutely unacceptable when traffic corridors which operate for civilian purposes become the target of shelling, especially during the corridors’ operating hours when they are full of civilians.

Only during the recent monitoring, it was established that the “Maryinka” control point (traffic corridor Donetsk – Maryinka) would close because of shelling, while at “Stanytsia Luhanska” control point, the shelling took place at night and resulted in damages to the tent for civilians.

INTERFERENCE IN PRIVATE LIFE

Even though the monitoring took place only in the GCA and a little bit closer to the contact line, it still revealed an increasing number of claims on interference in private life from the illegal armed groups. At separatist checkpoints, servicemen collect IMEI (International Mobile Equipment Identity) from all civilians (it provides an opportunity for armed groups to check whom a given person contacted). Additionally, servicemen can check photos, smses and other digital information, which was not common before. It is not only an interference in private life, but also a reason why people spend much more time at separatists checkpoints than before. The goal of the armed groups is to identify persons who support Ukraine, as despite the stereotypes, there are many people in NGCA who support Ukraine. It is a new challenge for the protection of human rights.

RECOMMENDATIONS

- Pass system should be cancelled. People should get the possibility to cross the contact line with a passport – it is enough to get all the necessary information about a person from the database and it is enough for a person to avoid the contact line and without any pass to enter GCA/NGCA via Russia.
- Passes should become perpetual. If not cancelled entirely, passes should be prolonged automatically, as just a small number of people remembers their password to the account, which was not in use for a whole year.
- Public transportation should be renewed. It was prohibited for “security reasons”, but it is difficult to agree with such argumentation, as people have to change a lot of buses between checkpoints. In addition, it is not consistent, as freight trains are not considered dangerous while passenger trains are.
- New traffic corridors should be opened, especially “Zolote” or any other which is fully operational in the Luhansk region (e.g. in Novotoshkivske or Shchastia). The existing number of traffic corridors is not enough to serve the travelers. Currently, there are no fully operational control points in the Luhansk region.
- OSCE Special monitoring mission should be installed. Along the whole traffic corridor on both sides of the contact line, OSCE SMM should be stationed on a regular basis, which should help to stop violence at civil corridors.
- Traffic corridors should run 24/7. If OSCE SMM is installed, it will be possible to serve people 24 hours a day with minimal security risks for using lights at night.
- Shelling should be stopped. Violations of ceasefire at traffic corridors should not take place in the future.
- Minimal humanitarian standards should be set for all traffic corridors. All institutions which provide humanitarian assistance, including toilet services, drinking water and medical assistance, should have the same minimal standards.
- Areas along the traffic corridors should be demined. It will reduce the number of casualties and make the area safer.
- Specialized law on the issue should be adopted. According to the Constitution of Ukraine, only law can limit freedom of movement. The currently operating Temporary order is not law, it is not even a normative act.
- Armed groups should stop the practice of interference in private life. Mobile phones, cameras, laptops and other equipment, which include personal data, should not be checked by armed groups.

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"JUSTICE FOR PEACE IN DONBAS" COALITION

The Coalition was established in December 2014 and includes 17 NGOs, mainly from the Ukrainian regions of Donetsk and Luhansk.

The Coalition members are:

Alchevsk Human Rights Analytical Centre, Centre for Civil Liberties
/ Euromaidan SOS, Civic Organization "Kharkiv Human Rights Protection Group," Donbas SOS,
Donetsk "Memorial," Eastern-Ukrainian Centre for Civic Initiatives, Ecological and Cultural Centre
"Bakhmat," Human Rights Centre "Postup" / Vostok SOS, Luhansk Regional Human Rights Centre
"Alternative," Luhansk Rights Defence Group, Public Committee for Protection of Constitutional Rights
and Freedoms of Citizens, Public Movement "Ochyshchennya," Public Organization "Mirny bereg,"
"Social Action" Centre NGO, Starobilsk District Public Human Rights Women's Organization "Victoria,"
Starobilsk Public Organization

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