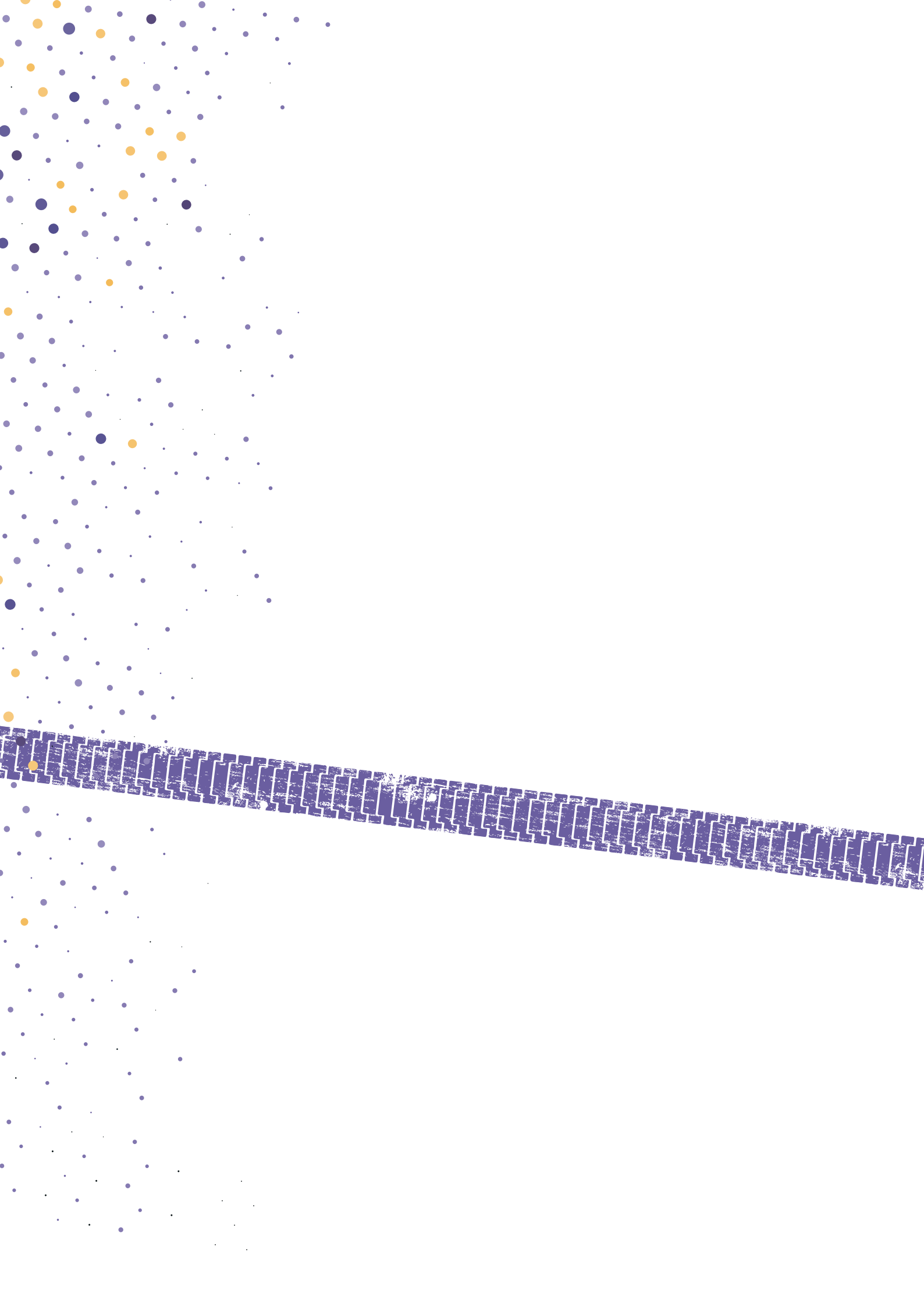


UNDERESTIMATED LINE OF DEFENSE

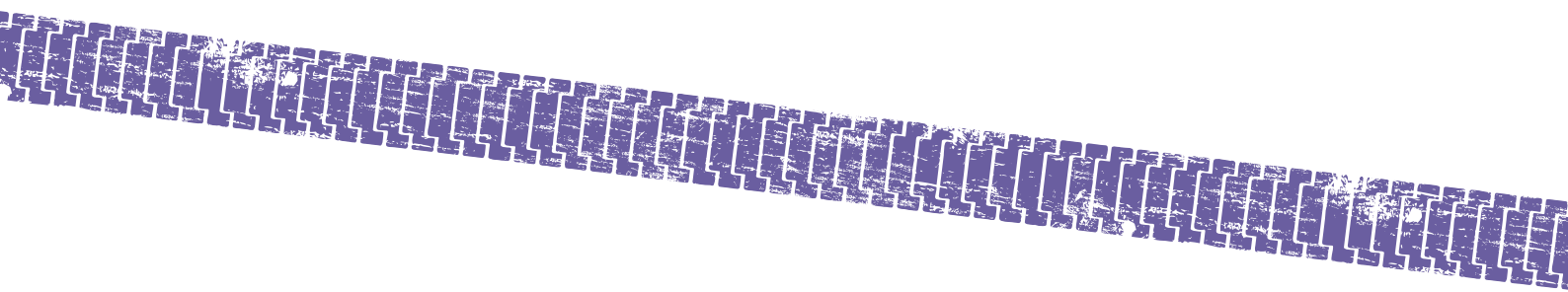
Report on conditions for medical and social workers, utility workers, employees of the State Emergency Service in the line of duty during an armed conflict





UNDERESTIMATED LINE OF DEFENSE

Report on conditions for medical and social workers, utility workers, employees of the State Emergency Service in the line of duty during an armed conflict



For questions and comments contact
alterpravo@gmail.com

Underestimated line of defense. Report on Conditions for medical and social workers, utility workers, employees of the State Emergency Service in the line of duty during an armed conflict / Kyiv – 2020, 84 pages.

Authors of the report: Valerii Novykov, Viktoriia Novykova

Design and layout: Mykhailo Fedyshak

Translation: Olena Miskun

This report is prepared by Luhansk Regional Human Rights Center “Alternative” within the framework of the Coalition of human rights organizations and initiatives “Justice for Peace in Donbas” with the support of Helsinki Foundation for Human Rights (Warsaw)



The content of the study is solely the opinion of the authors and does not necessarily reflect the position of individual members of the Coalition “Justice for Peace in Donbas” and Helsinki Foundation for Human Rights

Content

INTRODUCTION 7

METHODOLOGY 9

MAIN OBSERVATIONS 10

**STATUTORY INSTRUMENTS THAT REGULATE THE PROVISION OF SOCIAL
GUARANTEES TO THE REPRESENTATIVES OF THE CATEGORIES
EXAMINED AND THEIR APPLICATION IN PRACTICE** 18

General overview of legislation 18

Combat veteran status 19

The situation in ORDLO 22

Peculiarities of remuneration of employees involved in ensuring the
anti-terrorist operation (CMU Resolution N° 522) 24

War participant status 26

Supplements for work with special working conditions
(Resolution of the CMU N° 708 with changes) 29

Healthcare facilities 30

Donetsk oblast 30

Luhansk oblast 31

Territorial centers of social services 32

Donetsk oblast 32

Luhansk oblast 33

General secondary education institutions and local authorities 34

SES of Ukraine in Donetsk and Luhansk oblasts 37

FACTS OF HUMAN RIGHTS VIOLATION THAT HAVE OCCURRED TO EMPLOYEES IN THE LINE OF DUTY OF THE CATEGORIES UNDER REVIEW 45

The territory of Donetsk oblast controlled by the Ukrainian authorities 45

The plumber of the utility company. Use of forced labor by IAF members 45

Utility company janitor. Use of forced labor by IAF members 48

Paramedic and ambulance driver. Coercion to falsify
documents in order to conceal a crime 51

Social worker. IAF attack on an elderly person 56

Social worker. Threats of the IAF of the so-called DNR,
which caused the death of the ward 58

Electrician of the substation. Unlawful demand to cut off electricity supply of the city 60

Controller for repair of electrical equipment of substations.
Blowing up the substation with an explosive device 61

Nurse. Providing medical care during an armed attack 64

Nurse of the preventive treatment center, laboratory assistant of the Chasovoyarsk
refractory products plant. Psychological violence by the IAF 67

Separate districts of Donetsk and Luhansk oblasts 69

Railway worker, Luhansk station. Indiscriminate shelling 69

An employee of the Ministry of Emergencies of the so-called
DNR. Injuries received in the line of duty 72

An employee of the SES of Ukraine. Threatening with article
with blade weapon from the side of IAF 73

Nurse. Injury due to shelling during providing medical assistance 78

Plumber of the UC Donbass Water Company. Contusion due
to shell burst while in the line of duty 80

Employee of the district electric networks of Debaltseve.
Shrapnel wound during an armed attack 81

RECOMMENDATIONS 82

Public authorities should 82

Parties and direct participants in the armed conflict should 82

INTRODUCTION

Since 2014, the armed conflict in Donbass has been going on with varying intensity. In 2014-2015, the fiercest battles took place, during which the lion's share of all dead and wounded, both military and civilians, was recorded. Since 2016, the overall intensity of hostilities has decreased, but shelling of military positions takes place almost every day, causing new casualties on both sides of the line of contact.

Different categories of people are experiencing the negative consequences of the armed conflict in Donbas. In the public sphere, special attention is quite rightly paid to the situation of servicemen who are directly involved in hostilities, as well as their social guarantees provided by Ukrainian legislation. At the same time, there are categories of persons in the line of duty along the line of contact in conditions of significant danger during hostilities, and often feel an unfair approach in the provision of social guarantees for work in special conditions. These are categories of people such as:

- medical workers;
- social workers;
- employees of infrastructure and communications facilities (locksmiths, repairmen, electricians, etc.), utilities that provide gas, water, electricity.

As a result of documenting the facts of human rights violations, the Luhansk Regional Human Rights Center "Alternative" has already prepared thematic reports, which partially addressed the negative consequences of the armed conflict for persons in the line of duty in the war zone, such as medical workers (Forbidden target: healthcare facilities under shelling¹), social workers (Face to face with war: the impact of armed conflict on the rights of the elderly²), workers in infrastructure and communications (Survival test: Everyday life of housing and utilities infrastructure for civilian population in the conflict zone³). And while the above-mentioned reports primarily referred to violations of the rules of warfare against the shelling of civilian infrastructure, this report directly covers the situation of civilians working in dangerous conditions of the armed conflict and their social protection.

The monitoring study consisted of two main tasks:

- analysis of the legislation of Ukraine on the provision of social guarantees to medical and social workers, utility workers, employees of the State Emergency Service of Ukraine (hereinafter – SES) for work in particularly dangerous circumstances in armed conflict and its application in practice;

1 <https://bit.ly/2U9odqd>

2 <https://bit.ly/3kfpuqe>

3 <https://bit.ly/3eBoCrS>

- a description of the specific facts of human rights violations faced by the representatives of the studied categories in the line of duty on both sides of the line of contact.

Of course, due to the fact that the intensity of hostilities is much lower today than in previous years, it may seem that issues related to the provision of social guarantees for persons in the line of duty in dangerous wartime conditions are not relevant. But at any time, the situation may change, the armed conflict may escalate, and a significant number of categories of civilians

performing socially important functions on the line of contact will find themselves in conditions that will require special attention from the government.

What problems do these categories in the line of duty face in an armed conflict? Does the state provide any social guarantees for work in particularly dangerous conditions? How are the norms of social protection provided by law applied in practice? These and other questions are answered by a monitoring study conducted by LRHRC “Alternative” during October 2019 – August 2020.

METHODOLOGY

As part of the study, in-depth interviews were conducted with the help of the developed questionnaires with medical and social workers, representatives of public utilities, SES officers who performed / are performing their professional duties in the settlements of Donetsk and Luhansk oblasts affected by the armed conflict on both sides from the line of contact.

Documenters of the Coalition for Justice for Peace in Donbas were involved in the monitoring study, who underwent special training and applied the acquired knowledge and skills in documenting the facts of human rights violations. The interviews were conducted both in the settlements of the controlled part of Ukraine and in separate regions of Donetsk and Luhansk oblasts (hereinafter – ORDLO). Some of the respondents live and work in settlements that in 2014 were occupied by illegal armed formations (hereinafter – IAF) of the so-called LDNR and are currently under the control of the Ukrainian authorities. These respondents described the facts of human rights violations that took place in 2014.

During the project implementation, monitoring and analysis of open sources of information directly related to the focus of the study was conducted. Particular attention was paid to the study of legislation on the provision of social guarantees to representatives of the studied categories.

An important phase of the study was working with responses to information inquiries sent to public authorities, including the

Ministry of Health, the Ministry of Social Policy, the Ministry for Veterans Affairs, the Ministry of Economic Development, Trade and Agriculture, and the State Emergency Service; local governments, health care institutions, territorial centers of social services, education departments, utilities of Donetsk and Luhansk oblasts. The inquiries referred to the existing statutory instruments (hereinafter – SIs) governing the provision of social guarantees or status to representatives of the studied categories, their application in practice, the functioning of the Unified State Register of War Veterans, the number of medical and social workers killed during their professional duties, etc.

In total, the survey included 30 in-depth interviews (nine with respondents from the uncontrolled territory), 57 information requests sent, and 98 responses received. For reasons of anonymity and security, the names of the respondents in the text of the report have been changed.

MAIN OBSERVATIONS

The study suggests that the main challenges faced by people working in municipal maintenance sphere during an armed conflict under the threat to their lives and health, are related to:

- danger of military action (indiscriminate shelling, explosions, etc.);
- psychological and physical violence by the IAF of the so called LDNR, including threats with weapons and grievous bodily harm;
- forced labor;
- execution of unlawful orders.

According to the Departments of Health of Donetsk and Luhansk oblast state administrations throughout 2014-2020 during the execution of their professional duties 7 health workers were killed (3 – in Luhansk, 4 – in Donetsk oblasts), 8 people were injured (5 – in Luhansk, 3 – in Donetsk oblasts). These incidents occurred during the shelling, when medical professionals were either in medical facilities or on call, or on the way to work or back.

No casualties were reported among social workers in the course of their work.

According to PU “Water of Donbass Company” throughout 2014 to 2020 in the Donetsk oblast due to shelling there were killed 9 employees, including 4- directly at work; 26 workers were injured (18 of them at work, 2 on the way to work, 6 during downtime due to hostilities and on the weekends).

It should be noted that indiscriminate shelling of settlements violates the principle of distinction between international humanitarian law, according to which the parties to a conflict shall at all times distinguish between the civilian population and combatants and between civilian objects and military objectives and accordingly shall direct their operations only against military objectives.⁴ As a result of such shelling, employees of public utilities, institutions, establishments and organizations suffer, who execute the functions of the state, work in the municipal maintenance sphere (gas, water, electricity) and provide social and medical services to the population.

The investigation revealed the cases of shelling of railway infrastructure, which killed and injured civilians. Railways, like ports, bridges, and airports, are dual-capable facilities, that is, facilities that are used for both civilian and military purposes. Under IHL, an attack on a dual-capable facility

⁴ Art. 48 of the Protocol on Protection of Victims of International Armed Conflicts: Protocol I Additional to the Geneva Conventions https://zakon.rada.gov.ua/laws/show/995_199#Text representatives of the IAF demanded the electrician supervising the equipment of the substations to turn off the central circuit breaker and to stop the supply of electricity to the city. Despite threats and shots in the air, risking her own life and health, the woman refused, locked the lock and waited for the uninvited guests to leave.

that qualifies as a military facility is illegal if it causes accidental harm to civilians.⁵

Some respondents were subjected to psychological and physical violence by illegal armed formations. This was expressed in threats with knife to a SES officer for wearing coat of arms of Ukraine symbol on the uniform; intimidation of medical professionals with machine guns during visits of combatants to medical institutions; obscene remarks addressed to social workers while they were providing assistance to the elderly; infliction of grievous bodily harm to a medical worker for refusing to falsify the cause of death of a patient; forced detention by the IAF representatives of the ambulance paramedic and the driver, including by means of mobility restraining.

In their testimonies, respondents – utility workers stated that representatives of the so-called IAF of the so called DNR used their work for their own purposes. The utility plumber had to draw water from the bomb shelter all day long under the close supervision of armed guards without food or drink. The janitor of another UC had to clean up garbage, take out human waste and wash the floor for illegally detained men in the basement of the enterprise for a whole month.

Representatives of the IAF often used forced labor of civilians, which is repeatedly mentioned in the reports of human rights organizations. But in most cases it was about violators of the so-called curfew. The use of the labor of the workers of the public utilities with the permission of their management gives an understanding of the permissiveness and impunity enjoyed by the armed formations of the

so called LDNR in the period of their comprehensive power.

Another challenge faced by the respondents was illegal orders related to the employee's in the line of performance of their professional duties. For example, representatives of the IAF demanded the technician of the electrical substations to turn off the central circuit breaker and cut the electricity supply to the city. Despite threats and shots in the air, risking her own life and health, the woman refused, locked the lock and waited for the uninvited guests to leave. In this situation, the main thing for her was to follow her job descriptions, according to which she had no right to stop the supply of electricity and was subject only to her management.

The ambulance paramedic was forced by the IAF of the so called DNR to falsify the cause of death of a young man who suffered a brain injury, due to which he died, and to register the cause of death as a traffic accident. For a medical worker, forgery of documents in such a situation entails criminal liability, so he refused, for which he was hit in the face with a machine gun.

After analyzing the recorded cases, we can conclude that representatives of such peaceful professions as social workers, paramedics, electricians, plumbers and other workers of public institutions, establishments, enterprises, being civilians, not performing any military tasks, in armed conflict may to face danger during their direct work – to become victims of psychological violence by the military, to get shot by stray bullet, etc. Often, in dangerous conditions, they cannot act like ordinary civilians and think primarily about their own health and safety, because they are

5 <https://bit.ly/3eFfvJR>

bound by their professional responsibilities, job descriptions, and relationships with their superiors. They are forced to execute the functions of the state in all conditions, so between professionalism and personal safety, they, overcoming the fear, choose professionalism.

All respondents, without exception, stated that to some extent they experienced psychological experiences during the incidents described above. Some are still being treated by a neurologist, some suffer from severe headaches. A significant proportion of respondents take sedatives because they have trouble sleeping.



One of the studied categories cannot be called purely civilian, the responsibilities of its employees are to eliminate the consequences of shelling, including firefighting and demining, ensuring the activities of emergency services, evacuation measures. These are employees of the State Emergency Service.

According to the Head of the Service, Chechotkin Mykola Oleksandrovysh, the personnel of the SES units in the line of duty often work in conditions of increased risk to life. For example, SES units were involved in the aftermath of the shelling of Avdiivka, which repeatedly left the city's 22,000 population without electricity, heat and water. Under these conditions, officers brought water and food to the population, provided humanitarian assistance, deployed life support and heating stations, and so on.⁶

During the survey, respondents who worked in SES in 2014 in occupied Donetsk were interviewed. At the end of the year, one of them moved to the controlled part of Ukraine and continued to work as a rescuer. Subsequently, in accordance with the Law of Ukraine "On the status of war veterans, guarantees of their social protection" he has received **combat veteran status** (hereinafter – CVS). Another man stayed

in Donetsk, and continued to work in the ranks of the rescue service, which changed its name in accordance with the new structure of the government of the so-called DNR. According to him, he did not receive any status, although according to the so-called Law of the DNR "On social protection of war veterans", although the rank and file of the Ministry of Emergencies, which took part in the elimination of the consequences of the shelling, should be granted the status of a participant in the protection of the DNR with all relevant social benefits. This will be discussed in more detail in the section "Regulations on the provision of social guarantees to representatives of the studied categories, and their application in practice" (section "Situation in ORDLO").

A similar situation exists in relation to health professionals that worked in the so-called DPR and provided assistance to the wounded in the area under artillery fire. According to the so-called DNR legislation they should have received the status of a DNR defense participant, but according to the interviewed nurse who was injured while assisting the victim of the shelling, she did not receive any supplements, payments, or statuses.

