

Ukraine

The information below is based on the Report by the Office of the UN High Commissioner for Human Rights on Conflict-related Sexual Violence in Ukraine from 14 March 2014 to 31 January 2017, issued on 16 February 2017¹

IV. Documented patterns and trends of conflict-related sexual violence in Ukraine

59. Based on the cases documented by OHCHR, there are no grounds to believe that sexual violence has been used for strategic or tactical ends by Government forces or the armed groups in the eastern regions of Ukraine, or by the Russian Federation in the Autonomous Republic of Crimea. The majority of cases documented by OHCHR illustrate that sexual violence has been used as a method of torture and ill-treatment in the context of detention related to the armed conflict in eastern Ukraine, as well as in the Autonomous Republic of Crimea. The most frequent forms of sexual violence used in such situations are beatings and electrocution in the genital area, threats of rape, forced nudity and rape.

60. OHCHR found that sexual violence has been perpetrated against both men and women deprived of their liberty on conflict-related charges and, in some cases, against their relatives. The purpose is usually to punish and humiliate them, extract confessions, and/or compel them to relinquish property or perform other actions demanded by the perpetrators, as an explicit condition for their safety and release. The grounds for detention and profile of the victims vary depending on whether the incidents occurred in territory under the control of the Government or of the armed groups.

A. Cases of conflict-related sexual violence in territory controlled by the Government

“I was interrogated. They put a sharp object to my neck and threatened to cut off my head. Then someone pulled down my trousers, put the blade against my genitals and said they would cut it into four pieces. Then they continued beatings until I made a video confession.” - man detained on conflict-related charges

1. Conflict-related sexual violence in the context of detention

65. In territory controlled by the Government of Ukraine, OHCHR identified a pattern of sexual violence perpetrated in places of detention against individuals perceived to be a part of, or affiliated with armed groups, in order to punish and humiliate them, and / or extract confessions from them.² While the victims were mostly young and middle-aged men, threats were directed at female members of their families; at times the perpetrators even

¹ Full text available [here](#)

² These individuals are mostly detained on the following charges: actions aimed at forceful change or overthrow of the constitutional order or takeover of Government (article 109 of the Criminal Code of Ukraine); trespass against territorial integrity and inviolability of Ukraine (article 110); high treason (article 111); trespass against life of a statesman or a public figure (article 112); sabotage (article 113); espionage (article 114); intentional homicide (article 115); act of terrorism (article 258); involvement in a terrorist act (article 258-1); public incitement to commit a terrorist act (article 258-2); creation of a terrorist group or organization (article 258-3); facilitating a terrorist act (article 258-4); financing of terrorism (article 258-5); and creation of unlawful paramilitary or armed formations (article 260). In rare cases, articles 437 (planning, preparing and waging aggressive war or military conflict) and 438 (violation of law and customs of war) have been applied.

detained female family members for a short time, to exert pressure on the male detainees. In most cases, such threats were used to force the victim to “confess” or otherwise cooperate with the investigators, security or military actors.

66. In many cases, sexual violence amounted to torture, causing severe physical pain and mental suffering. Rape, threats of rape, beatings and electrocution of genitals were often used as an interrogation technique. Such violations most often perpetrated against individuals, mainly men, detained by the Security Service of Ukraine (SBU) and volunteer battalions. The majority of these incidents date back to 2014-2015; nonetheless OHCHR continues to receive testimonies indicating that such practice still occurs.

67. The United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment³ underscored that custodial sexual violence “must be considered to be an especially grave and abhorrent form of illtreatment given the ease with which the offender can exploit the vulnerability and weakened resistance of the victim”.

70. A man arrested by Ukrainian forces in November 2014 while visiting his family on the Government-controlled part of Donetsk region, was subjected to electroshocks (with wires attached to his fingers and genitals), mock executions, and threatened with rape and being cut into pieces.⁴

71. In November 2014, Ukrainian forces arrested a man in the Governmentcontrolled village of Soloviove (Donetsk region).⁵ He was brought to the village of Pisky, where he was kept in a basement for two days. Four masked men kicked him and beat him with a wooden board, subjected him to electric shocks and pointed a gun to his head. He was also threatened with sexual violence.

74. A man formerly involved in the armed groups of the ‘Luhansk people’s republic’ and his wife were arrested at their home by police on 13 April 2015, and taken to another town in Luhansk region. Both were ill-treated and tortured by police officers, and the man was threatened that he would be raped with a truncheon. He was then brought to the corridor from where he could see his wife in another room and noticed her sweater was torn. One of the officers asked him, “Shall we rape her?” He begged for his wife to be released and agreed to confess to anything.⁶ His wife was released on 14 April 2015 and while she said to OHCHR she was not subjected to sexual violence, she was under constant fear, “always guarded by at least two men”.⁷

76. In the spring of 2016, a man permanently residing in the areas controlled by armed

³ United Nations Special Rapporteur on Torture report before the Human Rights Council, 15 January 2008, A/HRC/7/3, para 34-35.

