

**JUSTICE FOR PEACE
IN DONBAS**

*Coalition of Human Rights
Organizations*



**CIVIL ORGANIZATION
«KHARKIV HUMAN RIGHTS PROTECTION GROUP»**

DESTRUCTIONS IN DONBAS

**SCALE, ATTEMPTS AT RECONSTRUCTION
AND PERSPECTIVES FOR REDRESS FOR VICTIMS**

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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

CONTEXT

In March 2014, Eastern regions of Ukraine became an arena of the Russian secret services' "Russian Spring" plan, aiming to pull a large part of Ukrainian territories out of Ukrainian jurisdiction. These actions were supported by a wide information campaign in the Russian Federation. As a result of resistance from the Ukrainian state and its society, the plan was disrupted, but on the territory of Donetsk and Luhansk Oblasts the self-proclaimed Donetsk and Luhansk People's Republics ("DNR" and "LNR") were created, and the confrontation escalated into an armed conflict.

Over the past 2.5 years the hostilities have not ceased. All plans for a peaceful settlement have been disrupted as a result of the Russian Federation's policy. In the last 2.5 years at least 10,000 persons have been killed or have gone missing and at least 22,000 people have been wounded on both sides.

Illegal armed groups of the so-called "republics" keep control over the territory within the administrative borders of the Donetsk Oblast with the total area of 8,552 sq.km. The control extends over such cities as Donetsk, Horlivka, Debaltseve, Dokuchaievsk, Yenakiievo, Zhdaniv, Kirovske, Makiivka, Snizhne, Torez (Chystiakovo), Khartsyzk, Shakhtarsk, Iasynuvata; rayons of Amvrosiivka, Novoazovsk, Starobeshev, Telmanovo, Shakhtarsk, as well as 11 village councils in the rayons of Volnovakha, Mariino and Iasynuvata.

Within the administrative borders of Luhansk Oblast, illegal armed groups keep control over the territory with the total area of 8,325 sq.km. The territory includes such as Alchevsk, Antratsyt, Brianka, Krasnyi Luch (Khrustalnyi), Rovenki, Luhansk, Krasnodon (Sorokino), Sverdlovsk (Dovzhansk), Stakhanov (Kadiievka), as well as part of Pervomaik and Kirovsk, as well as the rayons of Antratsyivsk, Lutuhyno, Perevalsk, Sverdlovsk, Krasnodon, Slavyanoserbsk and 4 village councils in the rayons of Stanichno-Luhansk and Popasna.

The occupied territories constitute approximately one third of the entire territory of the Donetsk and Luhansk Oblasts.

According to preliminary data, the following number of people still reside in the occupied territories: in the Donetsk Oblast - from 1,600 thousand to 2,000 thousand people; in the Luhansk Oblast - from 900 thousand to 1,100 thousand people.

MONITORING METHODOLOGY

The objectives of the monitoring were to collect, document and process information related to extraordinary human rights violations in the zone of the military conflict, such as extrajudicial executions, torture or illegal detention, but also destroyed property and other crimes against the civilian population. The Kharkiv Human Rights Protection Group ("KhPG") also collects information related to activities in the residential areas along the delimitation line.

The first source of information for monitors was responses to information requests sent by the KhPG to local self-governing bodies ("SGB") in the government-controlled areas of the Donetsk and Luhansk Oblasts. KhPG requested information on:

- Whether any destructions had occurred within the administrative boundaries of the settlements belonging to the jurisdiction of a particular SGB,
- What had been restored,
- The funding sources engaged,
- Whether premises of the public agencies had been provided to accommodate units of Armed Forces of Ukraine ("AFU"),
- How the related financial and organizational issues in these cases were resolved,
- Whether the damages had been duly documented and reported,
- The objects of destroyed infrastructure,
- The characteristics of damaged land and other information.

MONITORING RESULTS

KhPG sent 322 information requests and received 128 replies. Among those responses, one hundred and six contain information sufficient for analysis. Information about the casualties and destructions in all localities of the Luhansk Oblast has already been collected and the collection of such data from the Donetsk Oblast has been initiated.