6 <https://ukurier.gov.ua/uk/articles/na-shodi-ryatuvalniki-pracyuyut-navit-pid-obstrila/>



The Law of Ukraine “On the Status of War Veterans, Guarantees of Their Social Protection” provides a **war participant status** for those who participated in the anti-terrorist operation (hereinafter – ATO) / Joint Forces operation (hereinafter – JFO) and was present directly in the relevant locations. The status is granted on the basis of the relevant documents confirming the involvement of a person in the tasks of anti ATO/JFO, provided by the resolution of the Cabinet of Ministers of Ukraine (hereinafter – CMU) of 23.09.2015 № 739 “On the issue of granting the war participant status to certain persons.”

An important point is that those medical workers who are involved in the tasks of ensuring the ATO/JFO for a period

of 30 days through the orders of the Anti-Terrorist Center (ATC) at the Security Service of Ukraine (hereinafter – SSU) and units of the General Staff of The Armed Forces of Ukraine (hereinafter – the AFU) have the right to obtain the war participant status. At the same time, doctors who provide medical care on a regular basis in the areas of ATO/JFO and perform the same functional responsibilities as health professional from other regions and often work with them side by side in the same hospitals are deprived of the right to receive such a status, which gives certain social guarantees. According to the authors of the report, this is not a completely fair approach to the issue of encouraging and granting certain statuses to employees for work in the danger zone.



The right to material encouragement of persons of categories studied is given by the resolutions of the Cabinet of Ministers № 522 “On peculiarities of remuneration of employees involved in anti-terrorist operation”⁷ and № 708 “On peculiarities of remuneration of employees involved in anti-terrorist operation, employees involved in the implementation of measures to ensure national security and defense, repulse and deter armed aggression of the Russian Federation in Donetsk and Luhansk oblasts, as well as employees of state and municipal institutions, institutions, organizations financed from the budget and located in settlements located on lines of contact” (point 1, Resolution № 708). They provide for the possibility to **increase by 50% the**

salaries of public sector employees in the line of duty during their stay in the areas of ATO/JFO.

Indeed, according to the SES in Donetsk and Luhansk oblasts, their employees were involved in the implementation of measures to ensure the conduct of anti-terrorist operation on the basis of SES orders issued by the SSU and received increased salaries in accordance with Resolution № 522.

As for employees of medical institutions, territorial centers of social services, local governments of settlements on the line of contact, who are in the state and execute their professional duties in the anti-terrorist operation zone on a full-time basis,

7 Expired on September 5, 2018 due to the adoption by the Cabinet of Ministers of Resolution № 708.

increased wages under the resolution № 522 they did not receive, because for this purpose the relevant orders of the ATC

on their involvement in the performance of certain tasks had to be issued.



Five years after the start of the armed conflict, Resolution № 708 was amended to recommend that local governments provide for a **monthly supplement of up to 50%** of the salary for state and municipal employees (including medical and social workers) located in settlements on the line of contact⁸. It should be noted that the settlements on the line of contact, not counting the cities of oblast significance, are part of four districts of Donetsk oblast (Bakhmut, Volnovakha, Maryinka, Yasynuvata) and three districts of Luhansk oblast (Novoaydar, Popasnyansk, Stanychno-Luhansk).

Thus, the state has shifted the responsibility for providing social protection to people working in special conditions to the local level. It should be noted that the economic situation in frontline settlements is quite difficult, so often local budgets do not have the ability to pay supplements.

The following is the response of the Stanychno-Luhansk District State Administration regarding the reasons for non-payment of the supplements provided by Resolution № 708:

“As of the entry into force of the resolution, and at present, it is not possible to implement it, because when planning local budgets, these funds were not provided and currently there are no other sources of revenue that could be used to implement this resolution.

There is a difficult situation in the area with the replenishment of the revenue part of the budget. Most local councils do not receive revenues because of the tax benefits provided by the Tax Code of Ukraine for the payment of real estate tax and payment for land for the period of JFO. For this reason they are not unable to pay wages even in accordance with the current legislation.

The district budget, which finances almost the entire budget sphere, has exhausted its all reserves. There is a threat of possible underfunding of already approved protected expenditure items and the emergence of debt.

8 According to Annex 2 to the Resolution of the Cabinet of Ministers of Ukraine of November 7, 2014 № 1085 “On approval of the list of settlements on the territory of which public authorities temporarily do not exercise their powers, and the list of settlements located on the line of contact”.

During the period of hostilities in the district there was a general decline in macroeconomic indicators, such as GDP, production and sales, total income, the number of working citizens. All this has led to a reduction of taxation base and, consequently, tax revenues to the budgets of all levels. A number of enterprises in the district have ceased their activities, and some enterprises have significantly reduced their production volumes.

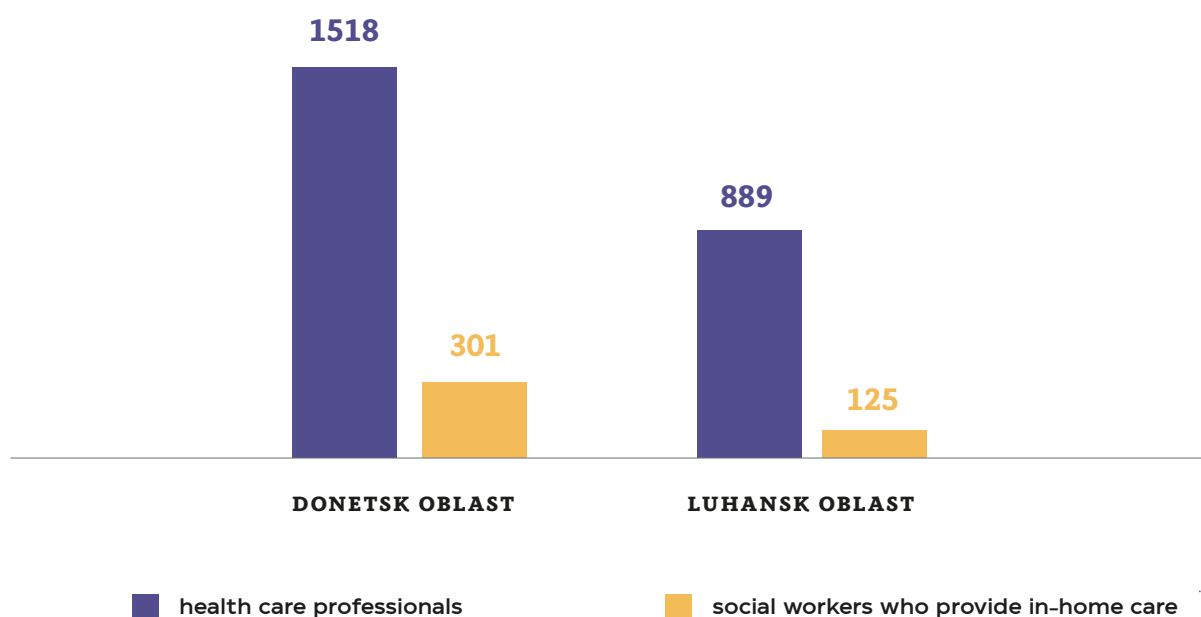
At present, 41 small and medium-sized businesses in the Stanychno-Luhansk district have been completely destroyed or damaged, with a total loss of more than UAH 20 million. At the moment businesses can not start their activities in full due to the destruction and lack of money for the restoration of trade facilities and purchase of goods.”

It is a paradoxical situation that the closer to the front line, the poorer the oblast is, the less opportunities the local budget has to pay supplements, the less socially protected are public sector workers with a multiple increase in risks to life and health.

Due to the unfavorable economic situation in the oblasts where hostilities continue,

there is a certain shortage of medical personnel: in Luhansk oblast – 1200 vacancies, in Donetsk – 6568.

Below is the number of medical and social workers working in the settlements on the line of contact as of 01.01.2020, and for whom the issue of payment of supplements in accordance with Resolution № 708 is relevant.



t present, the practice of applying the norm of Resolution № 708 on the payment of supplements to medical and social workers in different communities is completely different – from their complete disregard to the payment of the maximum possible allowance of 50%.

There is an important point related to health care reform, the first stage of which started on January 1, 2019, and the second – began on April 1, 2020. According to it, all medical institutions should gradually change their status, turning from public sector entities into municipal non-profit enterprises (hereinafter – MNPE), concluding agreements with the National Health Service of Ukraine, from which they will receive money depending on the volume and type of medical services they provide to patients. That is, becoming a MNPE, medical institutions lose the possibility of budget funding, and, accordingly, the right to pay the supplements provided by the resolution № 708 from the local budget.

In autumn 2019, the Verkhovna Rada of Ukraine submitted a bill № 2341, which proposed to recognize medical workers in the line of duty directly during hostilities in the area of anti-terrorist operation as combat veterans. According to the authors of the bill, its purpose is to eliminate inequality between prosecutors, public authorities and officers who, being in the area of the anti-terrorist operation for several days, not performing a combat mission, not being on the front line and not taking part in hostilities, received the status of a combat veteran status, and medical workers in the line of duty on a full-time basis in the area of anti-terrorist operation, saving the lives of soldiers of the JFO. At the same time, the Main Scientific and Expert Department of the Verkhovna Rada commented that granting the right to acquire the status of WV only to medical workers

is somewhat unfair to other persons who participated in or provided anti-terrorist operation and environmental protection, directly in the areas of these activities. (for example, employees of repair companies, service facilities, military chaplains, etc.), and who currently do not have the right to the status of WV.

In February 2020, after consideration of the bill in the Committees of the Verkhovna Rada, the bill was returned to the subject of the right of legislative initiative for revision.

With regard to social workers, out of **ten** territorial facilities that provide social services in settlements on the line of contact, in **three** the corresponding supplements were paid/are paid in the amount of 3 to 50%.

Although the monitoring of the social status of employees of educational institutions and local governments/military-civil administrations operating in settlements on the line of contact was not the focus of this study, in order to shed light on the general picture of the application of the CMU № 708 in practice, the practice of paying the appropriate supplements to the above categories was analyzed.

As for teachers in Donetsk and Luhansk oblasts, in five of the nine surveyed districts/cities, the corresponding supplements are paid to persons entitled to it under Resolution № 708.

Among the eight investigated cases of material encouragement for employees of local self-government bodies and military-civil administrations in settlements covered by the resolution of the Cabinet of Ministers of Ukraine № 1085, the payment of supplements takes place in three.



It should be emphasized that employees of infrastructure and communications facilities, utilities that provide gas, water, electricity, and perform their professional duties in conditions of increased risk during an armed conflict are actually deprived of additional social guarantees from the state, provided by Resolution № 708, due

to the fact that they do not receive a salary from the budget.

According to the responses of utility companies of Donetsk and Luhansk oblasts, bonuses for employees are paid subject to the availability of funding in accordance with the terms of collective agreements.

STATUTORY INSTRUMENTS THAT REGULATE THE PROVISION OF SOCIAL GUARANTEES TO THE REPRESENTATIVES OF THE CATEGORIES EXAMINED AND THEIR APPLICATION IN PRACTICE

GENERAL OVERVIEW OF LEGISLATION

The main legal acts governing the provision of social guarantees to representatives of the categories under study are:

- Law of Ukraine “On the status of war veterans, guarantees of their social protection” (hereinafter – the Law);⁹
- Resolution of the Cabinet of Ministers of August 20, 2014 N° 413 “On approval of the Procedure for granting the combat veteran status to persons who defended the independence, sovereignty and territorial integrity of Ukraine and participated directly in the anti-terrorist operation, ensuring its implementation”;¹⁰
- Resolution of the Cabinet of Ministers of September 23, 2015 N° 739 “Issues of granting the war participant status to certain persons”;¹¹
- Order of the SES of 21.01.2020 N° 70 “On the establishment of a scrutiny commission on combat veteran status recognition in the Civil Emergency Service of Ukraine and approval of its personnel” (hereinafter – the Order of the SES);¹²

⁹ <https://zakon.rada.gov.ua/laws/show/3551-12#Text>

¹⁰ <https://zakon.rada.gov.ua/laws/show/413-2014-%D0%BF#Text>

¹¹ <https://zakon.rada.gov.ua/laws/show/739-2015-%D0%BF#Text>

¹² <https://www.dsns.gov.ua/files/2020/1/27/3/70-21.01.2020.pdf>

- Resolution of the Cabinet of Ministers of 22.07.2015 № 522 “On the peculiarities of remuneration of employees involved in ensuring the anti-terrorist operation”,¹³
- Resolution of the Cabinet of Ministers of 05.09.2018 № 708 “On the peculiarities of remuneration of employees involved in ensuring the anti-terrorist operation,

employees involved in measures to ensure national security and defense, repulse and deter armed aggression of the Russian Federation in Donetsk and Luhansk oblasts, as well as employees of state and municipal institutions, establishments, organizations, which are financed from the budget and located in settlements located on the line of contact.”¹⁴

COMBAT VETERAN STATUS

Employees of only one of the categories examined directly fall under the Law of Ukraine “On The Status and Guarantees of War Veterans’ for their Social Protection”, which provides for the **combat veteran status**. These are the employees of the State Emergency Service. It should be noted that the very fact of working in the SES does not give the employee the right to receive the status of WPS, in order to obtain it one needs to meet certain criteria.

According to paragraph 19 of part 1 of article 6 of the Law, the combat veteran status is granted to persons of the rank and file, commanders of the State Emergency Service of Ukraine, who defended the independence, sovereignty and territorial integrity of Ukraine and took a direct part in the anti-terrorist operation. Who took part in actions aimed to ensure national security and defense, repulse and deter armed aggression of the Russian Federation in Donetsk and Luhansk oblasts, ensuring their implementation, being directly in the areas and during the implementation of these measures. The CVS is given

to persons, in case of their involvement in anti-terrorist operation for a period of not less than 30 calendar days, including total count of days of stay in the area of anti-terrorist operation. Resolution № 413 provides for certain exceptions regarding the term of service in the area of anti-terrorist operation, which are mainly related to injuries, contusions, injuries of SES officers, in particular, which made it impossible for them to further perform their duty.

In order to grant the combat veteran status, the heads of the main departments of the SES of Ukraine, under which the SES staff worked, within one month after completing the ATO duty or measures to ensure national security and defense, should submit to the SES scrutiny commission the documents which confirm the direct participation of the person in the anti-terrorist operation, the list of which is approved by the abovementioned Resolution № 413.

It should be noted that the CVS started to be granted to SES officers not from the date of the official start of the anti-terrorist

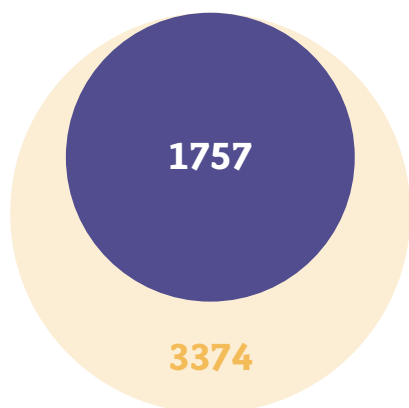
¹³ <https://zakon.rada.gov.ua/laws/show/522-2015-%D0%BF#Text>

¹⁴ <https://zakon.rada.gov.ua/laws/show/708-2018-%D0%BF#Text>

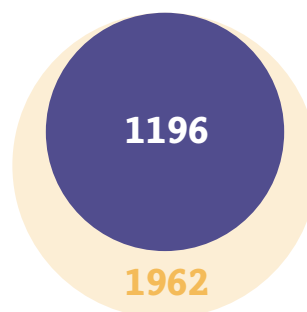
operation on April 14, 2014,¹⁵ but a year after the amendments to the Law adopted.¹⁶

According to the SES Main Departments in Donetsk and Luhansk oblasts as of 10.07.2020 the number of their employees is:

- 3374 persons, 1757 current employees received the CVS (Donetsk oblast);
- 1962 persons, 1196 current employees received the CVS (Luhansk oblast).



DONETSK OBLAST



LUHANSK OBLAST

■ total number of persons;

■ number of current employees received the CVS

The CVS gives certain **benefits** to its recipients, which are regulated by article 12 of the Law.

Here are some of the main ones:

- 75% discount on utility bills;
- free travel by all types of municipal transport;
- free prescription medications, immunobiological drugs and medical devices according to doctors' prescriptions;

- free sanatorium treatment or compensation for the cost of independent sanatorium treatment;
- annual medical examination and medical examination with the involvement of the necessary specialists, etc.

The Ministry for Veterans Affairs of Ukraine, which was established in November 2018 and took over the functions of the State Service of Ukraine for War Veterans and Participants of the Anti-Terrorist Operation, is the holder of the Unified State

¹⁵ Decree of the President of Ukraine "On the decision of the National Security and Defense Council of Ukraine of April 13, 2014 "On urgent measures to overcome the terrorist threat and preserve the territorial integrity of Ukraine" <https://zakon.rada.gov.ua/laws/show/405/2014#Text>

¹⁶ Law of Ukraine of 07.04.2015 "On Amendments to the Law of Ukraine "On the status of war veterans, guarantees of their social protection" regarding the status of persons who defended the independence, sovereignty and territorial integrity of Ukraine" <https://zakon.rada.gov.ua/laws/show/291-19/ed20150622#Text>.

Register of War Veterans¹⁷, which should include information on combat veterans, persons with disability due to the war and war participants. According to the

Ministry, as of July 10, 2020, the Register included information on 397,062 combat veterans, including 12,802 registered in Luhansk Oblast and 20,068 in Donetsk Oblast.

Table 1 – Information from the Unified Register of ATO participants about persons granted the combat veteran status as of July 10, 2020

N°	Category	CVS granted
I	Soldiers, privates and officers, employees of departments subordinated to military formations involved in the anti-terrorist operation	396 850
1.	Ministry of Defence	271 809
2.	Ministry of Internal Affairs	32 589
3.	National Guard	37 820
4.	Security Service	12 282
5.	Foreign Intelligence Service	128
6.	Administration of the State Border Guard Service	21 602
7.	Administration of the State Special Transport Service	2 960
8.	Department of State Guard	655
9.	Administration of the State Service of Special Communication and Information	963
10.	State Emergency Service	5 771
11.	State Penitentiary Service	0
12.	General Prosecutor of Ukraine	348
13.	National Police	8 492
14.	State Fiscal Service	1 431
II	Civilian	212
TOTAL		397 062

It is worth noting that according to the table, 212 civilians received combat veteran status. In order to obtain information on which categories of civilians were entitled to this status, an inquiry was sent to the Ministry for Veterans Affairs of Ukraine.

In its response, the Ministry noted that the category “Civilian” includes two subcategories under which persons were provided combat veteran status in different periods.

The first subcategory (183) – are employees of enterprises, institutions, organizations

¹⁷ Resolution of the Cabinet of Ministers of Ukraine of August 14, 2019 N° 700 “On the Unified State Register of War Veterans”

that were involved and participated directly in the anti-terrorist operation in the areas of its implementation. According to paragraph 19 of the first part of article 6 of the Law of Ukraine “On the status of war veterans, guarantees of their social protection” **in the version that was effective from 19.07.2014 to 18.06.2015, those persons were entitled the possibility to receive the combat veteran status.**

The second subcategory (29) – according to the para. 21 of part 1, art. 6 of the Law starting from January 1, 2020 the combat veteran status is granted to persons who, as part of voluntary formed or self-organized formations to protect the independence, sovereignty and territorial integrity of Ukraine, participated directly in the anti-terrorist operation, being directly present in the areas of the anti-terrorist operation in cooperation with the Armed Forces of Ukraine. Internal Affairs of Ukraine, the National Police, the National Guard

of Ukraine, the Security Service of Ukraine and other military formations and law enforcement agencies formed in accordance with the laws of Ukraine.

In this study, it is the first subcategory that is of special interest. Thus, 183 civilians received combat veteran status at a time when the current legislation provided for such an opportunity. But, unfortunately, it is not possible to quantify by categories (for example, doctors, drivers, chaplains, etc.), as the Unified Register of ATO participants does not provide information on the category of employees, their immediate place of work and the position of combat veteran.

It can be said that some of these people are medical professionals, as according to the Department of Health of the Luhansk Oblast State Administration, 20 medical workers have received combat veteran status.

THE SITUATION IN ORDLO

During the monitoring study, two interviews were conducted with SES officers who performed their professional duties in 2014 in occupied Donetsk. One of them moved to the controlled part of Ukraine in October 2014 and after some time received combat veteran status, the other remained to work in Donetsk. According to the second respondent, he did not receive any status related to the performance of professional duties in dangerous conditions related to hostilities, in particular, combat veteran status, which he believed in the so-called DNR is not provided to employees of the

SES but only to the military, who directly participated in hostilities.

