



**The Russian Federation's Compliance with the International Covenant on Civil and Political Rights:
The Death Penalty and Summary Executions in Crimea and Eastern Ukraine**

Submitted by the Advocates for Human Rights

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and

Women's Information Consultative Center

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The Advocates for Human Rights (The Advocates) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a Death Penalty Project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition Against the Death Penalty.

Women's Information Consultative Center (The WICC) is a volunteer-based nongovernmental organization working in the area of women's human rights, gender equality, non-discrimination, peace culture. Established in 1995, The WICC realized numerous initiatives on human rights, conflict transformation, and peace education in Ukraine and around the world. The WICC is the member of the World Coalition Against the Death Penalty.

EXECUTIVE SUMMARY

1. The Russian Federation backs the separatist rebels who control parts of Eastern Ukraine.¹ Those rebels have established their own quasi-judicial proceedings by which individuals have been sentenced to death and executed. There are credible reports that those rebels, as well as “self-defense” militia groups in Crimea, are also engaging in extrajudicial and summary executions of civilians and Ukrainian soldiers. Russia has a due diligence obligation under the Covenant to prevent private parties such as these separatist rebels and “self-defense” groups, over whom the Russian Government is able to exert control,² from violating Articles 6 and 14 of the Covenant.

I. Russian law prohibits courts from imposing death sentences.

2. The Russian Government’s State Party Report to the Committee confirms that under a 2009 decision of the Constitutional Court, the death penalty may not be applied. The Russian Federation has had a *de facto* ban on imposition of the death penalty for over 15 years.

II. The Russian Federation provides significant support and assistance to separatist rebels who control areas in Eastern Ukraine, invoking its obligations under Article 2(1) of the Covenant.

3. As of October 31, 2014, separatist rebels control approximately 16,400 square kilometers in Ukraine, including portions of the eastern part of Donetsk Oblast of Ukraine (the so-called “Donetsk People’s Republic” or DPR) and portions of the southern part of the Luhansk Oblast of Ukraine (the so-called “Luhansk People’s Republic” or LPR).³ Approximately 3.1 million people live on this territory.⁴
4. At a minimum, the Russian Federation provides humanitarian and military support for DPR and LPR separatist rebels. For example, the UN Human Rights Monitoring Mission to Ukraine recently reported that “[o]n 19 September and 31 October, two further convoys were sent by the Russian Federation to the territory under the control of the ‘Donetsk people’s republic’ and ‘Luhansk people’s republic,’ crossing ‘at the Izvaryne border crossing point without the authorization of Ukraine.’”⁵ By February 15, 2015, the Russian Government had sent at least 14 “humanitarian aid” convoys into Eastern Ukraine.⁶ As of February 16, the U.S. Government was “closely monitoring reports of a new column of Russian military equipment moving toward Debaltseve.”⁷ In January 2015, separatists fighting for control of

¹ See paragraphs 4–6 of this report and accompanying footnotes.

² *Ibid.*

³ Office of the United Nations High Commissioner for Human Rights, *Report on the Human Rights Situation in Ukraine*, Nov. 15, 2014, ¶ 6, n.8.

⁴ *Ibid.*

⁵ *Id.*, ¶ 4. See also *Q&A with US Amb. Geoffrey Pyatt: Ukraine Crisis Escalates as War Fears Grow*, Voice of America, Apr. 14, 2014, <http://web.archive.org/web/20140608063719/http://www.voanews.com/content/q-and-a-with-us-amb-geoffrey-pyatt-ukraine-crisis-escalates-as-war-fears-grow/1893136.html>, last visited Feb. 17, 2015 (“you have people in cities across eastern Ukraine, some of them heavily armed with Russian weapons, including state-of-the art sniper rifles, Russian inventory automatic machine guns with grenade launchers.”).

⁶ *Russia’s Humanitarian Aid Convoy Arrives at Border With Ukraine*, Sputnik News, Feb. 15, 2015, <http://sputniknews.com/russia/20150215/1018288328.html>, last visited Feb. 19, 2015.

