

COLLABORATIONISM

SURVIVAL OR CRIME?



Sviatohirsk group
2023

Members of the Sviatohirsk Group,

who represent various civil society organisations, prepared this publication with the support of the Centre for Humanitarian Dialogue (Geneva, Switzerland).

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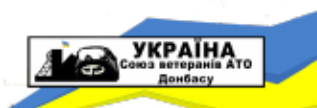
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1 About the Sviatohirsk Group

We are representatives of Ukrainian civil society from the Luhansk and Donetsk regions, who have been working on the topic of transitional justice since 2018.

Based on the principles of humanity and fairness, we collect and convey the opinions of victims of the Russian-Ukrainian war by facilitating:

- dialogue between citizens and the state
- development and application of the state policy on the transition period
- strengthening ties between active citizens to build sustainable and cohesive communities

2 Introduction

Sviatohirsk Group is a dialogue initiative of people coming from Luhansk and Donetsk oblasts whose life was affected by the Russo-Ukrainian war. Since 2018 the group has been striving, through its activity, to transmit the voices of those affected by the armed aggression against Ukraine to the Ukrainian political leadership and the international community.

In this publication we continue highlighting the perspective of those who for nine years have been experiencing the impact of the armed aggression and who faced new challenges after the Russia's full-scale invasion of Ukraine on 24 February 2022.

This study analyses opinions and thoughts of people on collaborationism. In particular, the study participants had an opportunity to share their own interpretation of 'collaboration activity' term; their attitude towards different categories of citizens remaining in the occupied areas; legal approaches to holding those responsible of high treason, collaboration activity and aiding the aggressor state accountable; the readiness to further coexist in one community with those who collaborated with the occupiers.

Through this work Sviatohirsk Group aims to draw attention of Ukrainian authorities to the need to apply a balanced approach to the development and implementation of public policies concerning collaborationism that must be based: on the one hand, on the inevitability of punishment for intentional cooperation with occupying administrations, and on the other hand, on the understanding of the fact that many people in the occupied territories became occupiers' hostages and were forced to adapt to new conditions in order to survive.

Moreover, this publication will be interesting and useful for the representatives of the international community interested in introducing the concept of transitional justice in Ukraine. Perspectives of refugees and displaced persons, on which this publication is based, make it possible to see the problem of collaborationism from the point of view of local population. Taking local context into account will in turn facilitate the development of an efficient infrastructure of transitional justice, including when it comes to rational use of human, technical and financial resources. Such resources will not be spent on automatic transfer of patterns but will rather aim at developing a unique system of transitional justice corresponding to the real needs of the local population.

3. Methodology

In April 2023, the members of Sviatohirsk Group conducted 30 in-depth interviews with people who were displaced from temporarily occupied areas and are staying in the Ukrainian-controlled areas and in European countries (25 interviews), as well as the residents of Ukrainian-controlled areas which are in the zone of hostilities (5 interviews). The group purposefully did not interview respondents from temporarily occupied areas for the sake of their safety.

This publication is not a sociological study. However, in the process of data collection, the members of Sviatohirsk Group applied sociological methods of quality in-depth interviewing. Respondents were selected using the 'snowball' method, adhering to the principles of gender parity and inclusivity. Accordingly, 16 males and 14 females participated in the study. The age of the participants ranges from 19 to 73 years old. Among the participants, there were representatives of the following categories: public officials, teachers, healthcare workers, entrepreneurs, accountants, journalists, students, employees, pensioners. Residents of the following communities were involved in the study: Kyiv, Mariupol, Sievierodonetsk, Kharkiv, Starobilsk, Kostiantynivka, Chasiv Yar, Rubizhne, Slovyansk, Shchastya, Luhansk.

The questionnaire used in the study included the following blocks of questions: whether a given community is under occupation; attitude towards instances of voluntary cooperation with the occupying authorities by different categories of citizens; awareness level of the legislative framework with regard to responsibility for collaborationism; readiness to further coexist in one community with those who cooperated with the occupiers during occupation.

4. Key study findings

Almost all study participants displaced from occupied areas and areas located directly in the zone of hostilities moved to the safer areas of Ukraine or to other European countries. The respondents who left the communities currently under temporary occupation mostly stay in touch with the citizens of the occupied areas. Usually it is a very limited circle of family and friends, and the communication is taking place in the context of discussing current every day and family matters.

Some interviewees emphasized that the narrative that everybody staying under occupation is a traitor is wrong. In their opinion, there are people in the occupied areas with pro-Ukrainian beliefs who, for different reasons, could not evacuate.



"I stay in touch with the occupied communities and unoccupied persons"

Entrepreneur, Kyiv

The absolute majority of study participants whose communities are temporarily occupied claim they are familiar with instances of voluntary cooperation with the occupying authorities on the part of residents of their communities. A part of respondents mentioned they personally know people who collaborate with the occupiers. Others say that they know about such instances from social media. The respondents often noted that, based on their estimates, this phenomenon is quite common among people staying in occupied areas.