Having reviewed the regulations of the so-called DNR on the research topic, in particular, the analysis of the so-called “Law on social protection of war veterans, adopted by the Resolution of the People’s Council of the DNR of May 15, 2015”¹⁸, it should be noted that indeed, apart from the other categories of recipients combat veteran status is granted to persons who directly performed clearance of mines at areas and facilities (para. c), part 5, art. 4).

¹⁸ <https://dnrsovet.su/zakon-dnr-o-sotsialnoj-zashhite-veteranov-voyny/>

At the same time, the rank and file and senior staff of the Ministry of Civil Defense, Emergencies and Disaster Relief, which participated in firefighting operations, liquidation of hostilities, shelling and sabotage of terrorist acts in a combat situation, are granted the status of NDR resistance participants, which provides for certain social benefits (para. c), part 5, art. 6).

In addition to rescuers, the status of the so-called DNR resistance participant status is also granted to **medical workers**, drivers of ambulances, who provided medical care to the wounded directly in positions and areas exposed to artillery fire and provided further transferred the wounded and injured to medical facilities, as well as representatives of **emergency and work crews of utilities** that participated in firefighting operation, liquidation of the consequences of hostilities, shelling and subversive terrorist acts in a combat situation (para. b), c), part 5, art. 6).

Among the respondents living in the uncontrolled area there is a nurse who was injured during the shelling while assisting the injured man, and a plumber from the Donbass Water Company who suffered a concussion due to a shell burst while repairing a water supply pipe damaged by the shelling (see section “Facts of human rights violations that occurred during the performance of professional duties by employees of the studied categories”). It should be noted that none of the listed employees – neither a rescuer, nor a nurse, nor a utility worker, at the time of the interview had even heard of the existence of such a status, not to mention the provision of any benefits.

Regarding the nine benefits provided for in part 2 of art. 12 of the above so-called

laws, the vast majority of them do not actually provide any social benefits and are useless, outdated and accepted pro forma. For example, the preemptive right to install a telephone or to participate in housing cooperatives. Nevertheless, people need to know what status they can claim and what benefits they can receive.

As for the relevant legislation of the so-called LNR the so-called Law “On combat veterans who participated in resistance to the military aggression of Ukraine against the Luhansk People’s Republic” is placed at the website of the LNR People’s Council.¹⁹

According to its provisions, apart from other categories, **the combat veteran status is applicable to the employees of the Ministry of Emergencies and Disaster Relief of LNR / SES of Ukraine**, who later continued their service in LNR, performing their duties on mine clearance, fire-fighting operations, blockage clearance during artillery shelling and air raids on the territory of LNR (para. 6, part 1, art. 1).

As the analysis of open sources showed, there are no special regulations governing the provision of social benefits to participants in hostilities, they are mentioned in other bylaws indirectly and point by point. For example, there is a so-called Resolution of the Council of Ministers of the Luhansk People’s Republic of 12.11.2019 № 88688/19 “On approval of the Procedure for financing the benefits to certain categories of citizens on rent and utility services fee”. It provides, in particular, a 75 percent discount on utility services fee for combat veterans, citing the Law of Ukraine “On the status of war veterans, guarantees of their social protection”, which is an interesting

¹⁹ <https://nslnr.su/zakonodatelstvo/normativno-pravovaya-baza/4131/>

point itself. This means that combat veterans who were defending the so-called LNR from the aggression of Ukraine, enjoy benefits in accordance with the Law of the “aggressor country”.

Due to the fact that access to the so-called LDNR is limited and it is impossible to send

inquiries to learn more about social guarantees for persons in the line of duty in conditions of high danger during hostilities on the territory of ORDLO (i.e. medical and social workers, utility workers, etc.) is not possible.

PECULIARITIES OF REMUNERATION OF EMPLOYEES INVOLVED IN ENSURING THE ANTI-TERRORIST OPERATION (CMU RESOLUTION N° 522)

On July 22, 2015, the Resolution of the Cabinet of Ministers of Ukraine N° 522 “On the peculiarities of remuneration of employees involved in ensuring the anti-terrorist operation” was adopted in a very short volume, but not in content. According to it, the salary of employees of public sector institutions, facilities and organizations who participate in ensuring the anti-terrorist operation directly in the areas of its conduct, for the actual time spent in such areas is increased by 50% (with supporting documents).

The text of the resolution does not answer the question of what kind of tasks the employee must perform in order for his actions to fall under the definition of “ensuring the conduct of anti-terrorist operation.” Does a medical worker who provides assistance to wounded people on the line of contact have the right, for example, to increase their salary, or is it applicable exclusively to persons who only perform combat missions in the areas of anti-terrorist operation?

In the letter of the Ministry of Social Policy of 17.08.2015 N° 12443/0/14-15/13 “On remuneration in the ATO zone”²⁰ in accordance

with the letter of the Ministry of Defense of Ukraine of 04.08.2015 N° 248/3/9/3/228 on application of the norms of this resolution states that the resolution does not apply to servicemen. Apart from this the employees who come to the area of anti-terrorist operation **on the basis of relevant decisions (requests) of ATC at the SSU** to perform their duties to ensure the implementation of ATO are considered to be at work-related journey. The following is an explanation of the procedure for making a work-related journey, reimbursement of expenses related to it, etc. At the same time, the letter states that “the letters of the Ministry are not statutory instruments. They have an informational, explanatory and recommendatory character and should not establish new bylaws.”

An important question, which is not directly addressed by Resolution N° 522: is the increase of salary applicable to only those employees who arrive in the areas of anti-terrorist operation in a **work-related journey**, or this resolution applies as well to those persons who work on the territory of anti-terrorist operation **on a full-time**

²⁰ <http://www.zarplata.co.ua/?p=3808>

basis performing routine duties to ensure the carrying out anti-terrorist operation?

This question was answered by the Ministry of Economic Development, Trade and Agriculture, which noted that enterprises, institutions, facilities and organizations whose employees are involved in the fight against terrorism can be located both in the ATO / JFO area and on the line of contact, and in other regions of Ukraine.

Indeed, according to the Main Directorate of SES of Ukraine in Donetsk oblast (letter of LRHRC “Alternative” of 20.07.2020 № 5001-4289/5014) from July 2015 to April 2018 the employees of the Main Department and its subordinate units were involved in the implementation of measures to ensure ATO in the Donetsk oblast at **their regular place of work**, they were not sent to work-related journeys and received increased wages. This was done in accordance with the resolution № 522 and the relevant order of the SES of Ukraine of 09.09.2015 № 466 “On the peculiarities of remuneration of employees involved in ensuring the anti-terrorist operation.” The total number of such employees is 1,031 people.

The ATC of the SSU on the basis of plea of the SES of Ukraine has issued an order to involve forces and means of the Main Directorate in Donetsk oblast to implement measures to minimize and eliminate the consequences of emergencies, protection of the population and defence of the territories in the ATO area “On involvement in Anti-terrorist operation of forces and means of subjects of fight against terrorism” of 31.07.2015 № 0161. Based on this order, the management of the ATC headquarters (Kramatorsk) issued monthly orders on involvement (departure) from 07.22.2015 to 04.28.2018 of the forces and means of the Main Directorate. Those forces and means were performing tasks assigned in the area

of anti-terrorist operation. All personnel and employees of the Main Directorate were subordinated to the Head of the Operational Headquarters for ATO in Luhansk and Donetsk Oblasts.

The same situation developed in the Luhansk oblast. The salaries of all employees of the Main Directorate, who directly participated in the ATO according to the orders of the First Deputy Head of the ATC at the SSU (head of the ATO in Donetsk and Luhansk oblasts) were increased by 50%.

As part of the study, more than 40 information inquiries were made to medical facilities, territorial social service centers, local governments of settlements on the line of contact, regarding the practice of applying the provisions of Decree № 522 to increase the salaries of staff members in the line of duty who perform their duties on a permanent basis. All facilities, enterprises and organizations answered that throughout 2015 – 2018 (period of validity of the resolution) their employees did not receive a 50% increase in wages under the resolution № 522.

The reasons were various:

- “do not fall under the scope of the resolution”;
- “did not participate in ensuring the anti-terrorist operation”;
- “explanations on this resolution were not provided in full”
- “in accordance with article 4 of the Law of Ukraine of 20.03.2003 № 638-IV “On Combating Terrorism” they were not involved in the anti-terrorist operation”;
- “lack of planned expenditures in the budget for these purposes.”

That is, there is no single approach regarding the above mentioned categories of employees to the interpretation of this resolution.

One thing is for sure – only those employees who take part in ensuring the anti-terrorist operation on the basis of the order of the head of the ATC at the SSU fall under the resolution. As the analysis of responses to information inquiries showed, there were no orders issued by the head of the ATC to involve medical or social workers who live and work on a full-time basis in the territory of the ATO.

On April 30, 2018, the President of Ukraine as the Supreme Commander-in-Chief of the Armed Forces of Ukraine signed an order “On the beginning of the Joint Forces operation to ensure national security and defense, repel and deter armed aggression by the Russian Federation in Donetsk and Luhansk oblasts.” Thus, on April 30, 2018,

the four-year anti-terrorist operation ended and was replaced by the Joint Forces operation. The main difference is in the management scheme. If the general management of anti-terrorist operation was carried out by the Anti-terrorist center at SSU, now the management of operation passed directly to the military. According to the the Law of Ukraine “About features of the state policy on ensuring state sovereignty of Ukraine in temporarily occupied territories in Donetsk and Luhansk areas” adopted in January, 2018 the command over the operation in the east of Ukraine is assigned to the Joint Operational Headquarters of the Armed Forces of Ukraine.

On September 5, 2018, Resolution № 522 expired due to the adoption of Resolution № 708 by the Cabinet of Ministers, which essentially repeats the norms of its predecessor, taking into account the newly introduced concepts within the framework of the JFO.

WAR PARTICIPANT STATUS

Employees of institutions, establishments and organizations that participated in ensuring the implementation of the ATO / JFO directly in the areas of its implementation (i.e. essentially those categories that fall under regulations № 522 and 708 are entitled to higher wages), can receive **war participant status** in accordance with the Law of Ukraine “On the status of war veterans, guarantees of their social protection” (para. 13, art. 9).

According to the State Emergency Service of Ukraine in Donetsk oblast, 14 employees of the Main Directorate have war participant status. At the same time, employees of the State Emergency Service in Luhansk Oblast do not have such a status.

This status entitles a person to a number of benefits. Here are some of them:

- 50 percent discount on utility bills;
- 50 percent discount on the cost of fuel for people living in houses without central heating;
- priority service by enterprises, facilities and organizations of consumer services, public catering, housing and communal services, intercity transport, institutions and establishments providing social care services;
- free receipt of drugs, medicines, immunobiological drugs and medical devices on prescription;

- free provision of sanatorium treatment or receiving compensation for the cost of independent sanatorium treatment;
- annual medical examination and medical examination with the involvement of the necessary specialists, etc.

To find out the number of people who received the war participant status since 2014, an inquiry was sent to the Ministry for Veterans Affairs of Ukraine, which is the holder of the Unified State Register of War Veterans. The answer was that the Ministry does not have this information as the process of creating such a register is ongoing, in particular, currently the software developer is to be chosen together with the International Research & Exchanges Board (IREX) in Ukraine.

The grounds for granting the war participant status to employees of enterprises, institutions and organizations are certain documents on direct involvement in the tasks of ATO / JFO in the areas of its implementation. In particular, those can be the orders of the Head of ATC at the SSU, the General Staff of the Armed Forces of Ukraine in accordance with the resolution by the CMU N° 739 "On the issue of granting the war participant status to certain persons."²¹ As defined in the previous section, no orders were issued by the ATC head to engage medical or social workers living and working on a full-time basis in the ATO area. This means that ordinary medical and social workers who work on a full-time basis in the area of

ATO / JFO can not apply for war participant status.

At the same time, it should be noted that in Ukraine there is a unique non-governmental project to involve civilian medics in the provision of medical care in the area of ATO / JFO. It is implemented by the Charitable Foundation the First voluntary mobile hospital named in honor of Mykola Pyrogov" (hereinafter – Mykola Pyrogov FVMH) in cooperation with the Ministry of Health of Ukraine, the Ministry of Defense of Ukraine, the General Staff of the Armed Forces, with the support of the National Security and Defense Council of Ukraine.

Mykola Pyrogov FVMH works on the basis of the Memorandum concluded between the Charitable Foundation and the Ministry of Health of Ukraine, the Ministry of Defense of Ukraine, the General Staff of the Armed Forces of Ukraine of February 5, 2016.²² The procedure for involvement of medical and support staff to work in the area of ATO as part of Mykola Pyrogov FVMH is regulated by the order of the Ministry of Health of Ukraine N° 814 of April 27, 2018²³.

According to the information posted on the FVMH website, their volunteer doctors **have the right to receive war participant status.**²⁴ This status is granted by local social security bodies on the basis of an extract from the order of the head of the anti-terrorist operation or the head of the ATC on the involvement of a medical worker in the anti-terrorist operation in Donetsk

21 <https://zakon.rada.gov.ua/laws/show/739-2015-%D0%BF#Text>

22 http://www.medbat.org.ua/wp-content/uploads/2017/04/2016_Memorandum_Signed.pdf

23 <https://moz.gov.ua/article/ministry-mandates/nakaz-moz-ukraini-vid-27042018--814-pro-organizaciju-napravlenja-medichnih-pracivnikiv-scho-dobrovilno-vijavili-bazhannja-nadati-medichnu-dopomogu-u-rajoni-zdijsnennja-zahodiv-iz-zabezpechennja-nacionalnoi-bezpeki-i-oboroni>

24 <http://www.medbat.org.ua/uk/yak-zapisatisya-v-dobrovolci/>

and Luhansk oblasts. The rotation period for FVMH volunteer medical workers is one month. Apart from the temporary deployment of military units and entry-exit checkpoints, FVMH medics also provide medical care at frontline civilian hospitals, side by side with local health professionals.

Thus, there is a situation when, for example, a civilian doctor who lives in Chernihiv oblast volunteers to work for one month in Schastya town, which is included in the list of settlements in which the anti-terrorist operation is carried out.²⁵ There he performs medical duty to ensure the conduct of the anti-terrorist operation, receives the war participant status and has his salary increased by 50% during his stay there. And the medical professional who works in Schastya hospital on a full-time basis, and for whom to save the lives of the injured people and to work in dangerous conditions, is a daily challenge and way of life, is not entitled to any surcharges, supplements, status, etc.

Such a comparison in no way diminishes or devalues the work of FVMH health professionals, their initiative and dedication deserve respect and admiration. There is no doubt that working in the anti-terrorist operation zone requires from the employee more professionalism, more efficient and more intense work and takes greater emotional toll, in contrast to work under normal conditions. This work has its own specifics that should be rewarded by granting the appropriate status, otherwise no civilian worker would voluntarily agree to make a work-related journey to the danger zone. However, we must not forget about the local workers of the same category and

qualifications who perform their professional duties in a particular field on a full-time basis. The issue is purely about a fair approach to the provision of social guarantees for health workers by the state.

During a conversation with a doctor at the Popasnyansk Central District Hospital, she said that doctors from all over Ukraine come to the hospital throughout the ATO / JFO and help them to cope with the daily challenges of providing medical care in special conditions. According to her, the involved doctors received / are receiving war participant status. Meanwhile the locals who constantly work in dangerous conditions, face emotional exhaustion and physical stress due to understaffing, cannot claim it. The only thing that doctors can count on is to receive supplements for work with special working conditions, the establishment of which is provided by changes to the resolution № 708. This will be discussed in more detail in the next section.

²⁵ Order of the Cabinet of Ministers of December 2, 2015 №1275 "On approval of the list of settlements in which the anti-terrorist operation was carried out, and recognition as invalid of some orders of the Cabinet of Ministers of Ukraine" as amended on January 23, 2019

SUPPLEMENTS FOR WORK WITH SPECIAL WORKING CONDITIONS (RESOLUTION OF THE CMU № 708 WITH CHANGES)

On June 5, 2019, Resolution № 708 was amended, according to which a monthly allowance for work with special working conditions was set at a maximum of 50% of the salary for employees of state and municipal institutions, establishments, or organizations financed from the budget and located in settlements located on the line of contact. According to the order of the Cabinet of Ministers of November 7, 2014 № 1085 “On approval of the list of settlements on the territory of which public authorities temporarily do not execute their powers, and the list of settlements located on the line of contact”²⁶ this allowance will be paid for the period until the measures to ensure national security and defense, repel and deter armed aggression of the Russian Federation in Donetsk and Luhansk oblasts are completed.

The amount of the allowance is set by the head of the institution, establishment, or organization within the payroll.

Of course, one cannot but welcome the government’s initiative to support state employees working in difficult conditions in settlements on the line of contact, but it should be emphasized that such changes were adopted not immediately after the anti-terrorist operation, not after a year or two, but after a long five years. According to the Ministry of Economic Development, Trade and Agriculture, the above changes were initiated by the Ministry of Social Policy on the basis of numerous appeals from public authorities, trade unions to address the issue of increasing the level of material security of employees of state and municipal institutions, public

sector entities and located in settlements on the line of contact.

It should be noted that according to the resolution it is the local governments who were recommended to provision of the necessary funds to institutions, establishments, organizations for the payment of the allowance. Thus, the state shifted the responsibility for providing social protection to people working in special conditions to the local level. It should be emphasized that the economic situation in frontline settlements is quite difficult, so often local budgets do not have the ability to pay supplements.

One of the tasks of the study was to analyze the practice of application of the introduced norm by institutions, establishments, organizations that are located in settlements on the line of contact and provide medical and social services to the population. The analysis of the situation with material incentives for educators, military-civil administrations, local governments of the same settlements is beyond the scope of this study tasks, but in order to shed light on the general picture with the provision of salary supplements for public sector employees these actions were performed as well.

26 <https://zakon.rada.gov.ua/laws/show/1085-2014-%D1%80#n318>

HEALTHCARE FACILITIES

As part of the study, information inquiries were sent to medical facilities of Luhansk and Donetsk oblasts located on the line of contact as defined by the order of the Cabinet of Ministers of November 7, 2014 № 1085 “On approval of the list of settlements on the territory of which public authorities temporarily do not execute their powers, and the list of settlements located on the line of contact” regarding the payment of supplements in accordance with Resolution № 708.

According to the answers received, we can say that the situation is completely different. Due to the fact that a significant number of medical facilities were public institutions before April 1, 2020, the salaries of their employees were paid through a medical subvention from local budgets, which often did not have “extra” funds to pay supplements due to the difficult economic situation in the region. Therefore, local governments / military-civil administrations of each settlement acted

within their own understanding, based on their capabilities.

There is an important point related to health care reform, the first stage of which started on January 1, 2019, and the second – began on April 1, 2020. According to it, all medical institutions should gradually change their status, turning from budget institutions into municipal non-profit enterprises, concluding agreements with the National Health Service of Ukraine, from which they will receive money depending on the volume and type of medical services they provide to patients. That is, having become a MNPE, medical institutions lose the possibility of budget funding, and accordingly the right to pay the supplements provided by Resolution № 708 from the local budget.

Therefore, in their responses, medical institutions often emphasized these changes that affected the payment of supplements.

Donetsk oblast

For example, the Avdiivka Central City Hospital and the Center for Primary Health Care (hereinafter – CPHC) of the Avdiivka City Council set supplements for all employees of institutions in the amount of 50% of the salary. Additional allocations for the payment of this allowance were allocated from the local budget. Supplements were paid in the period from October 2019 to March 2020.

In its response, the Bakhmut District Council Primary Health Care Center stressed that it has become a municipal non-profit enterprise since October 2018, so resolution № 708 has no direct relation

to them. At the same time, in the collective agreements between the employer and the trade union committee, concluded during 2014-2018, it was and still is provided for surcharges and supplements of up to 50% of the salary paid to employees within the payroll.

For the same reason, **no supplements are paid** to employees of Volnovakha and Yasynuvata district CPHC, CPHC № 1 in Mariupol, which includes outpatient clinic № 4, which serves urban-type settlements of Sartana and Talakivka, which are situated on the line of contact.

In Svitlodarsk multi-type hospital for elective treatment of Bakhmut District Council there were paid supplements for all categories of employees in the following periods:

from 01.07.2019 to 30.11.2019 in the amount of 20% of the official salary;

from 01.12.2019 to 31.12.2019 in the amount of 50% of the salary.