Seven working visits were made to the settlements located on the delimitation line – Stanitsa Luhanska, Trehizbenka, Lopaskino, Novotoshkovka, Nyzhnie, Popasna. In their course, communication was established with citizens who suffered from shelling; with relatives of people killed by shelling; persons kept in places of unlawful deprivation of liberty and those affected by the war. Collected information was further transmitted to KhPG's Centre for Strategic Affairs where legal procedures have been initiated on more than 80 cases.

Data on more than 1,000 cases of destruction of buildings as a result of shelling was collected. In some locations situated directly on the delimitation line or adjacent to it, there were problems associated with the deployment of military units in public service buildings without settlement of the issues related to rent and utility payments with the Ministry of Defense of Ukraine. Virtually all local roads have been destroyed by shelling or as a result of heavy machine passage.

In some localities controlled by the Ukrainian Government, post offices do not work, telephone communications work sporadically, and there are no conditions for normal functioning of the organs of local self-government.

Irrationally excessive number of checkpoints makes it very difficult for the local residents to move between neighboring settlements.

The deployment of military units within the boundaries of settlements, as well as firing on positions of militants from residential areas, lead to retaliatory fire destroying homes and infrastructure.

There are problems with health care, as many dispensaries near the delimitation line were closed. Hospitals are either in the occupied territory or deep in the Ukrainian territories, 50-80 km away, while the available roads are in a deplorable state.

In some localities there are no local police inspectors. Citizens whose property was destroyed, have no recourse to law enforcement authorities to open criminal proceedings.

Farmers bear the costs associated with reduction of agricultural areas due to the fact that vast territories are full of land mines. A large amount of land is occupied by AFU's fortifications. In addition, a significant percentage of cultivable land was damaged in the topsoil due to shelling and bombing.

The Government of Ukraine has for a long time postponed decisions on the transit of citizens to and from the occupied territories. There are huge queues at all entry/exit checkpoints, citizens complain that crossing procedures are conducted at a very slow pace, and the citizen migration process is deliberately made more complicated.

Based on monitoring data from the occupied territories 2,574 objects of livelihoods and social sphere were destroyed or damaged in the territory controlled by the so-called DNR. Four of them cannot be restored, and full construction is required. Restoration has taken place in the case of 366 objects. There were 10,000 residential buildings (mezzanine and private one-storey houses) reported to have suffered in 20 locations (major cities with small adjacent settlements). Furthermore, recovery programs include primarily apartment houses and, to a lesser extent, private homes destroyed by 50% or more. In most cases, the owners are provided with building materials, but have to carry out restoration on their own. A similar situation is in the occupied territory of the Luhansk Oblast.

On the territory of the Luhansk Oblast controlled by the Government of Ukraine, in total there were approximately 9,000 objects destroyed. Their restoration will require more than 8,800,000,000 hryvnias, including:

- 7,000 residential houses, including 794 municipal and, 6,206 private (750,000,000 hryvnias);
- 417 roads (4,400,000,000 hryvnias);
- 32 bridges (170,000,000 hryvnias);
- 94 healthcare establishments (300,000,000 hryvnias);
- 113 schools (330,000,000 hryvnias);
- 14 industrial sites (1,700,000,000 hryvnias);
- 256 objects of engineering networks (600,000,000 hryvnias);
- 79 cultural institutions and sports (180,000,000 hryvnias).

Some schools and healthcare facilities, as well as public utility objects have been restored.

Obtained data shows that 228 communal houses were restored for an amount of 34,000,000 hryvnias and 880 private households for an amount of 4,480,000,000 hryvnias. As of 2 August 2016, 5,892 houses of all forms of ownership remain destroyed or damaged.

For the purpose of rebuilding the infrastructure in the Donetsk and Luhansk Oblasts in the year of 2015, funds were provided in the amount of 145,800,000 hryvnias.

Below, we present the results from the monitoring of destructions in three settlements in the Donetsk Oblast and in three settlements of the Luhansk Oblast.

DONETSK OBLAST

City of Avdiivka

General information:

The city is located on the delimitation line, 13 km from Donetsk. The town was liberated on 28 July 2004. Before the outbreak of hostilities, its population amounted to 35,000 people. The area of the city is 29 sq. km.

The main budget-contributing company of the town is the Avdiivka Coke and Chemical Plant. It continues producing, even while under shelling. Other large enterprises include the Structural Steel Works, Reinforced Concrete and BD Works, Pilot Works of Nonstandard Equipment, and Construction Blocks Works.