⁴ HRMMU interview, 22 June 2015.

⁵ HRMMU interview, 4 June 2015.

⁶ HRMMU interview, 24 March 2016.

⁷ HRMMU interview, 29 March 2016.

groups was arrested by eight masked camouflaged individuals under suspicion of involvement with armed groups. The next day, he was taken to an abandoned building, where he was interrogated. The perpetrators undressed him and tied his legs and arms behind his back to a metal cage. One of them took a ramrod (a metal rod used to clean a gun muzzle) and started inserting it into the man's urethra, causing the victim severe pain. A second perpetrator recorded the torture on his mobile phone. They then beat the victim and threatened to upload the recorded video on the victim's social media page. The victim signed a confession and admitted to his "guilt".⁸ The victim has been sentenced and is now in detention.

77. On 5 May 2016, in an incident that involved the use of excessive force, SBU arrested a man in one of the southern regions of Ukraine and transferred him to an SBU building while he was unconscious. He was later brought to an office where he was stripped naked and fastened to a radiator. For two days, four SBU officers forced him to kneel, insulted and humiliated him, hit him on the head, kidneys, groin, and applied electric shocks to his tongue. Most of this time he was hooded with a plastic bag, and was denied food and water.⁹

Conflict-related sexual violence in the context of deprivation of liberty

85. Despite limited access to places of deprivation of liberty in territory controlled by armed groups, precluding confidential individual interviews, cases documented by OHCHR as well as some service providers indicate that individuals, particularly women, detained by armed groups face a high risk of sexual violence.

86. An assessment of the cases reveals that armed groups usually detain individuals: due to their real or perceived affiliation to or support of Ukrainian forces or pro-Ukrainian stance; for so-called 30-day 'administrative arrest' for violation of the curfew or other 'laws' they impose or abduct them to extort money or property. OHCHR is also concerned that the armed groups also detain women who are witnesses of crimes that are investigated by 'police', which is reportedly done for their 'protection'.

87. The people deprived of liberty by armed groups were mainly male and female adults between the ages of 20 and 50 years. Following their deprivation of liberty, victims reported often facing threats of violence, mock executions, torture and ill-treatment as interrogation techniques.

88. According to allegations recorded, men are subjected to more severe and prolonged torture than women. At the same time, women deprived of their liberty by armed groups have been more vulnerable to becoming victims of rape and gang rape often as a result of general lawlessness, the overall climate of impunity, the lack of a clear chain of command

⁸ HRMMU interview, 29 June 2016

⁹ HRMMU interview, 20 May 2016.

and clear orders and instructions prohibiting sexual violence, armed group members having unrestricted access to people deprived of liberty, and the absence of independent oversight or monitoring. Sexual violence occurred particularly often in the early stages of the conflict in 2014, when different armed groups each administered various places of deprivation of liberty. [...]

C. Cases of conflict-related sexual violence in the Autonomous Republic of Crimea

107. In territory controlled by armed groups, members of the LGBTI¹⁰ community, especially women, considered themselves to be under threat of violence, including rape, based on their gender identity and sexual orientation.¹¹ Many have left these areas for the fear of persecution. On 19 December 2014, OHCHR succeeded in evacuating a transgender man from the areas controlled by armed groups. He feared persecution and was isolated at home without access to food or medicine. There were credible reasons to believe he was at risk of abduction and violence if he would attempt to leave the area alone as his identification documents did not reflect his gender identity. OHCHR negotiated with 'officials' of the 'Donetsk people's republic' and the Ministry of Internal Affairs of Ukraine and the Ukrainian military to escort him to safety. The fear of persecution has reportedly intensified after the leaders of the 'Donetsk people's republic',¹² ¹³ as well as the Russian Federation authorities in Crimea¹⁴, have been reported as making threats, including calls to "kill those spreading the culture of homosexuality". OHCHR considers such statements to be incitement to hatred and violence.

C. Cases of conflict-related sexual violence in the Autonomous Republic of Crimea

"When I was strangled – I was ready to confess to anything; although I could endure the pain. When I was electrocuted on genitals it was a different level of pain, I was ready to say whatever they wanted to hear".

- a detainee tortured by Federal Security

108. Due to the absence of physical access to the Autonomous Republic of Crimea, OHCHR has limited information about the treatment of people deprived of liberty at the hands of the Russian Federation authorities in Crimea. Lack of direct contact with the victims makes it less likely for them to disclose details that could enable OHCHR to draw conclusions about the use of sexual violence. OHCHR identified two cases of the Federal

¹⁰ Lesbian, gay, bisexual, transgender, intersex.