During 2020, these supplements were not paid due to a change in ownership – from 01.01.2020, the utility became a municipal non-profit enterprise.

MNPE Mariinsky Central District Hospital, located in the city of Krasnohorivka, paid its employees a monthly supplements of 50% of the salary from 01.07.2019 to 31.03.2020. From April 1, 2020, for the above reasons, the supplements under Resolution № 708 are no longer accrued.

Luhansk oblast

Since 2014, the district territorial medical association and the CPHC, which operate in Stanytsia Luhanska, have not provided any supplements to medical workers due to the lack of funds in the local budget.

Different situations were observed in two medical institutions within one city. So, in Popasnyansk oblast CPHC any allowances to workers since 2014 weren't paid. At the same time, in Popasnyansk Central District Hospital, employees in accordance with the amendments to the Resolution of the Cabinet of Ministers № 468 on savings of the wage fund (hereinafter – SWF) were provided with supplements ranging from 20% to 50% depending on the existing SWF, starting from July 2019 until March 2020.

According to the Schastya City Hospital, the relevant supplements for the employees were not set for the reason that the funds for this type of payments were not provided in the budget of the medical facility.

Starting from 2014 to April 2020 the salary supplement in the total amount of UAH 1,468 thousand UAH was paid to the medical staff of the Novoaydar CPHC of the Novoaydar district council, Schastya General practice of family medicine outpatient

clinic (GPFMOC), Krymska and Triokhizbenka rural GPFMOCs, Lopaskino first-aid post who were working in the zone of increased danger in the conditions of armed conflict.

According to the Department of Health of the Luhansk state oblast administration in accordance with the resolution of the Cabinet of Ministers № 708 employees of the Luhansk Oblast Bureau of forensic medical examination (Stanytsia-Luhanska, Novoaidar, Popasna) from July 2019 are given a bonus of 10% of salary.

TERRITORIAL CENTERS OF SOCIAL SERVICES

Donetsk oblast

In the settlements of Donetsk oblast, located on the line of contact, there are seven territorial centers of social services, namely:

- Territorial center of social services of Avdiivka city council;
- Territorial center of social services Bakhmut district;
- Territorial center of social services of Volnovakha district;
- Territorial center of social services of Mariynka district;
- Territorial center of social services of Kalmius district of Mariupol;
- Territorial center of social services of Toretsk military-civil administration;
- Territorial center of social services of Yasynuvata district.

The above-mentioned institutions provide social services, including in-home care for single elderly people, people with disabilities who are in difficult life circumstances and need physical assistance.

Three of these institutions have the legal and physical address in the settlements directly on the line of contact. These are Avdiivka, Mariynka and Toretsk.

Employees of the Toretsk Territorial center did not receive monthly supplements in accordance with the Resolution of the Cabinet of Ministers № 708, because the budget does not provide for the payment of these supplements.

According to the Avdiivka Territorial center, all employees of the institution were set and paid a monthly supplements for work in special working conditions in the maximum amount of 50% of the salary from 12.06.2019 to 31.12.2019. In 2020, the supplements were paid from 01.01.2020 to 31.03.2020.

Four of these institutions are physically located in settlements that are not subject to the order of the Cabinet of Ministers № 1085 on the list of cities and towns near the contact line. These are Bakhmut, Volnovakha, Yasynuvata district territorial centers and the territorial center of Kalmius district of Mariupol. Those district centres cover all villages and settlements of the respective districts. Bakhmut, Volnovakha and Yasynuvata districts have a number of villages and settlements near the contact line in accordance with Resolution № 1085; the Kalmius district of Mariupol includes the village of Gnutove, Sartana township, Talakivka township, Lomakine village. In these settlements, of course, if necessary, social workers provide social in-home care to people in need. Theoretically, they can be covered by Resolution № 708 on the establishment of supplements.

But as practice has shown, no social worker of these territorial centers receives these supplements for various reasons.

According to the Volnovakha district Territorial center for social services, all employees of the center, regardless of their place of residence, are employees of an institution with a legal and actual address in Volnovakha, which is not on the line of contact, so CMU Resolution № 708 cannot apply

to employees. The same situation is in the city of Mariupol.

Employees of the Bakhmut district Territorial center were not paid supplements, as these payments are not provided for in the collective agreement of the Bakhmut Territorial center and in the payroll. At the same time, according to the director of the institution from 2015 to the present, social workers receive all the increases, surcharges, supplements of mandatory and incentive nature, provided by the collective agreement and current legislation of Ukraine.

Luhansk oblast

In the Luhansk oblast, social services in the settlements on the line of contact are provided by 3 territorial centers:

- Novoaider Territorial center of social services with the center in the village of Novoaider (not on the line of contact);
- Popasnyansk district center of social services;
- Stanychno-Luhansk Territorial center of social services.

The Novoaider Territorial center of social services employs seven social workers in the Department of social in-home care, who provide social services to the elderly and people with disabilities in settlements located on the contact line in particular, in the town of Schastya, Krymske village, Triokhizbenka and Kryakivka.

According to the administration of the facility, monthly supplements for work in special working conditions according to Resolution N° 708 were not paid to social workers. Instead, during 2015-2020, they

According to the Yasynuvata Territorial center, there are no supplements in accordance with Resolution N° 708, but other incentive payments are paid to social workers and employees of the institution on a regular basis. In response to the information inquiry, it was emphasized that the resolution is of an advisory status.

Thus, out of the seven territorial centers of Donetsk oblast that provide social services in settlements on the line of contact, social workers of only two of them received/receive wage supplements in accordance with Resolution N° 708.

were paid on a regular basis a bonus of 20% to 100% with the use of savings from payroll. These social workers were given a 15% increase in salaries due to harmful and difficult working conditions in accordance with the relevant orders of the Ministry of Labor and the Ministry of Health, the Cabinet of Ministers, which regulates the remuneration of health care workers and social protection institutions.

From July 2019, an allowance is to be paid to social workers of the Popasnyansky Territorial center, who provide social in-home care services to vulnerable groups in the high-risk zone of an armed conflict. From July 2019 – in the amount of 3% of the salary, from January 2020 – in the amount of 10%.

Employees of the Stanychno-Luhansk Territorial center of social services and the Stanychno-Luhansk district Center of social rehabilitation of children with disabilities have been on the line of contact since 2014. According to the head of the District state administration, social workers of these institutions, from 2014 to the

present, have not received salary supplements in accordance with Resolution № 708 for the following reason.

Resolution № 708 stipulates that the amount of the allowance is set by the head of the institution, facility, organization within the payroll, however, as of the time of entry into force of the resolution, and now, it is not possible to implement it, because when planning local budgets funds were not provided and currently

there are no other sources of income that could be used to implement this resolution.

Summing up the responses to information inquiry on the payment of supplements to social workers under Resolution № 708, we can conclude that the relevant supplements in different amounts were paid/are paid in three out of ten territorial centers of Donetsk and Luhansk oblasts that provide social services in settlements on the line of contact.

GENERAL SECONDARY EDUCATION INSTITUTIONS AND LOCAL AUTHORITIES

Although the monitoring of the social situation of employees of educational institutions and local governments/military-civil administrations operating in settlements on the line of contact is beyond the scope of this study, in order to shed light on the application of CMU resolution № 708, the practice of paying the appropriate supplements to the above categories was analyzed as well.

As for educators from Donetsk and Luhansk oblasts, in five out of nine districts/cities surveyed, the corresponding supplements are paid to persons entitled to it under Resolution № 708.

The situation with the material encouragement of employees of local self-government bodies and military-civil administrations in the settlements covered by the order of the Cabinet of Ministers № 1085 is as follows. Out of eight cases studied, the payment of supplements takes place in three of them. This is not a complete and comprehensive list of self-government bodies/

military-civil administrations executing their powers in the settlements on the line of contact, but given that there was no aim to investigate them all, several of them were selected to cover the overall situation.

An interesting point was discovered during this study. The Schastya military-civil administrations of the Novoaider district of the Luhansk oblast asked the Ministry of Social Policy for clarification on the possibility of paying the appropriate supplement to the employees of the military-civil administration (MCA), as the city is situated on the line of contact. In its response, the Directorate of norms and standards of decent work of the Ministry cited the norm of the Law of Ukraine “On Military-Civil Administrations”²⁷, according to which the MCA are **temporary state bodies**. Therefore, the MCAs “do not belong to **state and municipal institutions, establishments and organizations** whose employees are entitled to monthly supplements for work in special working conditions according to the paragraph 11 of Resolution № 708.”²⁸

²⁷ <https://zakon.rada.gov.ua/laws/show/141-19>

²⁸ Response of the Ministry of Social Policy №1164/0/206-19 dated 06.08.2020 to the letter of the Schastya MCA №507/06 dated 11.07.2020.

Based on this answer, no allowances were paid to the employees of the Schastya MCA. That is, there is a double interpretation of the provisions of Resolution № 708 among the MCAs of Donetsk and Luhansk oblasts, which depends on the decision to seek clarification from public authorities or not.

Below are 2 tables illustrating the situation with the payment of appropriate supplements to educators and local governments/military-civil administrations, indicating the date of their introduction and amount.

Table 2 – Payment of supplements provided by the Cabinet of Ministers № 708 to employees of education facilities of Donetsk and Luhansk oblasts

Oblast	Education facility	Supplement in place	The date of setting the supplement	Size of supplement
Donetsk	Avdiiivka MCA	+	June–December 2019 January – March 2020	50%
	Bakhmut District State Administration (hereinafter – DSA)	+	From September 2019	10%
	Volnovakha DSA	+	From January 1, 2020	50%
	Mariynka DSA	+	From June 12, 2019	50%
	Toretsk MCA	-	-	-
	Yasynuvata DSA	-	-	-
Luhansk	Novoaydar DSA	-	-	-
	Popasnyansk DSA	+	From January 1, 2020	10%
	Stanychno–Luhansk DSA	-	-	-

Table 3 – Payment of supplements provided by the resolution of the Cabinet of Ministers № 708 to employees of local governments / military-civil administrations of Donetsk and Luhansk oblasts

Oblast	LG/MCA	Supplement in place	The date of setting the supplement	Size of supplement
Donetsk	Avdiivka MCA	+	June–December 2019 January – March 2020	50%
	Mariynka MCA	+	July – December 2019 From January 1, 2020	20–50% 50%
	Svitlodarsk City Council	+	June – December 2019 From January 2020	50% 20%
	Toretsk MCA	-	-	-
Luhansk	Popasnyansk MCA	-	-	-
	Popasnyansk City Council	-	-	-
	Stanychno–Luhansk MCA	-	-	-
	Schastya MCA	-	-	-

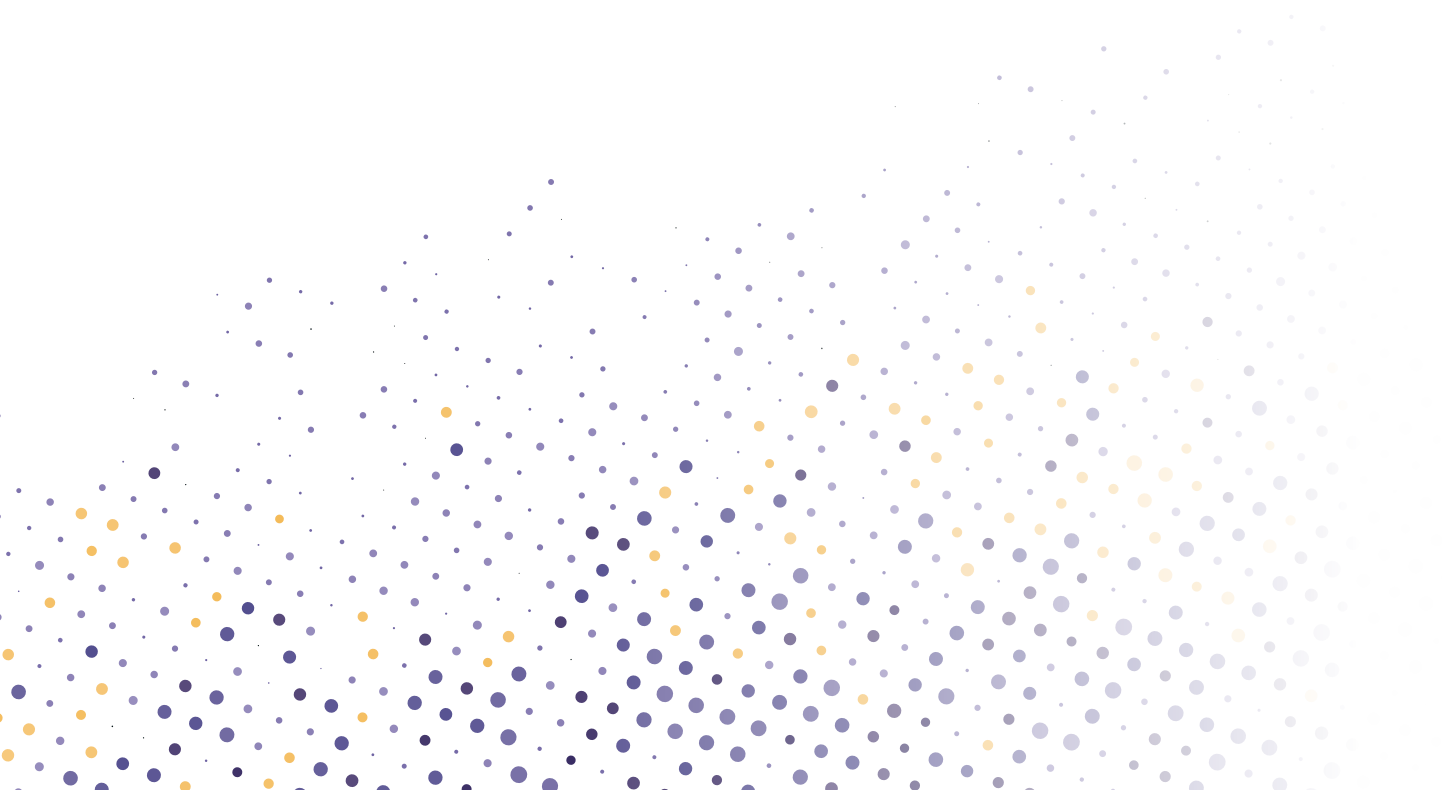
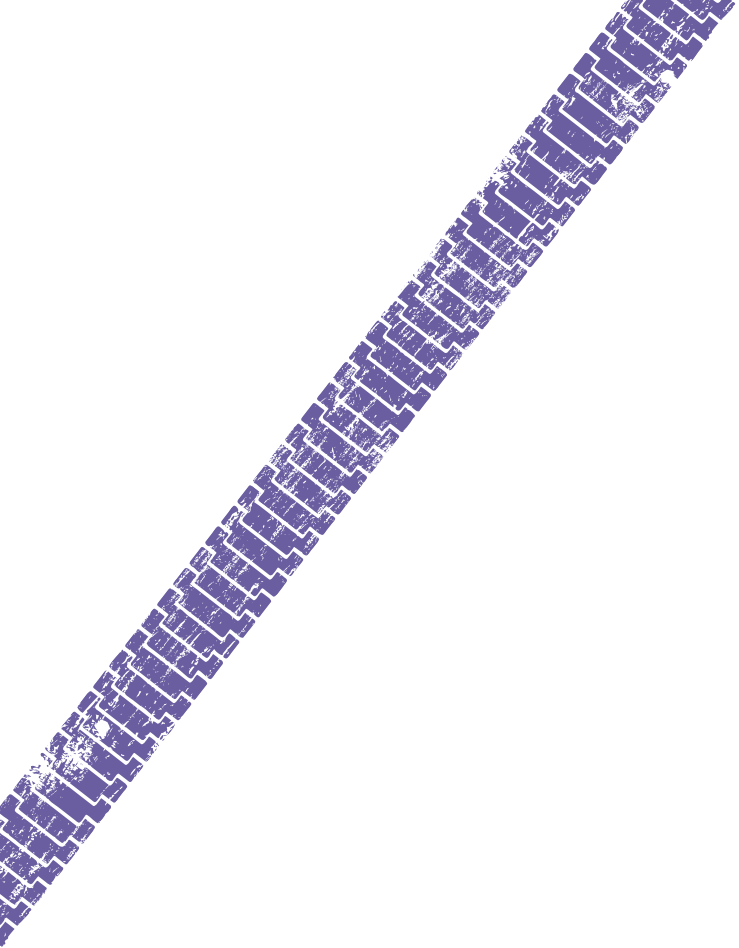
SES OF UKRAINE IN DONETSK AND LUHANSK OBLASTS

According to the State Emergency Service of Ukraine in Luhansk oblast, after the agreement with the shop-floor trade union, starting from September, 2020 employees of the Main Directorate are provided with monthly supplements for work in special working conditions, which perform their duties in settlements on the line of contact, in the amount of 50% of salary.

As for the Donetsk oblast, currently this supplement is not formally provided – due to the fact that its establishment is possible only within the payroll, its accrual can be made only by reducing monthly bonuses. At present, employees of the Main Directorate are paid an increased salary by increasing the individual percentage of the monthly bonus on the basis of orders of the SES of Ukraine in 2019 and 2020.

Table 4 – Generalized information on the provision of social guarantees to the employees of the categories examined

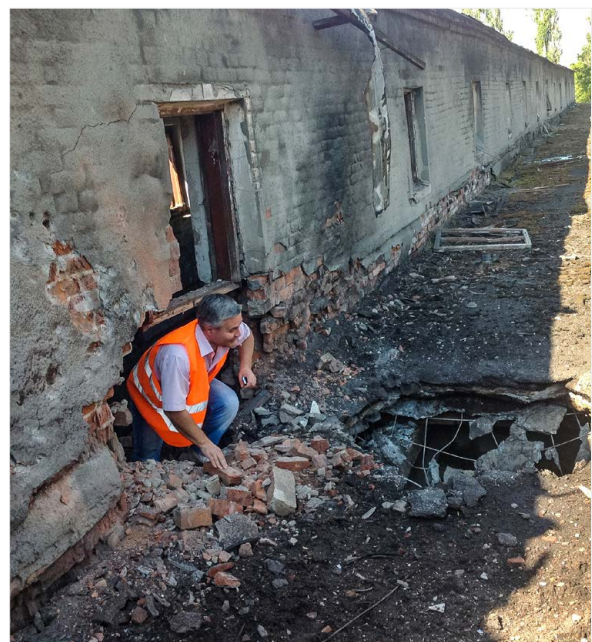
Social guarantee Category	Status	Increase by 50% of salary in accordance with the resolutions of the Cabinet of Ministers № 522 and 708	Establishment of supplements up to 50% in accordance with the resolution of the Cabinet of Ministers № 708 (facilities on the line of contact)
SES of Ukraine in Donetsk and Luhansk oblasts	Combat veteran (predominantly) War participant (single cases) War participant (according to para. 13, art. 9 of the Law «On the status of war veterans, guarantees of their social protection»), in case of involvement in ATO / JFO proved by relevant documents (orders of the head of the ATC / General Staff of the Armed Forces, etc.) Takes place	Took place during the anti-terrorist operation until April 2018 (Resolution № 522) In case of participation in ensuring the conduct of ATO / JFO proved by relevant documents (orders of the head of the ATC / General Staff of the Armed Forces, etc.) There is no information on its application in practice	Takes place only in Luhansk oblast — <i>(facilities not on the line of contact)</i>
Medical workers from other regions of Ukraine			
Medical workers working on the line of contact			
Social workers			
Educational institutions			
MCA / Local governments			
Utility workers on the line of contact			



The background of the page features a light purple gradient. In the upper left, there are two wireframe blimps or dirigibles. The lower half of the page is dominated by a large, dark, textured splash or explosion effect, resembling a cloud of dust or debris. At the bottom, there is a decorative border consisting of a grid of small dots in various shades of purple, blue, and yellow.