There are seven infant schools, seven secondary schools and one vocational school. At the beginning of 2016, there were 10,097 pensioners residing in the town.

According to the information of the Avdiivka Labor and Social Welfare Office, on the territory of the City Council there are registered 2,684 displaced persons, among them 1,009 pensioners, 340 children, and 114 persons with disabilities.

The city budget for the year 2016 was adopted in the amount of 139,700,000 hryvnias.



As a result of the shelling and fighting in the city 77 apartment houses, 595 private households, 5 schools, 4 kindergartens, the city hospital, and a vocational school were damaged.

Varying degrees of destruction also concern the high school, community centre, shelter for minors, as well five trade and 15 industrial enterprises.

According to gathered data, 667 applicants applied to the City Council and 532 formal notices of destructions were recorded.

The most affected city streets are Chkalov, Nekrasov, Aleksandr Suvorov, Turgenev.

Despite the fact that the fighting is ongoing, the city continues to live its life to the full. Avdiivka hosts sporting events, musicians and concerts. Avdiivka's children participate in various contests, shows, competitions. Destroyed infrastructure is being rebuilt to the extent that the available material resources allow.

TOWNSHIP OF NOVGORODSKE

General information:

Administratively, it is a part of the Torez City Council. Located on the delimitation line. A part of the area extends beyond the line of control of AFU. There is less than 4 km to the occupied Horlivka and 37 km to Donetsk.

The population of Novgorodske village is 12,590 people. During the period of fighting, Novgorodske accepted over 1,300 people. At the moment, on the territory of Novgorodske Village Council, there live 261 displaced persons.

Large enterprises include the Dzerzhinsk Phenol Factory, Novgorod Machine-Building Works, Donetsk Soil Fertility Department of the National Scientific Center "Institute of Pedology and Agrochemistry". There is a railway station "Fenolnaya" in the village.

Novgorodske Village Council adopted a budget for 2016 amounting to 4,300,000 hryvnias.

During the fighting in the area, damages and destructions reached 61 private houses, 1 two-storey multi-apartment house and Secondary School № 18. The total amount of damages equals 3,600,000 hryvnias. At the moment, infrastructure is being restored to the amount of 595,500 hryvnias.

The most affected houses are in the streets of Stakhanovskaya, Kooperatynaya, Sovetskaya, Dzerzhinsky, Pervomayskaya, and Komsomolskaya.

Additionally, the bridge over the Zheleznyaya Balka river (restoration requires 1,600,000 hryvnias) and the bridge over the Krivoi Torets river were destroyed. Their restoration will require 1,600,000 and 1,300,000 hryvnias respectively. More than 700 meters of the road within the area were completely destroyed.

There are serious concerns about the threat of an ecological catastrophe in the village of Novgorodske. This is due to the fact that the territory of Novgorodske is the area of operations of the company Inkor & Co which manufactures and distributes naphthalene and phenol. Toxic waste in the form of carbonate sludge is stored in sludge collectors or tailings ponds, limiting the passage of water through the water dam. In the year of 2015, the dam and water drainage system which supports a certain level of water in the tailings pond were damaged by shelling.

It is, however, impossible to undertake repair works, as the area is packed with land mines. Recourse to the Joint Monitoring and Coordination Center for Cease-fire Issues has not produced any results. The water level in the tailings pond has already reached a critical point, and residents of Novgorodske fear that autumn floods could overwhelm the sludge collector and break the dam. This would cause toxic emissions and contaminate the soil and creeks of the Krivoi Torets river which then flows into the Seversky Donets river. The latter is the source of drinking water for certain areas of Donetsk and Luhansk Oblasts. This situation, in our view, requires urgent response of the Government of Ukraine.

THE VILLAGE OF OPYTNOYE, BAKHMUT DISTRICT

General information:

It is located on the southern exit from the city of Bahmut, 22 km from the delimitation line and 64 km from Donetsk. The T-05-13 highway runs through the village.

Directly in Opytnoye there is a "Zaytsevo" entry-exit checkpoint (the distance from the entry-exit checkpoint to the "zero point" is 16 km).

The population of Opytnoye is 1,983 people. According to data, 54 displaced persons were registered in the village.

During the shelling, the damage reached 14 private households in Zelenopoliye (administrative subordinate to Opytnoye Village Council) and 24 houses in Opytnoye. Additionally, 2 houses were destroyed in Ivograd.