⁷ U.S. Department of State, *Cease-fire Violations in Ukraine*, Press Statement, Feb. 16, 2015, <http://www.state.gov/r/pa/prs/ps/2015/02/237525.htm>, last visited Feb. 19, 2015.

the Donetsk city airport deployed a weapon called the “Buratino” (Pinocchio), which fires “vacuum bomb” rockets from a tank chassis.⁸ A Ukrainian military analyst told the New York Times that “[o]nly Russia could have provided them this weapon.”⁹ An independent human rights organization, Memorial, has published a report based on extensive interviews with civilians in the area confirming that Russian troops were present in Eastern Ukraine through the end of 2014.¹⁰ Moreover, the DPR Council of Ministers has requested that the Government of the Russian Federation “consider the issue of our republic’s accession into the Russian Federation.”¹¹

5. Several sources suggest that the rebels not only receive support from the Russian Government, but are led by Russian special forces.¹² For example, in mid-February 2015, the acting Deputy Commander of the Land Forces of the Russian Federation, Lieutenant General Alexandr Lentsov, was shown in Russian media clips dressed in regular fighter camouflage, standing alongside LDR fighters near Debaltseve.¹³ The clips identify Lentsov as a “people’s militia unit commander.”
6. The DPR’s self-proclaimed Minister of Defense for much of 2014, Igor Strelkov (Ghirkin), is a Russian citizen and has admitted to serving in the Russian FSB (federal security forces, the successor organization to the KGB) until March 2013.¹⁴ In a December 2014 interview, Strelkov told Ukrainian journalist Aleksandr Chalenko that he is presently a colonel of the Russian FSB.¹⁵ Ukrainian and EU authorities identify Strelkov as a retired colonel of Russia’s GRU (military intelligence agency).¹⁶ He stepped down as DPR military chief in

⁸ Andrew Roth & Andrew E. Kramer, *Rebels Claim to Have Control of Ukraine Airport*, New York Times, Jan. 16, 2015, http://www.nytimes.com/2015/01/17/world/europe/russia-ukraine-donetsk-airport.html?_r=0, last visited Feb. 17, 2015.

⁹ *Ibid.*

¹⁰ *Правозахисники довели факт присутності російських військових на Донбасі*, NGO.Donetsk News Portal, Feb. 17, 2015, <http://ngo.donetsk.ua/news/pravozahisniki-doveli-fakt-prisutnosti-rosiyskih-viyskovih-na-donbasi>, last visited Feb. 19, 2015; Memorial, *Between Truce and War* (2015), available at <http://www.memo.ru/uploads/files/1632.pdf>.

¹¹ *Donetsk People’s Republic asks Moscow to consider its accession into Russia*, RT, May 12, 2014, <http://web.archive.org/web/20140512232528/http://rt.com/news/158436-donetsk-republic-ask-join-russia/>, last visited Feb. 17, 2015.

¹² Roth & Kramer, *supra* note 8; Susana Mas, *Ukraine Crisis: Stephen Harper blames ‘Russian provocateurs’ for escalation*, CBC News, Apr. 14, 2014, <http://web.archive.org/web/20140422204512/http://www.cbc.ca/news/politics/ukraine-crisis-stephen-harper-blames-russian-provocateurs-for-escalation-1.2609504>, last visited Feb. 17, 2015; *No doubt that Russia behind unrest in Ukraine – UK Foreign Secretary*, Interfax-Ukraine, Apr. 14, 2014, <http://web.archive.org/web/20140416174543/http://en.interfax.com.ua/news/general/200643.html>, last visited Feb. 17, 2015.

¹³ В Дебальцево заметили действующего заместителя командующего Сухопутных войск РФ, Unian Information Agency, Feb. 18, 2015, <http://www.unian.net/war/1045463-v-debaltsevo-zametili-deystvuyuschego-zamestителя-komanduyuschego-suhoputnyih-voysk-rf-lentsova.html>, last visited Feb. 19, 2015.

¹⁴ Noah Sneider, *Shadowy Rebel Wields Iron Fist in Ukraine Fight*, New York Times, July 10, 2014, <http://www.nytimes.com/2014/07/11/world/europe/russian-seizes-authority-over-ukraine-rebels.html>, last visited Feb. 17, 2015.

¹⁵ “*Дважды урезанное*” интервью Стрелкова: ни слова об ФСБ, BBC Russian Service, Dec. 2, 2014, http://www.bbc.co.uk/russian/russia/2014/12/141202_strelkov_girkin_confessions_censored, last visited Feb. 17, 2015.

¹⁶ Sneider, *supra* note 14; *EU Names 15 New Targets for Ukraine Sanctions*, Radio Free Europe/Radio Liberty, Apr. 29, 2014, <http://www.rferl.org/content/eu-sanctions-ukraine-russia/25366276.html>, last visited Feb. 17, 2015.