PHOTOS OF THE AFTERMATH OF THE SHELLING OF LIFE SUPPORT FACILITIES²⁹

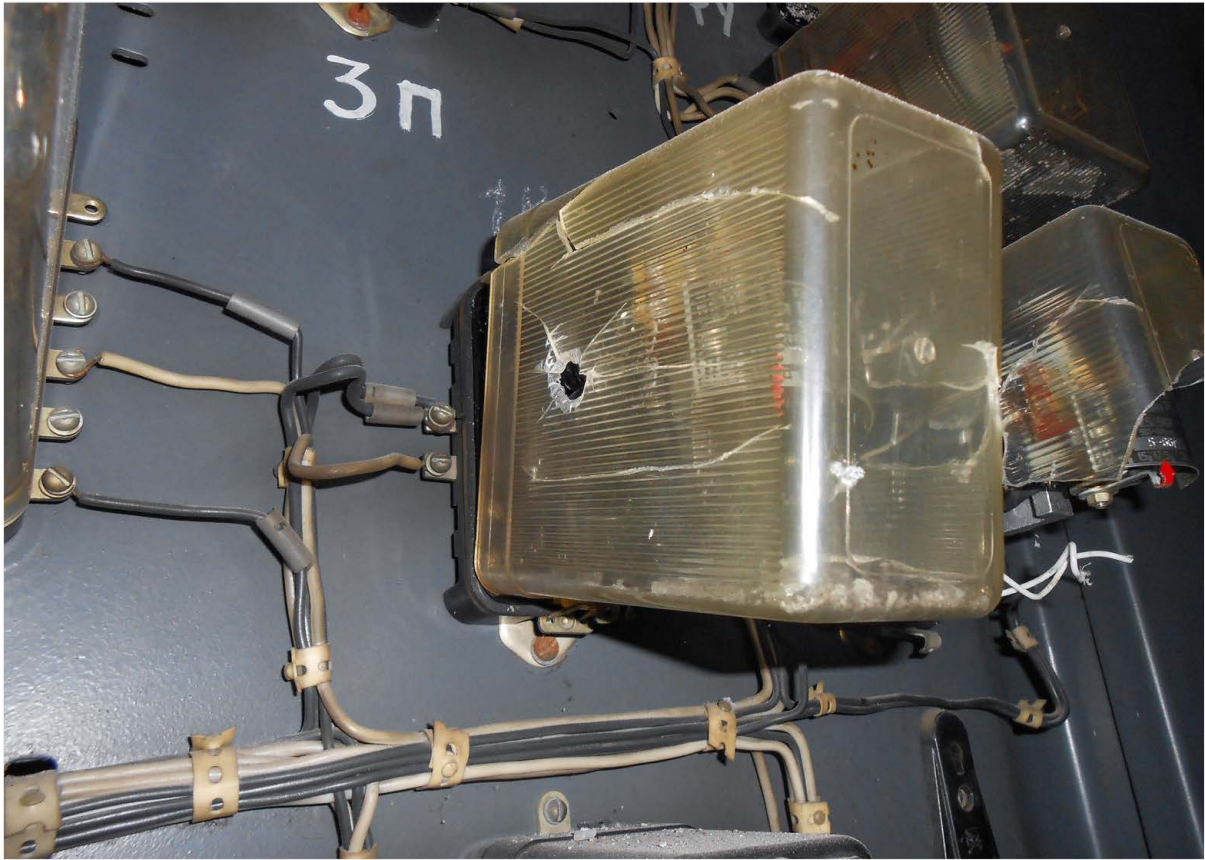
²⁹ Photos taken from previous reports of LRHRC “Alternative”



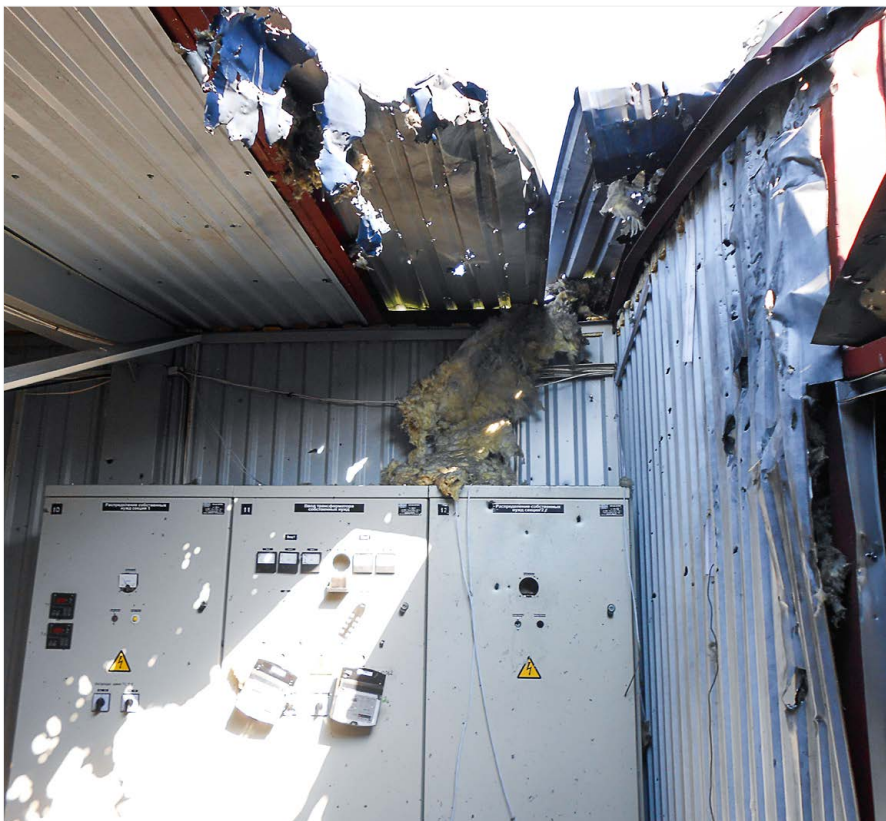
Facilities of Donbass Water Company



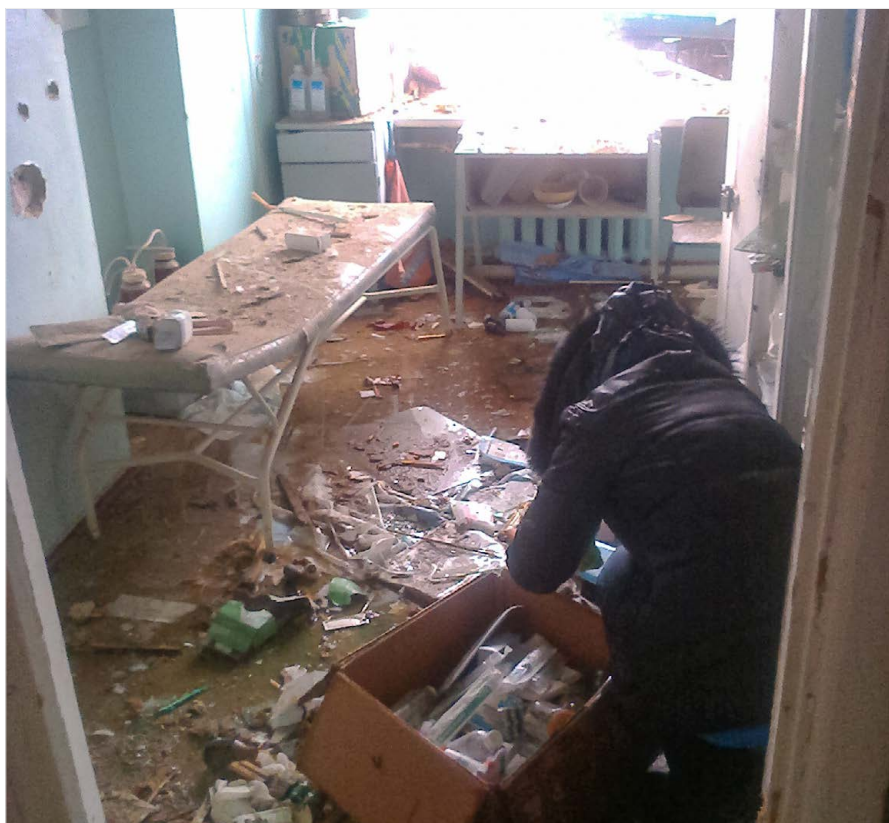
Siversky Donets-Donbass Chanel



Substation (Yasynuvata district)



Enclosed
distribution
substation, Pivdenne
township (Toretsk)



Schastya city hospital



City Children's Hospital in Slovyansk

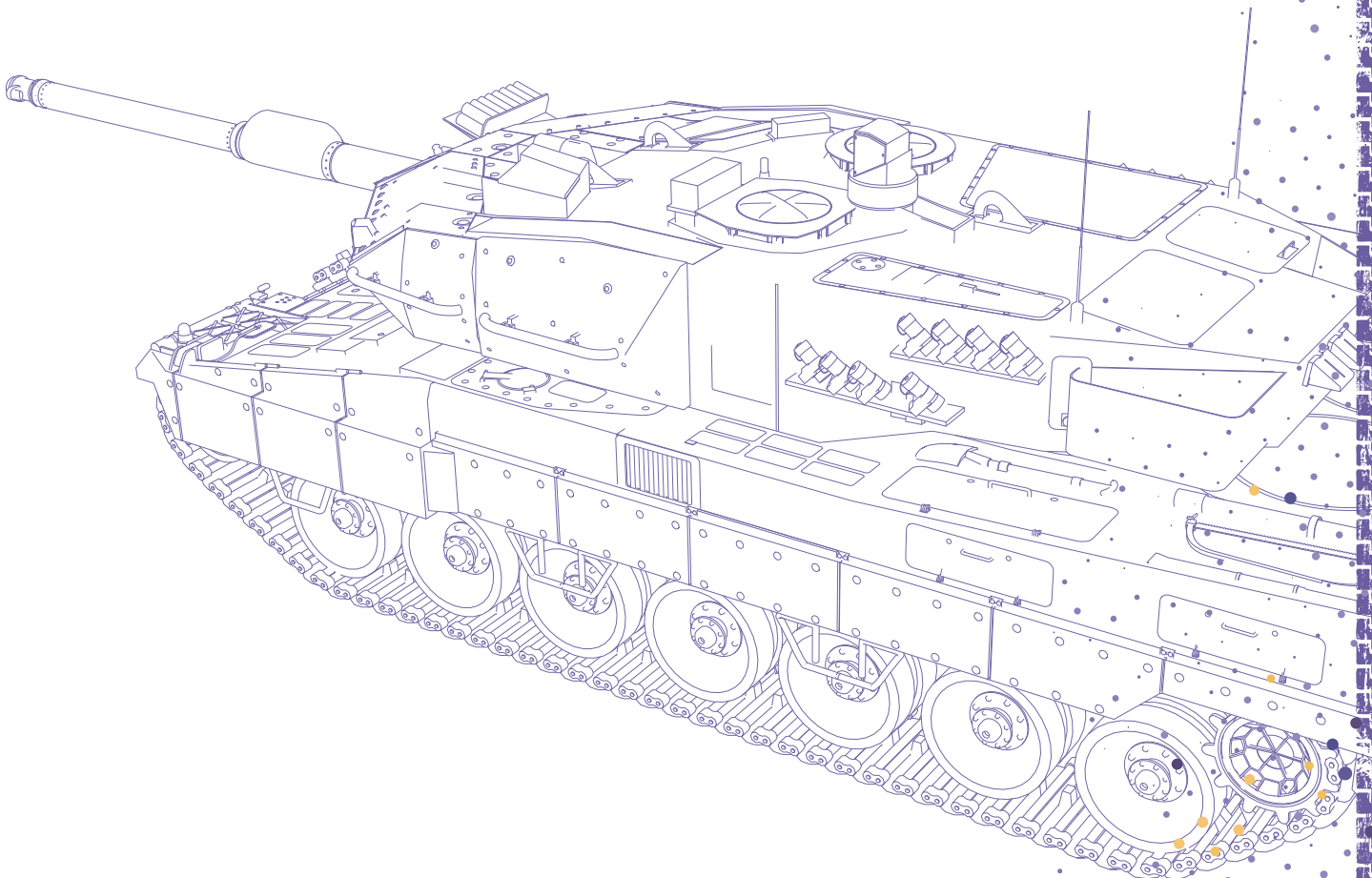


Bullet hole in the window of the Mariynsky outpatient clinic after a sniper shot

An ambulance in Krasnohorivka damaged in hostilities



FACTS OF HUMAN RIGHTS VIOLATION THAT HAVE OCCURRED TO EMPLOYEES IN THE LINE OF DUTY OF THE CATEGORIES UNDER REVIEW



THE TERRITORY OF DONETSK OBLAST, CONTROLLED BY THE UKRAINIAN AUTHORITIES

THE PLUMBER OF THE UTILITY COMPANY³⁰

Use of forced labor by IAF members

Home renovation production company (HRPC) provides housing and utility services for the city of Chasiv Yar in the Donetsk oblast. The professional duties of Oleksandr, who worked as a plumber and storekeeper of the plumbing warehouse of HRPC, included installation, operation and repair of sanitary equipment, ensuring the working condition of water supply and sewerage systems, inventory and storage of relevant tools.

On June 1, 2014, Oleksandr was in the HRPC warehouse and witnessed how members of the so-called DNR on several cars and trucks arrived at the territory of the company. They were all dressed in military uniforms, with balaclavas on their faces, and “St. George’s ribbons” tied.

“There were two other tractor drivers in the yard next to me. As soon as the militants came in, they immediately aimed their machine guns at us and started asking who we were and who we worked for. They took those two men to the basement, I don’t know for how long they stayed there and what they were doing. After searching, they found the keys to the warehouse where I was locked up without

any explanation. Of course, I was worried because I didn’t know what would happen next. There was a small window in the room, so I watched what was happening outside...”

Oleksandr saw that the daughter of Vladislav Lukyanov, the chairman of the supervisory board of the Chasovoyarsk refractory products plant, who lived near the HRPC, came to the IAF members and brought them food packages, sweets, and brandy. According to the respondent, she flattered them to get rid of the noisy and unpredictable neighbors – after a joint call to Lukyanov himself the DNR people were offered more comfortable conditions – on the territory of the 4th shop of the Chasovoyarsk refractory products plant, which was situated outside the city.

Oleksandr was taken out of the room, put in the first car and ordered to show the way. There was a bomb shelter on the territory of the 4th shop, the keys to which were given by a woman. When they unlocked the doors and saw that there was water IAF members gave the man a bucket and ordered him to scoop it out. Later on the rest of the cars arrived, bringing several more male violators of the curfew established in the so-called DNR, among whom

was an acquaintance of Oleksandr – they studied together at school.

“My boys and I started scooping water in buckets, carrying them and pouring them out to outside. The militants set up armed guards over us, we were not even allowed to say a word to each other. My acquaintance and I tried to look at each other in order to escape at the first opportunity, although it was very dangerous...”

The men worked until dark. There was not a word of any break, neither the IAF members provided any meal for their “workers”. Late in the evening, a senior military officer arrived and told the detained men to get out of here quickly, otherwise they would go dig trenches near Slovyansk.

Oleksandr and his misfortune comrades ran away. On the way one of them became unwell because of many hours of physical activity without food and water. The men grabbed him by the arms and dragged him to the city ambulance station.

“We gave him to the doctors on duty and went to our homes. His further fate is unknown to me. I was very tired and worried about my mother and wife all the time.”

The next day, Oleksandr was called by the deputy director of the company and offered him to take an unpaid holiday for 3 months. After what happened, the man agreed and came back to work after the specified term. According to the respondent, he later learned that on the day of the military “visit” to the HRPC, this deputy saw them and instead of somehow protecting the workers from the arbitrary treatment by the IAF, jumped out the window and ran away.

During the interview, Oleksandr did not emphasize that he had experienced significant stress, only his behavior spoke eloquently about it – the man was very nervous when he brought back to memory the old events, picking the thought up and losing it. But later in the conversation he admitted that he had recently started having heart problems, although it is certainly impossible to say for sure that the events described were the result of this.

Human rights organizations are aware of many cases where IAF members used forced labor by civilians, but the vast majority were curfew detainees or those who committed some offenses in the opinion of the IAF. Forced labor in these cases looked like a punishment for “bad behavior.” But Oleksandr’s case demonstrates that in some situations, IAF members went further and, feeling their permissiveness and impunity, used the work of municipal workers for their own purposes with the tacit consent of their officers.

UTILITY COMPANY JANITOR³¹

Use of forced labor by IAF members

As part of the monitoring study, an interview was conducted with a janitor of one of the municipal utilities of the Donetsk oblast, on the territory of which for some time the members of the so-called DNR were garrisoned. Due to the fact that the respondent can be identified by the stated facts, for security reasons the names of the city and the enterprise are not disclosed. In the future, the abbreviation UC (utility company) will be used as the name of the enterprise.

In this interview, in addition to obtaining important information about the focus of the study, the facts of illegal detention of civilians in the basement of the enterprise for a month were documented.

Olga worked as a janitor in the municipal utility company – she cleaned the territory from snow and leaves, cleaned the office. One day in the summer of 2014, she went to work for the first time after a vacation and saw many armed men in military uniforms with “St. George ribbons” in buttonholes. Everywhere flags were set of the so-called DNR – on fences, trees, trucks and cars. Olga’s chief, who was talking to the military, called her and introduced her: “Here is our janitor Olga Ivanovna, who will help us.” They ordered the woman to take her tools – buckets, rags and follow them.

The chief of the military opened the basement door, and Olga and her boss began to descend. “I have been there

more than once before. In the basement there was arranged something like a warehouse – there were bags of sand, cement were stored. I thought they needed to clean the room from dust and dirt to keep it clean. How naive I was!”.

When Olga first began to descend the stairs, it seemed to her that it was dark in the basement. Then she saw a small window with bars and a dim light bulb under the ceiling. She smelled a sharp odour of urine and alcohol breath. As soon as the woman’s eyes became accustomed to the dim sun after the bright sun, she saw that there were about twenty men sitting on the couches and benches in the basement.

“The heavy smell made me feel dizzy. I was very scared! I didn’t know why I was brought here?! Who are these people and what should I do?! I quickly ran up the stairs to my boss and lost consciousness. He brought me to consciousness with ammonia and said – whether you want it or not, and from now on every day before your main job you will clean the basement. Because otherwise we will sit in it together”.

31 КП-15

From that day on, Olga, as an employee of a utility company, had to clean up after detainees who, according to the woman, were civilians. Her working day lasted not eight but ten hours. Every morning, the military took the men out of the basement, and the woman set to work. Restraining waves of nausea, she carried buckets of human waste, washed the couches, swept the floor, threw the trash. I tried to do everything quickly while the detainees were “walking” outside under surveillance. A few days later, in the morning, they began to be taken away by truck. Judging by excerpts from conversations between members of the so-called DNR which Olga involuntarily heard – for forced labor.

According to the respondent, the detained men were “street alcoholics” who violated the curfew. Some of them had bruises on their faces, but the woman had never seen them beaten or tortured. She did not talk to them or even hardly saw them – when they came out of the basement, she was ordered to return to the wall. Taking into account the daily amount of garbage and waste, the number of prisoners did not change significantly, but to say for sure that the same people were sitting in the basement all this time, a woman can not.