In Zelenopoliye shelling destroyed the "Berizka" kindergarten, the buildings of medical and obstetrics station, community center, library, and an apartment block. While in Opytnoye, the village council building, an apartment block, School of Arts № 2, a branch of the Artyomovsk Agrarian High School were damaged. The building of the medical and obstetrics station was completely destroyed.

Additionally, heavy machinery destroyed 5.5 km of roads which will require 2,525,000,000 hryvnias to be restored. And in settlements under the Opytniansky

Village Council, 109 hectares of land were damaged, filled with land mines or used for military fortifications.

In the territory of Opytnoye, there is also a landscape reserve – The Artyomovsk Landscape Arboretum – which was partially destroyed as a result of hostilities. The specialists of the reserve have no access to the land. There is no possibility to change the status of the land to make effective use of it.

The inhabitants of settlements within the remit of the Opytnoye Village Council have serious problems exercising their freedom of movement, as the entry-exit checkpoint "Zaytsevo" is located directly in the territory of the Opytnoye village. Citizens living in Zelenopoliye have great difficulty passing through the entry-exit checkpoint to their homes. The same applies to residents of Zaitsevo, Kodemsky, Novoluhansk, Luhansk and Myronivsky Village Councils. This is because the "Zaytsevo" entry-exit checkpoint is situated 22 km from the actual delimitation line, but travel through it is possible only upon presentation of an identification document. There are long queues at the checkpoint and anyone trying to bypass the queue risks car damaged or being beaten by citizens standing for hours in the line. At the same time, the working hours of the entry-exit checkpoint are limited (7 a.m. to 6 p.m.). The transportation lines, shopping and infrastructure facilities experience a very high man-induced impact from a stream of citizens travelling to and from the occupied territories.

LUHANSK OBLAST

POBEDA VILLAGE, NOVOAIDAR DISTRICT

General information:

A village in Novoaidar District is located 40 km from the border with Russia. Its population is 660 people. The village area is 2 sq. km. The Pobeda village welcomed 12 displaced persons from the occupied territories.



Shelling attacks on Pobeda started on 1 September 2014 with single blows of MLRS "Smerch". Eyewitnesses claim that unexploded shells pointed to the eastern direction of arrival. On 2 September 2014, shells hit the headquarters of the "Volia" battalion and the library.

On 3 September 2014, in Pobeda village, more than 200 local civilians became victims of shelling out of rocket launchers BM-30 Smerch with cluster shells. The main target of the bombing was the "Volia" battalion's base (Lviv), operating near the village.

In the evening of 4 September 2014, shelling of a military base began. Several shells hit the ammunition depot which led to strong explosions. The shelling damaged 140 homes.

The houses were damaged in the streets of Shchors, Gagarin, Voroshilov, Kirov, Proletarskaya, Budenny, Mira, Lenin, 11-th Pyatiletki. Similarly, the post office building, medical and obstetrics station, country club, the village council building, a diner and a store, all suffered in the course of attacks.

Pobeda has been very damaged by shelling. Some houses are being restored thanks to the funds from charities. However, most of the private homes remain destroyed.

STANICHNO-LUHANSKY DISTRICT

General information:

Stanichno-Luhansky district of Luhansk Oblast is located in the eastern region, on the border with Russia, on the left bank of the Seversky Donets River. The total area is 1,900 sq. km. Its population counts 49,555 people. On the territory of the area there flow the Seversky Donets, Aidar, Derkul, Tepla, Kovsug, and Yevsug rivers. The district's territory is covered with

at least 35.5 thousand hectares of forest and over 125 thousand hectares of agricultural land (as of 2013). Industry is represented by agricultural enterprises.

In Stanichno-Luhansky district there operate 34 secondary schools with 6,633 children studying; 20 kindergartens and nurseries with 588 children; sports school; musical school; and an educational and manufacturing center. The schools employ 716 teachers.

As a result of the fighting or shelling in the area 3,159 households were damaged or destroyed.

On 14 November 2014 in the village of Valuiskoye, an MLRS "Grad" damaged nine houses, four of them are completely destroyed and are not subject to recovery.

At night on 5-6 December 2014, LNR militants fired on the village of Valuiskoye. As a result of a hit on the Gorky Street, one of the houses was completely destroyed. Liubov and Ivan Suharevsky died under the rubble.