August 2015.¹⁷ In September 2014, Strelkov returned to Moscow and pledged his loyalty to and support for Russian President Vladimir Putin.¹⁸

7. The International Covenant on Civil and Political Rights obliges the Russian Federation to respect and ensure the rights contained in the Covenant for “all individuals within its territory and subject to its jurisdiction.”¹⁹ This obligation extends “to anyone within the power or effective control of th[e] State Party, even if not situated within the territory of the State Party,” as well as “to those within the power or effective control of the forces of a State Party acting outside its territory, regardless of the circumstances in which such power or effective control was obtained.”²⁰ State Parties to the Covenant must “take appropriate measures” and “exercise due diligence to prevent, punish, investigate or redress the harm caused by” acts committed by individuals and entities that are not formal agents of the State.²¹ The Covenant also applies “in situation of armed conflict to which the rules of international humanitarian law are applicable.”²²
8. The DPR’s and LPR’s private, quasi-judicial proceedings by which individuals are sentenced to death lack fundamental guarantees of due process and therefore violate Articles 6 and 14 of the Covenant. Summary executions also violate those articles of the Covenant. Because the Government of the Russian Federation and its armed forces are inextricably intertwined with the actions of the DPR and LPR leadership, the Russian Federation is responsible for those violations and has a due diligence obligation to prevent further violations by the DPR and LPR.

III. Sham “courts” in separatist-controlled areas in Eastern Ukraine are imposing death sentences under the pretext of legal authority in proceedings lacking due process.

9. The most recent report of the UN Human Rights Monitoring Mission to Ukraine observes that “[i]n the territories under the control of the ‘Donetsk people’s republic’ and ‘Luhansk people’s republic’ there continues to be a total breakdown in law and order, and a lack of any human rights protection for the population under their control.”²³ Human rights organizations confirm that it is difficult to get information from eastern Ukraine due to the ongoing conflict.²⁴ One human rights organization reported that “Between April and September [2014], intense fighting led to the complete collapse of law and order in several rebel-controlled areas. Rebels . . . carried out several summary executions.”²⁵

¹⁷ *Ukraine’s Rebel Leader Igor Strelkov Steps Down*, Moscow Times, Aug. 15, 2014, <http://www.themoscowtimes.com/news/article/ukraine-s-rebel-leader-igor-strelkov-steps-down/505175.html>, last visited Feb. 17, 2015.

¹⁸ Donald N. Jensen, *Are the Kremlin Hardliners Winning?*, Institute of Modern Russia, Oct. 1, 2014, <http://imrussia.org/en/analysis/world/2041-are-the-kremlin-hardliners-winning>, last visited Feb. 17, 2015.

¹⁹ International Covenant on Civil and Political Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, *entered into force* Mar. 23, 1976, art. 2(1).

²⁰ Human Rights Committee, General Comment 31, ¶ 10.

²¹ *Id.*, ¶ 8.

²² *Id.*, ¶ 11.

²³ Office of the United Nations High Commissioner for Human Rights, *supra* note 3, ¶ 5.

²⁴ See, e.g., Amnesty International, *Summary Killings During the Conflict in Eastern Ukraine* (2014), 5–7.

²⁵ Human Rights Watch, *Ukraine*, Jan. 2015, <http://www.hrw.org/world-report/2015/country-chapters/ukraine?page=2>, last visited Feb. 17, 2015; *see also* ЛНР. *Первый народный суд Новороссии приговорил насильников к расстрелу!*, YouTube, Nov. 3, 2014, <https://www.youtube.com/watch?v=9T3o7nZA4ts>, last visited Feb. 18, 2015.