“The detainees had no bed linen, no blankets or pillows – the bare benches themselves. They were provided with ration packs: canned food and canned stewed meat. There was enough bottled water in the basement. The room was too small for so many people, there were very narrow passages between the couches. I don’t know

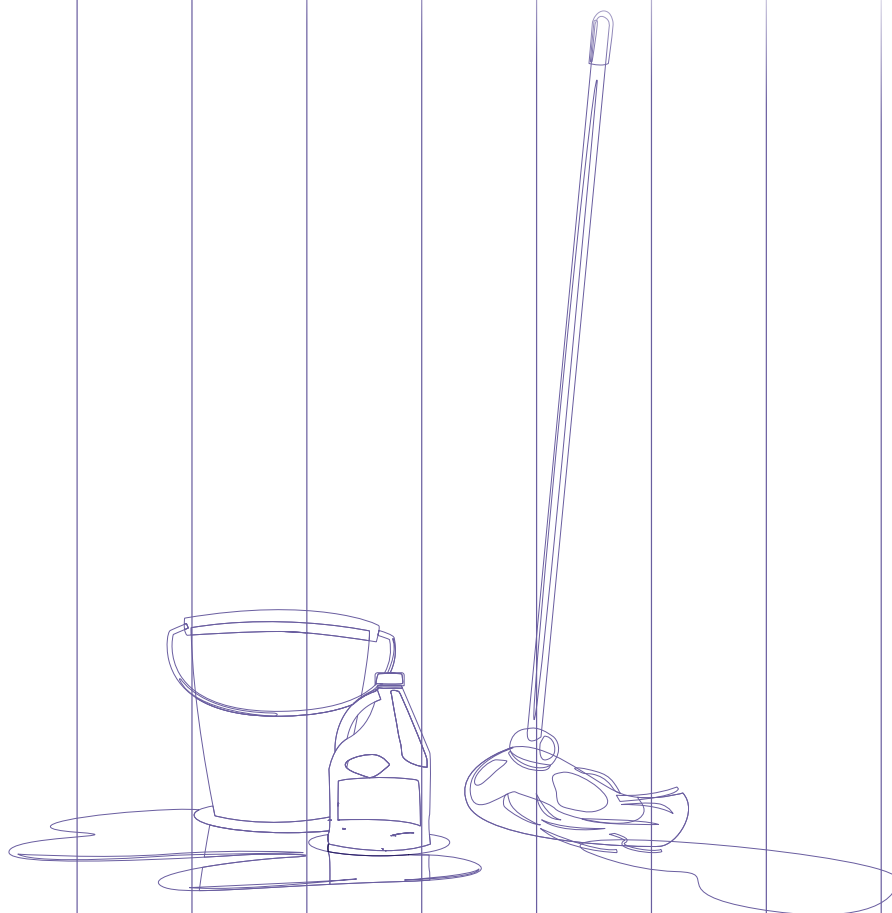
how they all settled there. I can’t say where these people came from, local or not.”

A month later, all the armed men left the territory of the utility company along with the equipment. Olga came to work in the morning and found the basement wide open and empty. The woman does not know where the detained men went – whether they were released or taken away. Everything was smashed in the basement – overturned benches, broken wires, a lot of garbage and dirt, there were blood stains on the couches and the floor. The woman reported what she saw to her manager and started cleaning.

According to Olga, she received a huge psychological trauma. She was afraid of everything – both military and prisoners, and the loss of her job. The woman had to do horrible work in stressful conditions without her consent. She could not complain to anyone, because there was no power in the city, and even her immediate superior forced her to obey the orders of the IAF, because he himself became a hostage of the situation. No one knew how long it would take – three days or a year, so Olga’s forced daily hard work could not but leave an imprint on her mental health.

In addition to receiving a moral injury, Olga suffered physically as well. While carrying heavy buckets up the stairs many times a day for a month, she injured her back and had to undergo physio therapeutic treatment at her own expense. Back problems still bother Olga. There was no question of any compensation from the company or payment for treatment at all.

According to the respondent, all UC employees who worked side by side with her every day knew that Olga had been forced to clean up after prisoners who were sitting illegally in the basement. But due to the fact that there were no de facto law enforcement agencies in the city at the time, even with a strong desire to publicize the situation, workers, worried about their own safety, could not do so because they may end up being detained themselves.



PARAMEDIC³² AND AMBULANCE DRIVER³³

Coercion to falsify documents in order to conceal a crime

The documenters involved by the LRHRC “Alternative” in the town of Donetsk oblast, which for some time in 2014 was under the control of the so-called DNR, a case of bodily injuries to medical workers by IAF was recorded. To describe the situation in more detail, there were conducted two interviews with the victims – with a paramedic Andriy and the driver of an ambulance Volodymyr.

In the summer of 2014, Andriy, being a paramedic of the outreach brigade was on duty from the very morning. There were few calls that day – it was very hot outside and mostly elderly people needed help. At around 7 pm, the dispatcher received a call about a fight and a shooting in the center of the city near the Palace of Culture (PC), during which a young man was injured. An ambulance crew consisting of paramedic Andriy and driver Volodymyr went to the address of the call. The nurse, who was also scheduled to leave, asked the chief doctor for a few hours leave as her daughter had a graduation party.

When the car approached the outdoor stage near the PC, the respondents saw a large crowd, which included civilians – many young people with ribbons “Graduating student”, girls in long beautiful gowns, and the military – at that time the city was under the control of so called DNR. Andriy almost jumped out of the car and ran into the crowd, where the injured person was lying.

“I saw a young man in blood lying on the asphalt, around whom weeping girls had gathered. I sat down next to him, took his hand and began to feel the pulse, which was neither on the arm nor on the neck. The boy had a brain injury. He was unconscious. When the girls mentioned his name, I immediately recognized him as the son of our famous local doctor. As it turned out, the young man was a graduate student as well. I forgot my medical suitcase with all the medications and tools in the car, started looking around, looking for an ambulance, waving my hands so that Volodymyr would understand and bring it to me...”, – the paramedic recalls.

Suddenly Andriy felt something cold touch his neck. He saw that a machine gun was aimed at him and got scared to death. The man instinctively began to look for an ambulance, hoping for help, but it was nowhere to be found. A senior military officer told the paramedic to do everything possible to keep the young man alive. But injections of adrenaline, the necessary equipment for an electric discharge – all this remained in the ambulance, and all requests from Andriy to bring his medical bag were ignored.

32 МП-18

33 МП-17

Members of the IAF began to disperse the crowd. They shouted at everyone to leave, threatened, and pushed some people in the back with machine guns. Gradually, all the people dispersed, and only a few armed men and Andriy who knelt near the victim were left. One of the soldiers felt the boy's pulse and, making sure that he was not there, gave the command to drive a truck that was standing nearby to the scene.

“When the truck approached, the militants quickly lowered the side of a truck, took out the cellophane on which the injured boy was placed, and carried him to the car. One of them pushed me in the back with his butt of a machine gun, saying that I was also going. I silently climbed into the vehicle body. The cargo compartment was covered with tarpaulin, so I couldn't see where we were going. I was frightened by the unknown, and I was constantly thinking about the guy. I understood that most likely he was already dead, but there was little hope that the young man was alive,” – says Andriy.

When the truck reached its destination, IAF members lowered the side of a truck and pulled the cellophane with the young man to the ground. Andriy saw that they were in a closed yard with a garage. The military ordered the paramedic to double-check that the young man was alive. Andriy felt the pulse on his wrist and neck. There was no pulse. The medic took a small glass from the wall and held it to the boy's nose and mouth. There were

no traces of breathing either. According to the respondent, judging by the pupils, body position, fingers rigidity, the young man was dead for about 30-40 minutes.

After that the senior among men told that “you, supposedly, the doctor, do paperwork that there was a road accident”. Andriy immediately refused, because it entails criminal liability for the medical worker. The paramedic began to explain to them that he did not have such authority that in case of an accident the police were called, witnesses were sought and so on. To his words, the senior replied: “You are too smart a doctor, and then why would we need you?!”. Then he sharply hit Andriy with the butt of a machine gun in the face. He fell, hitting his head hard on the ground, and fainted.

“I recovered consciousness among the trees, it was already dark outside. I realized that I had been taken away by car and thrown into a wooded area along the road. I looked around and saw small house suburbs. After reading the street name plate, I realized that I am in a village that belongs to our city, but is on the opposite site from my house. I slowly went in the direction of the village. My head hurt a lot, I was nauseous, my whole face was covered in blood, as was my medical gown. I took it off so as not to attract attention, and wiped my face with it. I was walking very slowly, and in two hours I got to the ambulance station...,” – the respondent continues to recall.

When Andriy entered the building, he saw a paramedic from another shift, his worried mother and wife. Everyone was happy that he was alive, albeit with a fractured face. Then for the man everything was like in a fog – he began to squat and suddenly lost consciousness. Andriy doesn't remember how he was carried on a stretcher and taken by ambulance. He woke up in the hospital under a drip. The doctor diagnosed a concussion of the fourth degree, a fracture of the nose and jaw. Andrew spent two weeks in the hospital. According to the respondent, his colleagues collected money for him, helped his parents with their work, the administration of the hospital where he worked paid insurance indemnity and provided compensation for treatment. As of now, Andriy is registered with a neurologist and traumatologist, he is suffering from headaches.

It is worth returning to the testimony of the second respondent, Volodymyr the driver, who provided information about what was happening when Andriy jumped out of the ambulance to help the injured boy.

The driver was parking when he saw in the rearview mirror that Andriy was waving and shouting something at him. Volodymyr also noticed the paramedic's mobile phone and a forgotten medical suitcase and decided to bring them to him after parking.

"I was looking in the mirror from the passenger's side and did not notice how the militants approached me. One of them abruptly opened my door and pulled out the ignition key. The engine stopped immediately. The second militant grabbed me by the collar of my T-shirt and pulled me out of the car. I was

enraged by such impudence, swung my hand, but at the same time received a blow from the side, from which I fell on the car, hit my head and soured my nose. My eyes became cloudy, blood flowed from my nose. The militants twisted my arms and handcuffed me. Then one of them hit the walkie-talkie with the butt of a machine gun, broke it, and took away our mobile phones. After getting behind the wheel, he overtook the ambulance somewhere. I don't know where, but came back pretty quickly," – Volodymyr recalls.

The driver was pushed into the back seat of a nearby car. Together with him sat representatives of the so-called DNR and told to keep quiet. Sweat rolled down the man's back from overexertion and fear. Volodymyr saw from the car that the military began to disperse people who ran away in fright in various directions. As the crowd thinned, the driver saw Andriy kneeling beside the wounded young man and looked around for an ambulance. Volodymyr felt terrible. He saw Andriy being forced into the back of a truck, but he could neither shout out nor help him. Shocked by everything that happened, the driver could not even remember the number of the car in which the paramedic was taken away.

Later, one of the servicemen called, and from the conversation Volodymyr understood that the injured boy had died. IAF members began to discuss among themselves what to do with this whole situation. According to the respondent, they repeatedly said that if the boy's father had

been more compliant and paid the tribute on time, his son would have been alive now.

“The father of the dead young man was a well-known doctor in the city and had considerable wealth. The boy himself was a bully and a brat, a rare fight did without him; he was always in the spotlight, dressed luxurious clothes, smoked expensive cigarettes. According to the militants, the victim was sitting outdoors at a table with his friends – boys and girls – drinking beer that day. At the next table sat the DNR members, who began to cling to the girls. I don’t know who started the fight first. As it turned out later, the young man was hit on the head with a heavy iron object, fracturing his skull,” – Volodymyr recalls.

The driver was kept in the car for about an hour, after which the handcuffs were removed and ordered to “get out” quickly. Vladimir wiped his face from the blood with a T-shirt and went to look for an ambulance. Neither the keys nor the mobile phones were returned by the IAF members. The car was parked in the parking lot, not far from the scene, but the driver could not start it. He ran to the ambulance station for spare keys; there he saw doctors from another shift, his wife and Andriy’s wife and parents. Everyone was very worried – the walkie-talkie did not answer, the men did not return for a long time. Volodymyr briefly told what had happened and went with another driver to his car.

After overtaking the car in the parking lot near the station, the driver and Andriy’s

father went to look for him everywhere. It was already dark, they were walking with torches in the park and the surrounding area, but their attempts were in vain. The men turned back, and soon saw Andriy, who was barely walking.

Andriy spent the next two weeks in hospital, and Volodymyr continued to work. The parents of the dead boy found his body at the gate of their house. Local media reported that the young man died at home after injuries sustained in the fight. Volodymyr suggests that the father, killed by grief over the tragic death of the young man, worried about his eldest son, did not disclose the circumstances of his death, so as not to expose himself to even greater danger from the temporary “owners” of the city. After the funeral, the family left the city without wasting time.

The leitmotif of this story is the awareness of the IAF members of their complete impunity during their control over the city. From the beginning, the armed men began to cling to the graduate girls, who were essentially children, without even thinking that anyone would dare to resist them.

After the tragedy, they were in no hurry to help the boy, whom they inflicted a brain injury from which he died. The paramedic asked to bring him his medical supplies, which he had forgotten in the ambulance, but it was easier for them to shift the responsibility to the doctor, whom they ordered to do everything to keep the boy alive than to facilitate the necessary resuscitation.

The demonstration of permissiveness and disrespect for medical workers culminated in the forcible detention of a paramedic and driver by the IAF, including through means of restraint, the threat of a weapon, and the infliction of grievous bodily harm, which

led to long-term treatment with negative health consequences.

The absence of an entire ambulance crew at the workplace for several hours with the walkie-talkie switched off due to intentional damage, with the mobile phones switched off, not only worried the relatives and colleagues of the respondents, but also

left a certain number of residents without timely medical care.

A separate topic is the efforts of representatives of the so-called DNR to hide the committed crime, forcing the paramedic to register death of the boy as a result of road accident, without thinking that violation by the doctor of the job instructions in this case entails criminal liability.



SOCIAL WORKER³⁴

IAF attack on an elderly person

Every Friday, social worker Tetyana visited her ward, Ivan Petrovich, an elderly man who lived in a detached house in a small town in the Donetsk oblast. Her responsibilities included cleaning the house, providing food and medicine, assisting in the payment of utilities, carrying out small errands, communication and encouragement.

June day in 2014 began as usual – Tetyana came to the elderly person, planned her work and started cleaning the room. Suddenly they heard the sound of machinery and trucks, which became louder with each passing second. The woman looked out the window and saw that after damaging the gate, a truck entered the yard, from which armed men in military uniform with “St. George’s ribbons” – the identification marks of the so-called DNR which recently started to control the city.

“Ivan Petrovich was a difficult ward, he was grumpy, it was always difficult for him to please. When I saw the uninvited guests in the window, I immediately started to worry, because I didn’t know what his reaction would be. Elderly man asked what was going on, to which I explained and told him I was scared. In general, Ivan Petrovich barely moved and only with my help, and so all the time lying down. And then after my message he jumped up, I lost the gift of speech! He grabbed

a hunting rifle hanging on the wall and ran to the yard. I generally thought that the gun was not real and hung as a prop. I hear shots and screams from outside; I look out the window – the militants grabbed my ward and knocked him to the ground. What should I do in such a situation?! And it’s scary to go out, and at the same time I understand that I’m responsible for him...”

Tetyana ran out of the house and saw that the man was lying, pressed by the feet of the military to the ground. He felt sick, foam ran out his mouth. The woman began to ask them not to beat her and let her ward go, to which the IAF members began to aggressively ask her who she was and who that man was. According to the respondent, after learning that the woman was a social worker and not a relative from whom they could demand ransom for his behavior, the military rudely scolded Tatyana for not looking after her ward, and ordered her to quickly pick up the elderly man and sit both at home.

“Ivan Petrovich was a big man, and in a semi-conscious state. I grabbed him by the arms and dragged him into the house. I don’t know where I got my strength from, but I did it. At home, I put him to bed, wiped the blood from

his face, and he calmed down a bit. I looked out the window, but the militants started threatening me with their fists. My legs limped in fear. I closed the curtains, and my ward and I sat quietly, like mice..."

The woman was very frightened both by the behavior of the ward and by the actions of the armed men; she was constantly crying. She heard IAF members talking on the walkie-talkie, giving their coordinates, and using obscene language. In a suspended state, not knowing what would happen next, she sat for about two hours. The work did not go well, everything fell out of hand. In such a shock, Tetyana was out of her duties. As soon as the military left, the woman asked her ward to let her go.

After this incident, the woman was still in a state of stress, slept poorly, and took sedatives. According to her, she was very afraid that someone from her superiors would find out what had happened, or the elderly man would complain and she would be fired.

Tetyana could not imagine that she was a social worker who helped the elderly to survive in difficult times, being a civilian, not performing any military tasks, could face such a danger in the line of duty in the house of her ward.

As for Ivan Petrovich, one can only imagine what has experienced an elderly man who was left alone in old age and became a bargaining chip in the hands of armed men. How could he think that being at home, in the absence of active hostilities in the city – the war could somehow affect him?! Of course, wanting to protect his home from uninvited visitors, remembering

his hunting past, he attacked his abusers as best he could, not fully aware of the dangers due to his respectable age.

Regarding the reason for the “visit” of the so-called DNR to the house of the ward of the respondent, Tetyana thinks that it is connected with the location of the house.

“His house was on the way to Konstantinovska highway, and perhaps the militants wanted to occupy it for their own purposes, taking into account its convenient location...”

It is unknown what would have happened if it had happened when elderly person was alone – perhaps the very fact that the house was not empty and Ivan Petrovich was under constant care, made IAF to reject the idea of occupying this home for their own needs.

SOCIAL WORKER³⁵

Threats of the IAF of the so-called DNR, which caused the death of the ward

Kateryna worked as a social worker in a city in the north of Donetsk oblast. In the summer of 2014, this city was under the control of the IAF of the so-called DNR. One of her wards was an elderly woman, Nadiya Ivanivna, who lived in a corner apartment in a high-rise building on the city's main street.

The woman was bedfast, and Kateryna's responsibilities included providing care, buying and delivering food, medicine, cosmetic cleaning, and more.

One day in June 2014, a social worker was in her ward's apartment performing her professional duties. An elderly lady lived on the ground floor. Suddenly the respondent heard the roar of motors. Looking out the window, I saw a column of tanks, trucks, people in military uniform with weapons. The flags of the so-called DNR were placed on all vehicles.

"When they stopped under my ward's window, they saw me and started shouting for me to open the door immediately. I was glad that there were bars on the windows and the doors were strong and armored. Because the window was low, the DNR threatened me with machine guns and beat the glass. Nadiya Ivanivna lay silent in fear. I crawled under her bed in fright. The militants shouted obscene words, threatened

me, and demanded that the door be opened. Debris from broken glass fell to the floor. Lying under the bed, I was in a state of shock, unable to utter a word. I was paralyzed by fear, and I completely forgot about my ward. I just wanted to survive..."

After everything calmed down and the IAF members left, the social worker got out from under the bed and saw that her ward had died. An elderly woman, who already has many underlying health conditions, has not been able to cope with the stress she has experienced. After receiving a psychological trauma, Kateryna faced another ordeal – the death of her ward. After collecting herself, she called an ambulance, which brought her out of shock and took the elderly woman away.

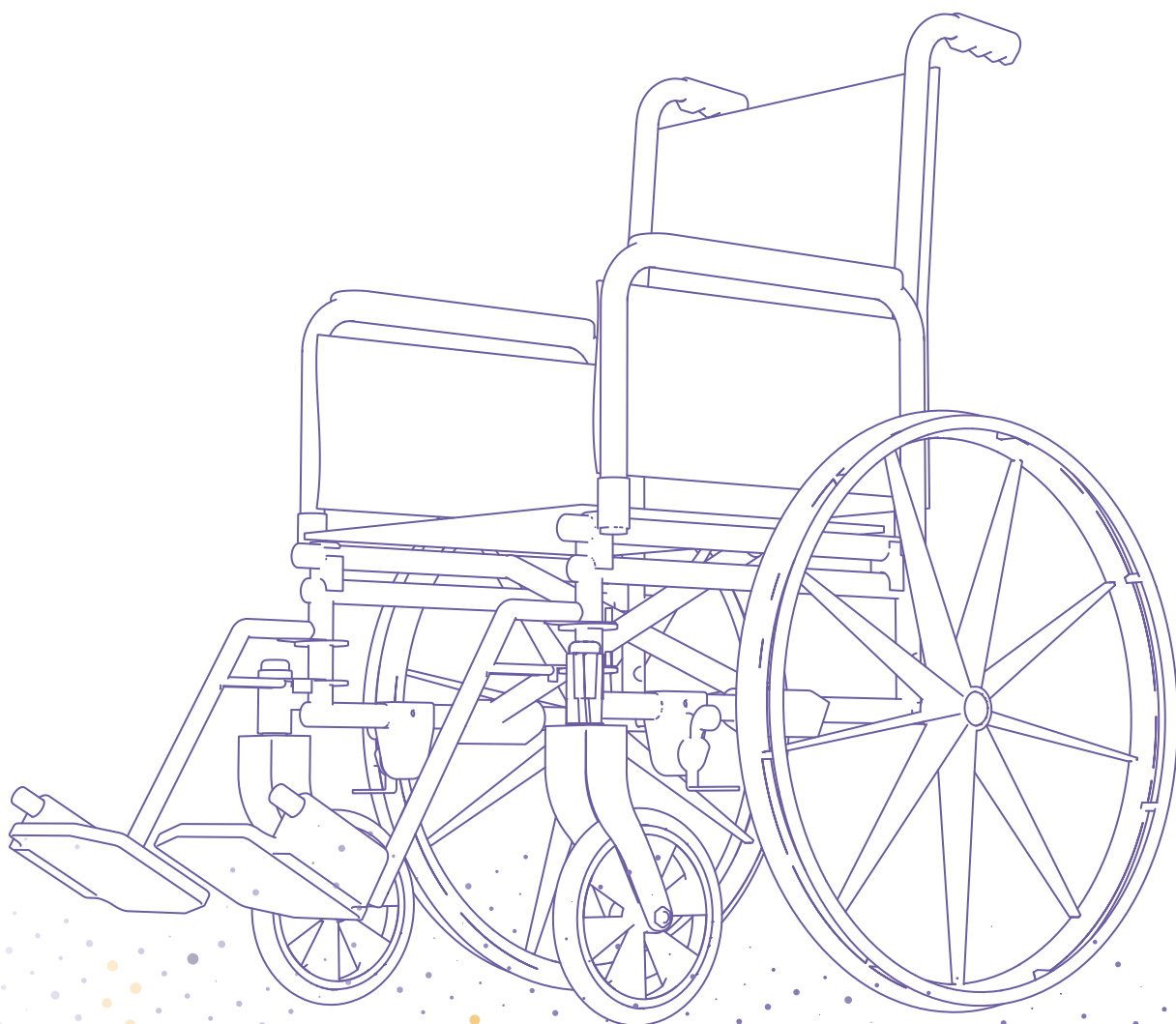
Due to the fact that it was the corner apartment, from its windows there was a good view of both central streets – according to the social worker, representatives of the so-called DNR wanted to occupy this apartment for their own purposes, for example, to fire on enemy positions. This practice was common in settlements near the line of contact, when the military occupied various facilities, including residential apartments, thereby creating risks for civilians who lived or were nearby in the event of the other side opening fire "in response".