At night between 18 and 19 January 2015, militants fired on the village of Valuiskoye. The firing was carried out from the artillery systems and rocket launchers "Grad". The bombardment hit dozens of houses, three apartment buildings, as well as a building of the elderly house, which is inhabited by about 50 pensioners. Representatives of the local community were wounded.

On 3 February 2015, as a result of the fighting around the village of Artyom, a major gas pipeline was damaged.

On 25 February 2015, in the forest near Bolotennoye village, a 40-year-old local resident died from an explosive device.

On 7 May 2015, militants strafed the village of Artyom located on the delimitation line with 82-mm mortar shells. Fifteen shells were launched damaging residential houses and damaged the pipeline.

On 5 July 2015, militant fire hit the territory of the forest near the village of Bolotennoye, about 15 hectares of pine forest burnt down.

Since the beginning of the conflict until 2016, around 1,012 houses were damaged in the territory of the Valuisky Village Council. While among the destroyed administrative buildings there are, for example, the Nizhneolkhovskaya Secondary School; Stanichno-Lugansk Secondary Schools № 1, № 2 (totally destroyed); Kondrashevskaya Secondary School; Olkhovskaya Secondary School; Valuiskaya Secondary Schools № 1, 2; Nizhneteplovskaya Secondary School; the educational complex; the district community center (a direct hit); sports school and music school; the building of the District Council; building of Culture House; Makarovskaya library; building of the District Department of Education; the Vremya Newspaper Office; and the Youth Creative Center «Svitanok».

Transportation lines connecting the Stanichno-Luhansk area with "main land" are in extremely poor condition. The repair requires about 250,000,000 hryvnias.

The southern part of the Stanichno-Luhansky district borders with districts of the so-called "LNR" across the Seversky Donets river. A number of settlements located within the reach of LNR militants' artillery fall under the shelling.



In Stanitsa-Luhanskaya, there is an entry-exit checkpoint "Stanitsa-Luhanskaya". On 2 July 2014, as a result of air bombing, the bridge over Seversky Donets river was blown up. One of the bombs fell on the village centre. As a result, nine people were killed, eleven wounded, five of them severely. Among the deceased there was a 5-year-old child.

On the night of 6-7 July 2014 in Nizhneteploye village, the railway bridge across the Teplaya river was blown up.

On 18 August 2014, AFU entered the village occupied by the terrorists and already on 21 August the village was liberated and the Ukrainian flag was raised upon the building of the District Council.

From 1 to 4 September 2014 in Stanitsa-Luhanskaya more than 100 houses were destroyed in the streets of Moskva-Donbas; Bukayeva; Lesnaya; Lenin; Shevchenko; Lermontov. Among destroyed buildings, there is a school, a building of the District Education Department, as well as several shops and a bus station. Attacks were made from the MLRS "Grad" ("hail") and "Uragan" ("hurricane").

On 2 February 2015, in Stanitsa-Luhanskaya and the nearby villages, artillery fire damaged more than 30 houses, and in the Stanitsa-Luhanskaya itself one civilian was wounded.

On 5 February 2015, shelling damaged 8 residential houses.

In Stanitsa-Luhanskaya, the village council building was illegally occupied by AFU soldiers. There is no lease agreement, nor pay for rent and utilities.

Repairing the roads in the village ruined by the firing requires 100,600,000 hryvnias.

In just two years, 2,016 houses were destroyed and 95 houses were completely demolished in the village of Stanitsa-Luhanskaya by artillery fire.

As of May 2016 in the village there are more than 2,000 registered displaced persons.

RECOMMENDATIONS

- To adopt a state program for reimbursement of property losses during military operations.
- To adopt a law on compensation for destroyed (demolished) or damaged private property.
- To strengthen control over military units with the purpose of eliminating shelling of settlements located near the delimitation line and the territories adjacent to the points of transition.
- To restore schools or provide means of transport to residential areas, from where children go to schools in the territory of the self-proclaimed "DNR" and "LNR".

STANICA-LUGANSKAYA SETTLEMENT

General information:

Stanitsa-Luhanskaya settlement is situated 11 km from the border with Russia and 7 km from Luhansk, on the right bank of the Seversky Donets River. The area of Stanitsa-Luhanskaya is 14.6 sq. km and its population counts 13,744 people.



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