"Very unfortunately, very common. About 40% of my colleagues have engaged in cooperation. 15% stayed, but are not working anywhere"

Teacher, Starobilsk

“I guess around a third of those staying there now voluntarily collaborate, benefiting from it”

Doctor, 42 years old, Mariupol

However, some study participants mentioned that instances of collaboration in their communities were fewer than expected. This opinion is more common among the residents of communities severely ruined as a result of hostilities and abandoned by many residents (Mariupol, Sievierodonetsk, Rubizhne).

“I am surprised that this phenomenon is not very widespread, because I know that there were many people in the city who could have become collaborationists. But they left and did not engage in cooperation with the aggressor. Well, quite eloquent is that the occupiers did not manage to find people for leadership positions in local authorities among the local residents. They brought them from other settlements of the so-called “LNR””

Entrepreneur, 57 years old, Sievierodonetsk

Formulating for themselves who can be considered a collaborationist, study participants mainly said that they were persons who voluntarily and of their own accord cooperated with the occupiers. It is important that many respondents included the spreading of Russian propaganda narratives as a sign of collaborationism. All respondents expressed an extremely negative attitude towards collaborationists. Sometimes such statements were harshly radical.

“If I were armed, I would not miss”

Nurse, Rubizhne

“These people should be imprisoned, killed, since everything started 9 years ago because of them. If they are not ‘beheaded’, this will continue for years, centuries”

Public official, Shchastya

“There is hardly a word to describe the feeling. Perhaps – FURY!!!”

Entrepreneur, Starobilsk

Study participants were unanimous in describing their attitude towards some categories of citizens who have engaged in collaboration with the occupying regime. Particularly, of representatives of political and military leadership, the military, officials, law enforcement. Almost all respondents believe that these very categories deserve a very severe punishment for collaboration on their side. At the same time, respondents believe that even in cases of forced mobilization, people who took arms in their hands are guilty and must be held accountable.

“They shall be held accountable according to the law. They could have refused, gone to jail, but they chose the criminal way”

Doctor, Kostantynivka

When it comes to medical staff, people who work in education, social and cultural, as well as representatives of those professions ensuring the functioning of the occupied communities – post, bank, utility service workers, rescuers, the respondents' opinions were divided. A part of participants believes that collaboration with the enemy in any form is a grave crime. The other part points out that the representatives of these professions help civilians survive under occupation. Therefore, it is a reason not to consider them collaborationists or at least a mitigating circumstance in determining the punishment. Particularly often the respondents tolerate the instances of cooperation with the occupiers by doctors, utility service workers and rescuers. However, when it comes to those who work in education and culture, they are more often viewed as those who have to be punished. This study compared to the studies of Sviatohirsk Group conducted prior to the full-scale Russia's

invasion of Ukraine, demonstrates a more radical attitude towards teachers cooperating with the occupiers in view of their negative influence on future generations of Ukrainians.

” *“They are definitely collaborationists and deserve a more severe punishment, because they wreck the youth ” (regarding teachers)*

Military man, Starobilsk

” *“There can be no cultural activity without propaganda in the occupied areas. Therefore, if they are working, they are collaborationists and they have to be held accountable for it”*

Journalist, Luhansk

Different points of view were also voiced with regard to those who continue their entrepreneurship in the occupied areas. For some respondents, the registration of business under occupiers’ “laws” and the payment of taxes are clear elements of criminal activity, and for others, those who bake bread or sell food and medicine are almost rescuers.

Within the study, respondents could also voice their opinion concerning citizens who do not belong to any specific professional category, but who established amicable relations with the occupiers and welcomed them as “liberators”. Usually, such statements were in an explicitly negative context and respondents reacted in a quite emotional way to examples of such behaviour. Particularly, when those who informed the occupiers on community residents with a pro-Ukrainian position were in question.

” *“How can you turn in a neighbour? And moreover, why? Because [he/she is] a citizen of Ukraine who has a pro-Ukrainian position! And these people who are turned in to the enemy are later tortured and killed. So those who turn them in are guilty of torture and killings. They have to be punished severely”*

Nail technician, Mariupol

As to the respondents’ awareness of the current legislation governing the issue of collaborationism, only in some cases study participants were familiar with the legislative framework in this field. In most cases, such knowledge was either superficial, or completely absent. There is a general idea that the SBU, police, prosecutors, courts, the State Bureau of Investigation were in charge of holding people accountable for collaboration activity, but there was no understanding of the functions of these authorities. Moreover, only some respondents were informed about the law enforcement activity with regard to searching collaborationists and holding them accountable in the liberated territories of Kharkiv and Kherson oblasts. However, all study participants understand that responsibility is differentiated according to the severity of crime. At the same time, when answering questions, respondents showed an understanding of the terms ‘high treason’, ‘collaboration activity’ and ‘aiding the aggressor state’, as well as of the difference between them. But definitions were very simplified, on an intuitive level, rather than based on the knowledge of the law.