The woman continues to work as a social worker. According to her, the described

case is still in her memory, after experiencing stress she takes sedatives twice a day for 6 years.

Thus, it can be concluded that members of such a peaceful profession as a social worker in an armed conflict may be exposed to certain risks, such as falling victim to psychological violence by the military,

falling under a stray bullet, and so on. They are forced to execute the function of the state in all conditions, providing social services to their wards. The private store in case of danger may be closed at the discretion of the owner. Social assistance does not have such a privilege.



ELECTRICIAN OF THE SUBSTATION³⁶

Unlawful demand to cut off electricity supply of the city

Maryna worked as an electrician supervising the equipment of the substations in one of the cities of Donetsk oblast. It was June 2014. In the morning, she came to her place of work – the central distribution panel (CDP), located on the outskirts of the city near the highway. The CDP is a brick building comparable with a bomb shelter. It contains all the central switches.

From the very morning, the respondent saw a convoy of tanks and trucks traveling along the highway return directly to the CDP. The flags of the so-called DNR were waving in the breeze, all military were in balaclavas. They began to demand from the worker that she turn off the central circuit breaker, that is, cut off the power supply.

“I was very scared, I quickly ran to the CDP and closed the door behind me. There were no windows in the building, only metal doors. The militants began knocking, threatening, and using obscene language. They even fired into the air.

It was very scary. I huddled in a corner and sat quietly. They probably wanted to turn off the whole city so that there would be no light or communication, but I don't know why. Of course, I could not do that – I obey only my management and have no right to stop the supply of electricity. This can lead to unintended consequences...”

When the IAF left, Maryna waited another couple of hours, opened the door and called an ambulance – she was in the seventh month of pregnancy and was very afraid that the stress she experienced would have a negative effect on her condition. She was taken to hospital, where she underwent a medical examination after receiving a psychological trauma.

According to the woman, she is still suffering severe headaches, which she associates with the shock she experienced.

CONTROLLER FOR REPAIR OF ELECTRICAL EQUIPMENT OF SUBSTATIONS³⁷

Blowing up the substation with an explosive device

As part of the study, an interview was conducted with Svitlana, who worked in the city of Bakhmut, Donetsk oblast, as a controller of customer service of DEN (district electricity networks) at a time when the city was under the control of illegal armed formations of the so-called DNR (from April to June 2014).

In June 2014, Svitlana, as part of her professional duties, went to the district substation to collect meter reading.

“The substation is a transformer vault with a metal door, the key to which I received in the DEN against signature the day before. I have to go inside, for which I have a special permit and record the readings of the central meters...”

Near the substation there stood a group of armed soldiers – IAF of the so-called DNR with the appropriate insignia. According to the woman, she was scared because the locals already had facts about the thuggish behavior of the so-called DNR, but she was obliged to fulfill her task. Svetlana was asked who she was and whether she had access to electricity. The frightened woman forgot her name and silently showed them her ID. Svetlana tried to open the door, but her

hands were shaking, so one of the soldiers snatched the keys from her, opened them himself and quickly burst inside.

“At first I did not understand what was happening. This man was very alert, acted in a hurry, I began to quietly walk back. I thought they were mining this building because there were rumors in the city that militants were blowing up transformer booths to de-energize the area of the city to rob jewelry stores. There was a big tree near the substation, to which I leaned my back and collapsed because I was unconscious.”

After a while, Svitlana heard muffled sounds, like shots. The woman decided that the man had started firing at the equipment to disable it and cut off the power supply. Out of fear, she covered her ears with her hands and hid, because she intuitively waited for the explosion, and had no strength to run.

The woman was right – the explosion took place a few minutes later. She woke up lying on the ground, disheveled and confused.

“When I opened my eyes, I was lying under the same tree – it saved me from more terrible consequences. My head hurt a lot, I was all in small stones and earth. Slowly I got up, felt myself – my arms and legs were intact. I looked around – no one was around, where the militants went, I don’t know. It occurred to me that I should notify my supervisor as soon as possible of what had happened.”

Due to the burst wave or Svitlana’s fall, her phone failed – the battery was damaged, the screen cracked. She had to go home quickly, where there was a spare phone, to call her boss and tell him about the force majeure circumstances, because that was part of her job description. It should be emphasized that the woman at that time did not think about her own health, that she should seek medical help; the only thing that bothered her was to inform the supervisor as soon as possible, because she had duties and did not fulfill them. Because of this she was very afraid of losing her job.

After Svitlana’s call, her immediate supervisor, a safety engineer and a group of repairmen arrived with her at the scene. The substation building was completely destroyed, the existing transformers were damaged and burned. An act of ignition was drawn up on the spot.

“I signed it as an accident. I had such a headache that I didn’t care. So as not to be fired and have no claims

against me as a controller. So I had to agree...”

That day Svitlana received a great psychological trauma, later she was found to have a contusion – severe headaches did not allow themselves to be forgotten, she experienced frequent nosebleeds. And periodically undergoes treatment by a neurologist.

Both this and the previous cases show that during dangerous situations women were guided not so much by their inner feelings, fears and ordinary human emotions to avoid danger, but by the realization that they could not in any case fail to fulfill their professional duties or violate the instruction. After all, Marina (the first story) could carry out the order of the armed men of the so-called DNR and cut the supply of electricity, and then there could be no claims to it. But she chose a more risky path for herself – not to violate her job descriptions, lock the door and be in the CPD, at risk of being, for example, blown up with the building, or be found later by the military of the so-called NDR with unpredictable consequences.

As for the second story, Svitlana says that she was immediately frightened when she saw the armed men. She could not approach the substation, perform her duties later, and explain the situation to her management later. But the fear of leaving her task unfulfilled, for which she received a key, was stronger, and she went to communicate with the IAF members, not knowing that it would eventually cost her health problems.

Women, as ordinary non-managerial employees, believed that fear without future consequences could not be considered

a reason for evading their professional duties, and it was not known whether the employer would later agree with the employee that there was indeed a danger for them or not. Or those were contrived things and everything would have worked out (in which case women could

be fired or administratively punished). Therefore, between professionalism and personal safety, they overcame fear and chose professionalism, risking their lives and health.



NURSE³⁸

Providing medical care during an armed attack

It was February 2015. At about 7 pm, the village of Hrodivka in the Donetsk oblast, which was under the control of the Ukrainian authorities and was 15 km from the front line, came under heavy artillery fire. The shells damaged private houses and wounded locals with shrapnel. According to the press service of the Pokrovsky city department of the Main Department of the Ministry of Internal Affairs in the Donetsk oblast, the attack was carried out by the IAF of the so-called DNR.³⁹

It should be noted that indiscriminate shelling of settlements violates the principle

of distinction between international humanitarian law, according to which the parties to a conflict must always distinguish between civilians and combatants, as well as civilian and military objects, and accordingly direct their actions only against military facilities.⁴⁰

Olena worked as a nurse at a local outpatient clinic. Returning from a work shift, be busy about the house, but she was interrupted by an armed attack, which residents of Hrodivka faced for the first time. The shells hit the houses on the street where Olena lived – it was both visible



³⁸ МП-30

³⁹ <https://112.ua/glavnye-novosti/mvd-v-rezultate-obstrelya-boevikami-grodovki-raneny-pyat-mirnyh-zhiteley-187912.html>

⁴⁰ Art. 48 of the Protocol on Protection of Victims of International Armed Conflicts: Protocol I Additional to the Geneva Conventions https://zakon.rada.gov.ua/laws/show/995_199#Text



Photos of this section:

<https://www.06239.com.ua/news/1949942/3-goda-nazad-boeviki-smercem-obstrelali-grodovku>

and audible, but the fact that there were wounded among the neighbors, the woman learned a little later.

“Right after the shelling, our neighbor Natalia’s son came to us and said that his mother was seriously injured, and asked for first aid. I agreed. I was stopped by relatives, they say, where are you going, it is dark and the shelling may continue. But it was about human life, and I made the only right decision to help my neighbor. I grabbed a car first aid kit, a tonometer, some other medications and was ready to go. When I ran to her, it was very scary, no one

knew if there would be more shelling. The light died out due to the broken power lines, so it was very dark and it was scary...,” – says Olena.

When the woman reached the neighbors, the victim was lying in the summer kitchen on a bed in serious condition. A fragment of the shell injured his leg, causing bleeding that was difficult to stop. Olena administered first aid – she bandaged the leg, injected painkillers, gave a sedative. But Natalia still needed the intervention of doctors in hospital. Calling the ambulance, Olena answered that the car of the Grodno ambulance station is currently busy with other calls. Then the woman and her husband decided to take the injured in their own car to Myrnohrad Hospital, which was done.



Natalia underwent a surgery in the hospital and her right lower limb was amputated. As a result of the shelling in Hrodivka, 8 people were injured, including a young child.⁴¹

it may sound, risking their own lives and health to help others.

Like every resident of Hrodivka, that day Olena experienced a shock due to the shelling of her village. Fear of a possible new attack, stress, concern for own life and health – did not stop the woman from helping the person who needed it.

The doctor does not stop being a doctor even after the end of the work shift. Sometimes even the opposite, at workplace doctors can not provide urgent care to injured during the shelling threat as there are certain job instructions or instructions of the management. The off-duty doctor is guided solely by their own assessment of the degree of injury and danger. Often at such moments, medical workers commit truly heroic deeds, no matter how pompous

⁴¹ https://www.youtube.com/watch?v=GwGgt_7ybRE

NURSE OF THE PREVENTIVE TREATMENT CENTER,⁴² LABORATORY ASSISTANT⁴³ OF THE CHASOVOYARSK REFRACTORY PRODUCTS PLANT

Psychological violence by the IAF

The main job provider in the small town of Chasiv Yar in the Donetsk oblast is the Chasovoyarsk refractory products plant (hereinafter – CRPP). As of May 2014, it consisted of a central building and a preventive treatment center.

On May 11, the so-called referendum on the independence of the Donetsk People’s Republic took place on the territory of Chasiv Yar. In June, the city was controlled by representatives of the so-called DNR.

As part of the study, an interview was conducted with the nurse Anastasia, who was working at the center at the time and witnessed a “visit” by the IAF members.

It was a regular working day in early June. The staff of the preventive treatment center was busy with their usual activities – doing massages, putting drips, caring about patients. A column of tanks and trucks with armed men in military uniforms with “St. George’s ribbons” drove into the yard. The flags of the so-called DNR were installed on the vehicles. The license plates were splattered with mud or wrapped in rags.

IAF members entered the preventive treatment center with weapons and began to take everyone, including staff of seven employees and patients, to the corridor.

“We were all very scared. Some people fainted, the children cried (note: it was allowed to bring children to the center). The patients were later released, and all those in white coats were placed near the wall. The militants behaved very aggressively – shouting, shooting over our heads. The chief doctor began to say that he was responsible for the equipment of the preventive treatment center, he was pushed and taken to a separate office. We didn’t even see what happened to him there...”, – the woman recalls.

Subsequently, all medical staff were evicted from the building, not allowing their personal belongings to be taken away. According to the respondent, as soon as she went outside the fence, she lost consciousness – at that time she was pregnant, and the stress was noticeable. People passing by saw her, brought her to consciousness and took her to Bakhmut Hospital. There the woman was provided with maintenance of pregnancy until childbirth.

42 МП-04

43 КП-05

“Nothing passes without a trace. At that time I thought that they would execute me – I said goodbye to life, prayed to God... I experienced a lot of stress. I still take sedatives, I am registered with a neurologist. A lot of money is spent on medications. My relatives were very worried about me,” – the respondent said.

The events of that day were also described by another respondent, Anna, who worked in the plant’s laboratory. According to her, armed men entered the central building of the CRPP, ordered everyone to stay in their seats, and threatened the men guarding the plant with machine guns. Representatives of the so-called DNR tried to break into the laboratory, which was located on the ground floor of the central building, but the staff opened the door themselves. They smashed flasks, tore down logs and records, overturned tables. Then all eight laboratory assistants were expelled with their hands raised to the corridor.

“Because, in addition to my duties as a laboratory assistant, I cleaned the premises, I had spare keys for all the doors. At that moment, I was very scared, so I took the opportunity that the militants were all busy, slipped into the ‘back door’, opened the door, leaving all the keys in the keyhole, and ran out of the building. Through a hole in the fence, I left the plant and ran to my house, which was nearby. She grabbed the children, documents and

went to relatives in Western Ukraine...”, – says Anna.

According to the woman, in the summer of 2014, many employees of the plant were laid off, including her. After returning to Chasiv Yar, she took her employment book and had to change place of work.

The interviewed respondents do not have information for what purpose the representatives of the so-called DNR came to the territory of the CRPP and carried out an act of intimidation of employees. By doing so, they endangered the personnel, because the other party of the conflict, having received information about the presence of armed soldiers on the territory of a certain object, although civilian, could use deadly force.

It should be noted that the IAF members did not “capture” the CRPP, their headquarters was located in the building of the former trade union of music school (until their departure after liberation of Slavyansk in early July 2014).

SEPARATE DISTRICTS OF DONETSK AND LUHANSK OBLASTS

RAILWAY WORKER,⁴⁴ LUHANSK STATION

Indiscriminate shelling

Victor worked as a train assembler at the Luhansk station of the Donetsk railway. During the fiercest hostilities in Luhansk from March to November 2014, his responsibilities included the assembling and disassembling of freight and passenger trains. At this time, Luhansk was controlled by the IAF of the so-called LNR.

Every shift, on their way to work, workers were afraid that they would come under fire. During the hostilities near the railway, they hid in a bomb shelter built in 1878, which was located in the building of the old railway station.

“Everyone was hiding, not only the railway workers, but also the civilians who were nearby – women, the elderly, children, animals – dogs, cats, who understood that it was safe because people were fleeing there during the shelling. It was possible to predict the beginning of the shelling according to their behaviour – we don’t hear or know yet, and they already felt and ran to the shelter first...”

Both during the day and at night during the intense shelling, workers hid under cars and locomotives. If it was far to the

bomb shelter, the embankment of the railway could be used instead, behind which hid both workers and civilians. According to Victor, in his shift the projectile got between the rails and did not explode, the trolley system was damaged and a piece of rail was torn out.

During hostilities, women were afraid to go to work, and management issued a verbal order that men would perform work duties for themselves and for women. As a result, the work schedule became irregular, working almost around the clock. The workload on each worker increased, many workers were hospitalized, many quit their jobs and went to peaceful areas with their families without even leaving the job officially. The work at that time was structured as follows: in the morning during the planning meeting workers were putting signatures in the health and safety journal, receiving assignments for the shift and instruction. And after the shift, in order not to come under fire on the way home, they often spent the night in a bomb shelter.

“The lack of drinking water forced us to look for wells in the private sector. We washed our working clothes in the Luhan river and bathed ourselves there after the shift. When it was too far to walk far to the wells, we took water

in the river Vilkhova, which flowed near the bomb shelter, and purified it for drinking...”.

In July 2014, banks in Luhansk stopped working, and problems with receiving salaries began.

“As soon as we learned that the salary was accrued, we sent one courier with cards of 15–20 employees to withdraw cash at ATMs in the controlled area. There were often cases when part of the money, sometimes cards, was taken away at checkpoints.”

During the interview, the data on the use of railway infrastructure for military purposes was obtained. The respondent was informed that during his day shift a man in military uniform of the so-called LNR entered the building of the old railway station. He ordered to clear the station square and hide in a bomb shelter, because mortars will be installed on the platform to fire at positions near the village of Metalist. Several times the railwaymen saw how at the very railway crossing from the city to the old station the Grad installation was located, which occupied a convenient position for a possible attack on the enemy.

“Once I saw how two ‘Gazelles’ (cars) and an ambulance approached the station square after the shelling, and blood flowed from the Gazelles to the asphalt. The military ordered paramedics to examine the bodies in the ‘Gazelle’ to see if anyone had survived, but

unfortunately, from the amount of blood flowing to the asphalt, it was clear that no one survived, and the doctor confirmed it...”

During the attacks, the shells hit the railway hospital, which was located near the station – the windows flew off, the brick load-bearing wall was damaged. Due to the shelling, six ChME3 (Czechoslovak electric locomotives, shunting, type 3) and main locomotives were damaged, passenger cars, electric trains, and a diesel train were knocked out of service.

Railway workers were in danger almost every day. In June 2014, during the day shift, the shelling began, Victor and his colleagues hid under a shunting locomotive. The driver of this locomotive received shrapnel wounds. The ambulance could not arrive until the attack was over. The man died before reaching three months of retirement.

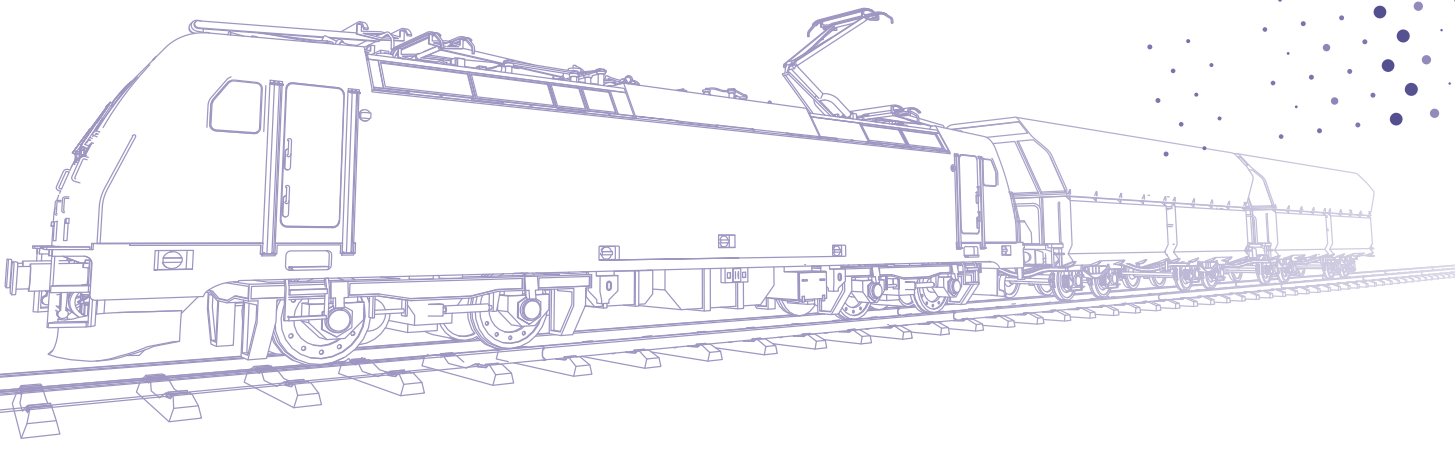
“During the active hostilities, eight people from the Luhansk station were killed, five lost their arms and legs, and how many people were injured was not even counted. Three people died during my work shifts, two remained disabled...”.