¹¹ Members of the LGBTI community, especially women, reported fearing rape "for looking not like everyone else" or "for not responding to the advances of armed groups". More information on the situation of LGBTI community in the territory controlled by armed groups and in the Autonomous Republic of Crimea can be found in the human rights report "Violation of LGBTI Rights in Crimea and Donbass: the homophobia in territory beyond Ukraine's control" prepared by ADC Memorial with the support of the Centre for Civil Liberties, 2016. Available at: http://adcmemorial.org/wp-content/uploads/lgbtENG_fullwww.pdf

¹² The 'head' of the 'Donetsk people's republic' stated: "...this generation is being raised on democracy, which implies that a family can have two fathers or two mothers. To me, this is categorically unacceptable." Statement published on 25 January 2016 available at: <http://dnr-online.ru/my-dolzny-donesti-svoim-detyam-tradicionnye-cennosti-glava-dnr-aleksandr-zaxarchenko/>

¹³ One of the commanders of the armed groups of the 'Donetsk people's republic' stated that "a culture of homosexuality is spreading... This is why we must kill anyone who is involved in this". The interview published on 14 July 2015 available at: <https://www.ridus.ru/news/191031>

¹⁴ A deputy of the Simferopol city council was reported as calling to "shield children from gays", "to shut off the oxygen supply to people with a non-traditional orientation", "to hit them right in the eye". The interview published on 25 April 2016 available at: <http://www.c-inform.info/news/id/37995>

Security Service (FSB) of the Russian Federation subjecting men perceived to be pro-Ukrainian supporters to torture and ill-treatment, with elements of sexual violence.

109. On 9 May 2014 in Simferopol, a man, who had participated in proUkrainian demonstrations since February 2014,¹⁰⁵ was abducted in the street by armed men in civilian clothes.¹⁵ He was brought to an FSB office in Simferopol and accused of plotting terrorist attacks in Crimea. During the first five days of his detention, three FSB officers subjected him to various methods of torture and ill-treatment, including sleep and food deprivation, beatings, suffocation, threats of physical violence and death, until he signed a “confession”.

110. The perpetrators then demanded that the victim disclose information about two other ‘pro-unity supporters’ and subjected him to further and more severe torture. On the ninth day of his detention, electrical wires were attached to his genitals and an electrical charge caused him unbearable pain. To stop the torture, the victim signed documents he was provided. On the last day of his detention, FSB officers demanded that he sign a plea agreement. He was then subjected to forced nudity and pushed to the floor, where a few officers held him in place, while another circled a soldering iron over his body. The officers threatened to anally rape him with the soldering iron and tell other detainees about it. Based on a confession extracted from the victim through the torture, a Crimean judge ordered that he be placed in remand custody and, on 19 May 2014, he was transferred to an FSB facility in Moscow. Such transfer was in violation of article 76 of Geneva Convention IV¹⁶. On 24 December 2014, a Moscow City Court sentenced him to seven years of imprisonment. He was pardoned on 14 June 2016 and released.

111. Another man, arrested by the FSB in Crimea on 7 August 2016 for his alleged participation in a Ukrainian sabotage group,¹⁷ as kept incommunicado and tortured by FSB officers to compel him to provide self-incriminating evidence. He was tied to a chair with duct tape and hooded with a bag, wires were attached to his body, and he was electrocuted. FSB officers threatened to rape him with a wooden stick if he would not confess.¹⁸ While he was being interrogated, perpetrators tied a rope over his genitals causing him severe pain and suffering.¹⁹ After being officially charged, in violation of article 76 of Geneva Convention IV, he was transferred to an FSB pre-trial detention centre in Moscow where he remained in detention at the time of writing this report.

V. Responding to conflict-related sexual violence

“What’s the point of saying what happened to me? No one will be able to help and no one will be able to find those who did it. No one will punish them”.- Survivor of

¹⁵ HRMMU interview, 22 July 2016

¹⁶ Article 76 of the Geneva Convention 76: “Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein”.

¹⁷ See 15th OHCHR report on the human rights situation in Ukraine covering the period from 16 May to 15 August 2016, paragraph 153.

¹⁸ HRMMU interview, 7 September 2016.

¹⁹ HRMMU interview, 11 December 2016.

sexual violence from territory controlled by armed groups

“What? Castration? It is not used in Ukraine! I want to warn both of you that investigating your complaints will take significant time. It will prolong the trial for at least two or three months. You should know this!” - The reaction of a judge after a victim said that after his arrest “a man in black uniform and balaclava threatened to castrate me”

VI. Conclusions and recommendations

144. Regardless of the scale and scope of the phenomenon, sexual violence, particularly conflict-related, is a gross violation of physical integrity. In most cases documented by OHCHR, sexual violence was perpetrated against men and women and occurred in places of detention or deprivation of liberty. Beatings and electrocution in the genital area, threats of rape and rape were used in order to punish, humiliate, extract confessions, and/or compel the victims to relinquish property or perform other actions demanded by the perpetrators. These acts may amount to torture or to cruel, inhuman and degrading treatment.