10. The UN Human Rights Monitoring Mission to Ukraine notes that “cases of serious human rights abuses by the armed groups [in the DPR and LPR] continued to be reported, including torture, arbitrary and incommunicado detention, and summary executions These violations are of a systematic nature and may amount to crimes against humanity.”²⁶
11. In May and June 2014, DPR tribunals sentenced three people to death and executed them.²⁷ In May 2014, the DPR’s self-proclaimed Minister of Defense, Igor Strelkov (Ghirkin), ordered the execution of two members of the rebel forces: Dmitry Georgyovich “Bolgar” Slavov and Nikolai Alexandrovich “Luka” Lukyanov.²⁸ They were put to death by firing squad for looting, armed robbery, kidnapping, and desertion.²⁹ Strelkov confirmed the account to the media, and copies of a written execution order signed by Strelkov have been circulated.³⁰ Documents found in abandoned DPR headquarters in Slavyansk show that Strelkov acted as the chairman of the tribunal that found the men guilty and sentenced them to death.³¹
12. On June 17, 2014, a 34-year-old civilian resident of Slavyansk, Aleksei Borisovich Pichko, was tried by a three-person DPR military tribunal, sentenced to death, and executed.³² Documents later discovered at the abandoned DPR headquarters in Slavyansk show that Pichko was accused of looting for breaking into a home on June 14, 2014, and stealing a pair of pants and two t-shirts.³³ A document summarizing the “trial” proceedings states that Pichko admitted his guilt and requested that he be sent to the front lines as punishment.³⁴ Two of the judges recommended that punishment, but the presiding judge, Viktor “the Nose” Yuryevich, ordered that Pichko be executed by firing squad due to “the seriousness of the crime.”³⁵ A separate order signed by Strelkov the same day states that “the sentence has been carried out.”³⁶ The legal basis for the death sentence, as cited in both documents, is a 1941 Decree of the Supreme Soviet of the USSR “on martial law.”³⁷ A source at militia headquarters in Donetsk later said that the documents “were most probably genuine, and that the executions had not been secret.”³⁸
13. Strelkov is a resident of Moscow and is believed “to be an active officer of the Russian Main Intelligence Directorate, or GRU.”³⁹
14. In July 2014, DPR first deputy prime minister Andriy Purhin confirmed the likelihood of these executions, telling an independent news agency: “Speaking about Slavyansk, probably

²⁶ Office of the United Nations High Commissioner for Human Rights, *supra* note 3, ¶ 6.

²⁷ Christopher Miller, *Soot-Stained Documents Reveal Firing Squad Executions in Ukraine*, Mashable, July 10, 2014, <http://mashable.com/2014/07/10/evidence-of-execution-trial-discovered-in-the-rubble-of-rebel-headquarters-in-ukraine/>, last visited Feb. 17, 2015.

²⁸ *Ibid.*; Amnesty International, *Summary Killings During the Conflict in Eastern Ukraine* (2014), 8.

²⁹ Amnesty International, *supra* note 28, at 8.

³⁰ *Ibid.*; Miller, *supra* note 27.

³¹ Miller, *supra* note 27.

³² *Ibid.*

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ *Ibid.* The document does not provide surnames for any of the individuals involved in the tribunal.

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ Interfax news agency, *Ukrainian separatists admit executions by firing squad*, BBC International Reports, July 11, 2014.

³⁹ Miller, *supra* note 27.

there were executions of marauders [looters] last month or before.”⁴⁰ “Igor Druz, and adviser to . . . Strelkov, and a spokesman for rebel-held territories in the Donetsk region, told the BBC that on ‘several occasions’ extrajudicial killings had been performed ‘by shooting.’”⁴¹

15. In August 2014, the DPR Council of Ministers announced that it would introduce the death penalty “for offences including treason, espionage, attempts on the lives of the leadership and sabotage.”⁴² Despite the Russian Federation’s moratorium on the death penalty, separatist leaders say they are basing the new law on the Russian Federation’s Criminal Code.⁴³ Strelkov signed the order formally introducing the death penalty in the DNR, again citing 1941 martial law.⁴⁴
16. DPR leaders are attempting to set up a judicial system for the territory under DPR control, but “[u]ntil the new legal system gets up and running, it is down to local commanders to dole out whatever justice they see fit.”⁴⁵ In November 2014, DPR authorities announced the establishment of military field courts, which are authorized to impose death sentences.⁴⁶ According to the DPR press center, an appeal from a death sentence must be brought within seven days, and “[i]f there is no appeal, the sentence will be carried out.”⁴⁷
17. DPR and LPR subsequently established “replacement judicial bodies that allow local citizens to vote on the outcome—even delivering sentences, like capital punishment, that violate Ukrainian law.”⁴⁸ Online videos depict “people’s tribunals” handing down death sentences in mob hearings.⁴⁹ At the end of October 2014, “[s]everal hundred people in Alchevsk,” a city under LPR control, presided over a 50-minute “trial” conducted by separatist rebels, as shown in an online video.⁵⁰ Aleksei Mozgovoi, head of the LPR Prizrak (“ghost”) battalion, which controls the area, pronounced the two defendants guilty of separate incidents of rape.⁵¹ He then asked the people in attendance whether the defendants should be subjected to death by firing squad.⁵² A majority of the audience raised their hands to call for imposition of a death sentence on one of the defendants.⁵³ Mozgovoi said that the sentence was legal

⁴⁰ Interfax news agency, *Ukrainian separatists admit executions by firing squad*, BBC International Reports, July 11, 2014.