During the next attack, Victor suffered a head injury – the blast wave threw him on the car, he lost consciousness. When he woke up, he called an ambulance, which arrived after the shelling and took him to the oblast hospital. There he was taken for an X-ray and has been treated. The next day, the man was discharged home because there were not enough beds in the hospital,

even for seriously ill patients – the patients were lying in the corridors on the floor on mattresses. The respondent's sick pay was paid in full, and the issue of granting the status of a disabled person was not raised at all.

According to the man, the consequences of the injury are still visible. After moving to the territory controlled by the Ukrainian authorities in 2016, Victor had to change his place of work because the medical commission did not allow him to work in the railway shop due to his psychological and physical injuries.

“The received psychological traumas, both at me, and at other people will never pass and will never be forgotten. No psychologist who has not gone through this will be able to help a person with their problem...”



AN EMPLOYEE OF THE MINISTRY OF EMERGENCIES OF THE SO-CALLED DNR⁴⁵

Injuries received in the line of duty

As part of the monitoring study, interviews were conducted with two employees of the State Emergency Service. One of the men remained to work in Donetsk on the territory not controlled by the Ukrainian authorities, the other – at the end of 2014 moved to the controlled part of Donetsk oblast.

Mykyta joined the ranks of the rescue service before the start of hostilities. He currently holds the position of Deputy Chief of the State Fire and Rescue Detachment (SFRD) of the Ministry of Emergencies of the so-called DNR of Donetsk.

According to the respondent, since 2014, new challenges have been added to the daily work of the rescuer – fire fighting operations, assistance to the population in emergencies, fire and radiation safety – as overcoming the consequences of shelling and evacuation of residents. At that time, people were leaving the dangerous areas en masse. This also applied to SES employees, so the workload on staff was quite high. In fact, the work schedule has become irregular. Very often I had to work after the shift, sometimes called on weekends. This pace was maintained almost throughout 2014 and early 2015. Employees were later compensated for their excessive workload by providing additional paid leave.

Mykyta was at work when the shelling of the Petrovsky district of Donetsk, which was the border area of the city from the front line, began. According to the man, at that time there were fierce battles near

the oblast center, so the shells “flew” to the surrounding area quite often. It was the evening of June 5, 2014. The dispatcher of the State Emergency Service received the call that a detached house was set on fire as a result of the shelling.

“Actually, I was in the Kirov district, but we were sent because there were not enough people in Petrivka. On the way to the place of the fire we saw a house that was extinguished the day before – shells were often hit in those areas. Of course, this is not the first time I have taken part in fire fighting, but it was the first time I had to work in such extreme conditions, in fact under shelling. When we arrived, we took people out of the burning house. Suddenly a shell exploded nearby, and an old building shook very much. The ceiling and walls began to fall directly on me. Fortunately, I was not under the rubble, but the wreckage crushed my hand. I received a bruise and a second-degree burn,” – the respondent said.

After calling an ambulance, Mykyta was taken to hospital, where he was treated. He was treated on an outpatient basis,

45 ДС-25

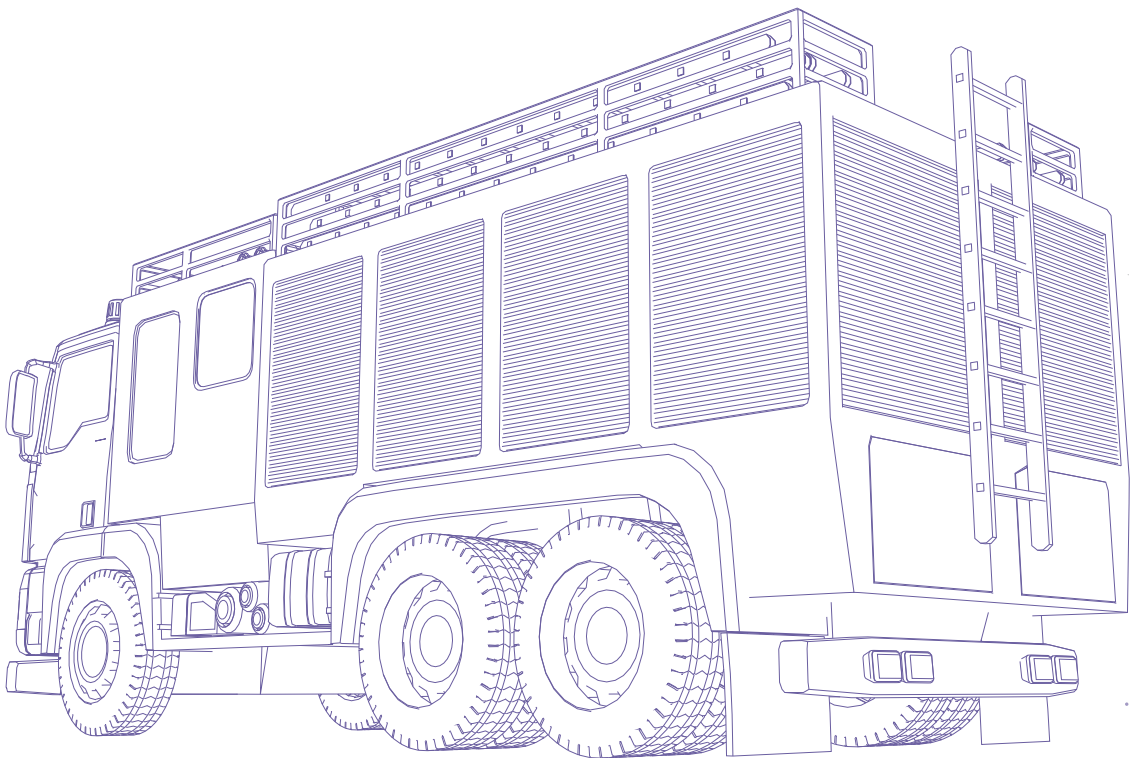
all necessary medications were provided to the man free of charge. His partner also received several minor burns. The evacuee family was not physically injured, but their house burned down.

Mykyta continues to work in the ranks of the rescue service of Donetsk, which changed its name in accordance with the new structure of the so-called government of the DNR.

According to the rescuer he did not receive the status of combat veteran. According to him, such a status is granted only to those who directly took part in hostilities. But according to the so-called Law “On Social Protection of War Veterans”, adopted by the Resolution of the so-called “People’s

Council of the DNR” on May 15, 2015 (art. 6, part 5, para. c))⁴⁶, the rank and file of the Ministry of Emergencies, which took part in the elimination of the shelling, should be granted the status of the DNR resistance participant with all relevant social benefits. This is discussed in more detail in the section “Regulations governing the provision of social guarantees to representatives of the studied categories, and their application in practice.”

We can conclude that in the so-called DNR there is a problem with informing people who under the local law have the right to receive a particular status and benefits.



46 <https://dnrsovet.su/zakon-dnr-o-sotsialnoj-zashhite-veteranov-vojnny/>

AN EMPLOYEE OF THE SES OF UKRAINE⁴⁷

Threatening with article with blade weapon from the side of IAF

The second respondent, Maksym, moved to the controlled part of Donetsk oblast in October 2014, so he was aware about the difficulties of the rescuer's work during hostilities.

According to Maksym at the time, due to the fact that a large number of fire hydrants were damaged by shrapnel, the water supply to the fire fighting operations was restricted. Rescuers took water from the reservoirs, so the fire hoses were clogged with stones and algae, so firefighters were using fire hoses with no strainers for greater efficiency. Due to the lack of water, the rescue teams were promptly deciding whether it made sense to douse a fire, and made a choice in favor of the buildings that could be saved.

“We did not have any protecting equipment. There was a pair of bulletproof vests that we hung on the car, and that’s it. The workload was insane, there were not enough rescuers. One car drove into the unit, the other drove away because there was a lot of shelling in different parts of the city. Our normal work schedule was disrupted. We worked almost without days off for months...”, – the respondent describes working conditions.

During the interview, Maksym spoke about the use of civilian objects for military purposes. In the summer of 2014, the school in the Kyiv district of Donetsk was used by the so-called DNR as military warehouse – firefighters saw how DNR members unloaded and carried ammunition to school. The fire and rescue unit №1, which was located near the SSU building, was seized by representatives of the IAF so its employees had to “move” to the DPRZ №7. The respondent witnessed how the so-called subdivisions of DNR were rushing towards the Donetsk airport.

The lion’s share of SES calls during active hostilities were related to overcoming the consequences of the shelling. According to Maksym, they once had to extinguish a burning minibus in which the shot people were on fire.

“It was May 8, I remember. We received a call that a car was on fire in the Azotny residential district. We arrived, the car was covered with car tires. We started taking them off and saw inside the bodies of people with gunshot wounds and a burnt yellow and blue flag, which led us to conclude that they first shot and then burned Ukrainian activists...”, – Maksym recalls.

47 ДС-01

On August 28, 2014, the Kuibyshev district of Donetsk was shelled. Maxim as part of the team went to extinguish the bread stall.⁴⁸ Arriving at the scene, firefighters saw that the saleswoman died on the spot from a shrapnel wound. During the rescue operation, the shell bursted near Maksym so he received a minor contusion. He had a headache for several days, but the man did not seek medical help.

Maksym described cases of violence by the military of the so-called DNR, which he witnessed himself. One day, at an inner checkpoint, a Caucasian looking member of IAF threatened the fire truck driver with the knife for wearing a Ukrainian cockade. Like, how could he wear a fascist badge. After a dialogue, SES officers were released with the words, 'You should thank God for being a firefighter.'

Another time, while rushing to the call, rescuers passed a checkpoint in the Kuibyshev district, where they saw several men in civilian clothes standing on their knees with their hands behind their heads. Members of the IAF of the so-called DNR stood nearby armed with machine guns. One and a half to two hours later, when the brigade was returning from firefighting, they saw civilians dead with a sheet thrown over them.

On September 15, 2014, as a result of shells hitting the adjacent territory of the State Fire and Rescue Unit N°7 of the Kuibyshev District, shrapnel damaged the facade of the unit's building, broke glass, and the furniture inside.⁴⁹ None of the SES officers were injured during the shelling.



⁴⁸ <https://www.youtube.com/watch?v=UUFJsOHVADk>

⁴⁹ <https://www.youtube.com/watch?v=W-6EyA5UAUs>

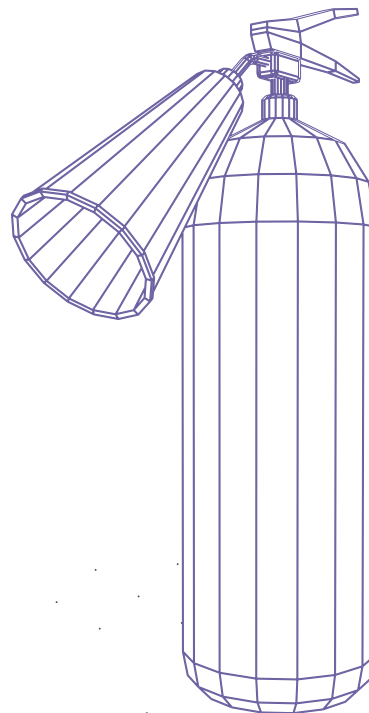


After Maksym moved to the controlled territory, he continued to work in the SES. In 2015-2016, during trips to the line of contact, the rescue team often came under shelling.

“It happened both in Toretsk and in Avdiivka. Shells were hitting close, there were no casualties among us, shells hit a building nearby. The shelling was carried out by territories not controlled by Ukraine. From Avdiivka I brought fragments of shells and handed them over to the museum of local lore. There

were cases when after the shelling we were repairing roofs for the people, covering the broken windows with PVC tablecloth, plastic bags so that the snow would not get inside, and the next day there would be the shelling again, everything was damaged again...”.

According to him, he received the status of a combat veteran in accordance with the Law of Ukraine “On the status of war veterans, guarantees of their social protection.”



NURSE⁵⁰

Injury due to shelling while providing medical assistance

Ksenia worked as a nurse at the Central District Hospital in Amvrosiyivka. In July 2014, during a fierce battle for control of the Savur-Mohyla mound (278 m), the woman was performing her medical duties as part of an ambulance crew. Amvrosiyivka was under the control of the so-called DNR and often suffered from shelling. In one of these cases, an ambulance received a call that a middle-aged man was injured on the street when he was walking home.

“It was immediately clear that the shelling started. I was in the hospital then and I heard well, how shells explode. This was not the first time I’ve arrived to the victims of the attacks – there have been intense hostilities for a couple of months by then, and this has happened all the time. We went on a call. The wounded man was hit in the back of the head with a shrapnel, but not fatally. As I was providing medical treatment, another shell exploded nearby. I was very frightened, fell on the asphalt and was very unlucky – when I woke up from the shock, I noticed that my left arm was fractured,” – Ksenia recalls.

Colleagues provided first aid to both Ksenia and the injured person. Then both were taken to the hospital, where the woman’s arm was put in plaster and the man underwent

surgery. Ksenia spent another month in plaster. At this time, she was on sick leave, which was paid in full. It is not worth to say what psychological trauma a woman received. She had trouble sleeping, she shivered at every loud sound. She still can’t talk about what happened without worry.

According to the woman, in 2014 during the active phase of the conflict, the workload on staff increased significantly. And not just because the number of patients has increased. Many left the danger zone, so the hospital faced a shortage of staff. Ksenia was transferred to the ambulance department because there were not enough fully staffed brigades. The workload increased many times, sometimes doctors worked several shifts in a row.

According to the respondent, she was not granted any compensation or special status, apart from free treatment, for performing her professional duties in dangerous conditions and being injured as a result of the shelling.

“I was not granted combat veteran status, as I was not a medical orderly. Those who treat civilians, even under bullets, are not granted this status. Although I took part in the fighting one way or another, like other people working under the whistling of shells. So I think that such a status is really necessary.”

It should be noted that according to the law “On social protection of war veterans”, adopted by the Resolution of the so-called People’s Council of the DNR on May 15, 2015 (art. 6, part 5, para. c))⁵¹, medical workers who provided assistance to the wounded in the area under artillery fire, and carried out their further evacuation

to medical institutions, should be granted a status of a NDR resistance participant with the provision of all relevant social benefits. This is discussed in more detail in the section “Regulations governing the provision of social guarantees to representatives of the studied categories, and their application in practice.”

51 <https://dnrsovet.su/zakon-dnr-o-sotsialnoj-zashhite-veteranov-vojny/>

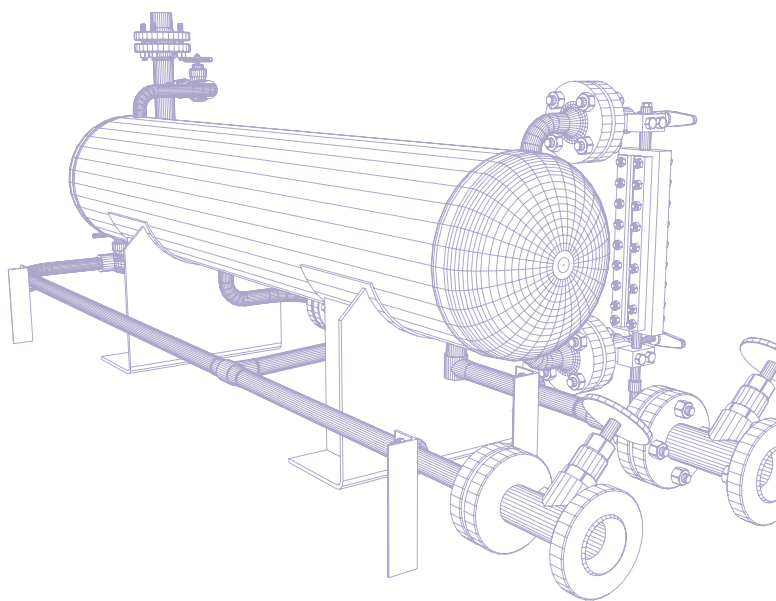
PLUMBER OF THE UC DONBASS WATER COMPANY⁵²

Contusion due to shell burst while in the line of duty

Since 2010, Roman has worked as a plumber at the Donbas Water Company. On the night of October 7, 2016, there was a shelling in the Kyiv district of Donetsk, due to which utility company had to repair a water supply pipe damaged by shrapnel. In the morning the emergency crew went to the place and started work.

“Everything calmed down in the morning, and nothing foretold a shelling to be renewed. We dug a trench, and just started to patch the pipe directly, when we heard the sound of shells bursting, but not close. We decided to leave from there if there would be an order from the chief. When I was in a trench, a shell exploded nearby. I was not injured by the shrapnel because I was in a pit, but I was injured due to the blast wave. I felt sick and fainted almost immediately. I woke up when the guys from our crew put some wet cloth on my head...,” – Roman recalls.

There were 8 people in the emergency crew. No one but Roman was injured. The men stopped the repairs, left all the equipment on the spot and quickly took Roman to the hospital, where he spent two months. According to the respondent, the treatment was almost free, only some medicines had to be purchased. After his discharge, Roman sought medical help several times for constant headaches. The man was paid for a two-month sick leave, and no other compensation was provided.



EMPLOYEE OF THE DISTRICT ELECTRIC NETWORKS OF DEBALTSEVE⁵³

Shrapnel wound during an armed attack

In 2014-2015, workers of the district electric networks (DEM) of Debal'tseve often had to work in dangerous conditions. Pavlo was a repairman in the emergency crew of the DEM, which was restoring the power lines damaged by shelling.

“As a rule, the brigade left after the battle was over, and there would be an agreement on a regime of silence, but sometimes it happened that the shelling began when we were already performing repairs.”

In June 2015, when the emergency crew once again fixed the damage from shelling, workers heard the sound of shells exploding from afar. In those years, this was commonplace, so the repairmen continued their work, speeding up a bit. It is worth noting that since the beginning of hostilities, personnel have been issued bulletproof vests and helmets as they travel to dangerous areas. So it was this time.

“Suddenly a shell bursted near me and my partner. He was not injured, and I had a shrapnel wound to my leg and a contusion. I don't remember very well what happened next.

I know that after my injury we were evacuated, the military arrived and took us out of the danger zone. I was taken to the hospital, where I spent six months. The leg was very badly damaged, there was not a simple fracture – both the femur and tibia, knee and muscles were injured. I underwent three bone reconstruction surgeries. Then I underwent physical rehabilitation because I had to learn to walk again. The treatment was at the expense of the state. After discharge, when seeking medical help I was paying for medications by myself.”

According to the respondent, the consequences of the injury are still worrying – the leg hurts periodically, it is difficult to walk up to the fifth floor. Pavlo was granted a third-degree disability under the law of the so-called DNR, according to which he received some assistance. After being discharged from the hospital, the man resigned because he did not want to continue working in a position where he was forced to risk his life and health under sudden shelling. He is currently working as a driving instructor.

RECOMMENDATIONS

PUBLIC AUTHORITIES SHOULD:

- improve the current legislation of Ukraine in order to eliminate the discriminatory approach to granting the war participant status;
- improve the existing system of payment of supplements to employees of public utilities, institutions, organizations (financed from the budget and located in settlements on the line of contact), which should be paid regardless of the economic situation of local communities;
- settle the issue of payment of supplements to medical workers in accordance with the resolution of the Cabinet of Ministers of Ukraine N° 708 in the framework of current medical reform;
- develop and adopt the regulatory framework of both national and local levels, in order to grant social and material benefits to employees of utilities that provide gas, water, electricity (not financed from the budget), who performed their professional responsibilities in conditions of risk to life and health in settlements on the line of contact;
- to implement measures to reduce the risk of injury due to hostilities by personnel of civilian infrastructure in the line of duty;
- to investigate crimes related to military conflict against medical and social workers, infrastructure workers and communications workers who have been injured in the line of duty.

PARTIES AND DIRECT PARTICIPANTS IN THE ARMED CONFLICT SHOULD:

- respect the work of medical and social workers, workers of infrastructure and utilities and not interfere in their work in the line of duty;
- respect the property of civilian infrastructure and not use it for military purposes. Do not place personnel and military equipment on their territory;
- refrain from the use of indiscriminate attacks and weapons of indiscriminate action in places of residence or concentration of civilians, placement of facilities necessary for the survival of the civilian population that are not used for military purposes;
- take all necessary precautions when choosing the means and methods of attack in order to avoid casualties among the civilian population, injury to civilians and accidental damage to civilian objects.