” *“High treason can take place in unoccupied areas. To become a collaborationist, it is necessary to be in an occupied area and collaborate with the occupying administration. And aiding is when a person does not hold any particular position but collaborates with the enemy”*

Journalist, Luhansk, Sievierodonetsk

The absolute majority of respondents believe it is reasonable to record instances of collaborationism in occupied areas up until the moment of their de-occupation, including with the help of ‘open registers’ of collaborationists (like e-Enemy), where ordinary citizens can enter information. At the same time, they emphasize that information in such registers must be thoroughly checked by law enforcement authorities in order to be used as evidence.

The issue of forced collaboration with the occupiers under duress proved to be quite sensitive. On the one hand, coercion in the form of threat to life and health of a person or their family is considered real and capable of influencing one’s behaviour. And on the other hand, there is an understanding that this matter is likely to be manipulated to justify any actions. Some respondents advise those who are in any case forced to engage in cooperation with the enemy to thoroughly record the circumstances that can be an evidence of coercion. Moreover, almost all respondents believe that the mere fact of being in an occupied area cannot be a ground

for accusation of collaboration activity. The interviewees understand that different circumstances could have forced people to remain in occupied areas. There is also an understanding that the enemy, in turn, is promoting the narrative as widely as possible that in case of Ukraine's return every resident of occupied settlements will be severely punished. The study participants are convinced that such a scenario is a product of imagination of the Russian propaganda machine and is not realistic.

As to the ability of Ukraine to hold all collaborationists accountable after the de-occupation, opinions of the study participants were divided. Some respondents are convinced that if there is political will and the corruption factor is neutralized, the state will have sufficient resources and forces to punish everybody who committed crimes proved within the legal framework. Others believe it is unrealistic, considering the number of potential cases and the complexity of procedures for proving crimes. Moreover, the most notorious and publicly known collaborationists would most likely flee to the aggressor state during de-occupation. At the same time, most of the respondents from currently occupied settlements believe that there is a real threat of lynch justice with regard to collaborationists in their communities. And the more things a person lost in this war, the higher he or she assesses the probability of lynching instances, if the legal system proves to be inefficient or "too humane."

"Such risk exists in any community, including mine. People who lost their family members, who were deprived of their homes, who went through horrible times may want vengeance. They may want blood"

Student, Sievierodonetsk

"I would like everyone whose actions concerned my family to be punished. Punished by law, but if it does not work, I do not rule out lynch justice"

Nurse, Rubiszhne

As to the readiness to coexist in one community in the future with those who collaborated with the occupiers during occupation, most respondents believe it would be very difficult. At the moment of conducting the survey, a large number of participants stated that they personally were not ready for such coexistence. Respondents believe that the inevitability of punishment for all criminals and the exclusion

of a possibility for former collaborationists to hold positions in public authorities or local government, as well as the prohibition to engage in professional activity for those who cooperated with the enemy are the key conditions of building the post-war life in a community. Many responses also featured a possibility of deprivation of the citizenship of Ukraine for collaboration activity. Some respondents are convinced that impunity may further lead to another conflict escalation. Coming to this conclusion, respondents often referred to their 2014 experience.

"I won't be ready. By no means. I will not feel safe. Too much was lost for us to forgive something to these people, communicate with them and even live in the same area"

Nurse, Rubizhne

"These people should be stripped of the Ukrainian citizenship. All effort should be made so that no one of them does avoids punishment"

Military man, Starobilsk

5. Conclusions

1. Russia`s temporary occupation of a part of the territory of Ukraine caused the appearance and spread of different forms and areas of collaboration of residents of these areas with the occupiers. In response thereto, there is a public demand to restore justice and ensure the inevitability of punishment for those guilty in collaboration activity.
2. Study participants clearly understand that it is impossible to punish someone for the mere fact of residing in an occupied area. However, when the fact of cooperation with the occupiers is proved, the punishment must be inevitable. The severity of punishment must depend on the amount of damage caused to the state of Ukraine and its citizens. Punishment can involve imprisonment, as well as a ban to engage in certain activities, restriction of civil and political rights, forced participation in restoration effort etc.
3. Most study participants believe that there will be a high risk of lynch justice in de-occupied communities, if law enforcement and the judiciary turn out to be inefficient or do not satisfy the public demand for just punishment. At the same time, there is a high probability of the society tolerating extrajudicial punishments. Particularly, by those who were personally affected through collaborationists` actions.
4. A need to explain legislative approaches to holding those guilty of high treason accountable was identified. Moreover, it is necessary to expand the coverage of the law enforcement activities in de-occupied areas and ensure crime recording and investigating.
5. Lack of popular understanding of clear, legally regulated rules as to who will be held accountable, how and for what deeds, provides grounds for ambiguous interpretations, manipulations, propaganda, thus causing uncertainty and fears for the future.
6. In most cases, respondents are not ready to coexist in one community with those who collaborated with the occupiers. Responding to the public need for justice and inevitability of punishment for high treason, collaboration activity and aiding the occupiers will have a positive impact on the displaced persons` and refugees` decision to return to de-occupied areas.