⁴¹ Hannah Somerville, *Ukraine crisis: Rebels in Donetsk say discipline is good after they carried out executions to prevent chaos*, Independent Online, Aug. 3, 2014.

⁴² Damien Sharkov, *Donetsk Separatists Introduce the Death Penalty for Treason*, Newsweek, Aug. 18, 2014, <http://www.newsweek.com/donetsk-separatists-introduce-death-penalty-treason-265287>, last visited Feb. 17, 2015.

⁴³ *Ibid.*

⁴⁴ Olena Removska, *Kyiv Authorities Slam Separatist Courts Handing Down Summary Death Sentences*, Radio Free Europe/Radio Liberty, Nov. 4, 2014, <http://www.rferl.org/content/ukraine-separatist-courts-death-sentences/26674118.html>, last visited Feb. 17, 2015.

⁴⁵ Clement Zampa, *Rough Justice: Ukraine rebels lay down law in breakaway state*, Agence France Presse, Nov. 30, 2014.

⁴⁶ *Ukraine rebels establish courts with power to pass death sentences*, Interfax, BBC International Reports, Nov. 20, 2014.

⁴⁷ *Ibid.*

⁴⁸ Removska, *supra* note 44.

⁴⁹ Zampa, *supra* note 45; Amnesty International, *Document – Ukraine: Treat Captives Humanely*, Urgent Action, Nov. 14, 2014, <http://www.amnesty.org/en/library/asset/EUR50/044/2014/en/ade07c08-f4c4-459b-8cd8-74579a585e31/eur500442014en.html>, last visited Feb. 18, 2015.

⁵⁰ Removska, *supra* note 44.

⁵¹ *Ibid.*; Amnesty International, *supra* note 49.

⁵² Removska, *supra* note 44; Amnesty International, *supra* note 49.

⁵³ Removska, *supra* note 44; Amnesty International, *supra* note 49.

“according to the principles of martial law and ‘narodovlastiye,’” a Soviet-era term meaning “government by the people.”⁵⁴

18. The UN Human Rights Monitoring Mission to Ukraine has expressed concern that “[f]or [detainees] who appear before the judiciary there have been many due process concerns from the moment of their arrest, with systematic violations of the relevant national legislation and fair trial guarantees, provided in international norms and standards.”⁵⁵ An attorney representing several former separatist hostages reported hearing of “several instances of summary death sentences being handed down in makeshift tribunals.”⁵⁶ “‘This isn’t the killing of someone under any old kind of circumstance,’ she says. ‘This is killing someone after an imitation trial based on a total hodgepodge of existing legal norms taken from the Ukrainian Criminal Code and the 1941 decrees on martial law.’”⁵⁷

IV. There are allegations of extrajudicial and summary executions in Crimea and in Eastern Ukraine.

Crimea

19. In early October 2014, the head of the Crimean Tatar people said that 18 Crimean Tatars had gone missing since Russia had taken control of the territory.⁵⁸ The UN Human Rights Monitoring Mission to Ukraine is aware of two deaths under suspicious circumstances of Crimean Tatars in Crimea since early March 2014.⁵⁹ Edem Asanov went missing in September 2014 and “was later found hanged in a deserted sanatorium in the city of Evpatoria.”⁶⁰ Reshat Ametov was found dead in March 2014 “in the village of Zemlyanichne apparently with signs of torture.”⁶¹ The Russian Government’s response to the list of issues states that an investigation is ongoing into the death of Ametov and that over 270 witnesses have been questioned, but does not suggest that any individuals have been arrested or will be held accountable.⁶² The UN Human Rights Monitoring Mission to Ukraine expressed concern “that some investigations [into these deaths and other disappearances in Crimea] have not taken place while others were inconclusive, a situation which supports impunity and creates tensions.”⁶³
20. “Civil society groups and some witnesses claim that the so-called ‘Crimean self-defence’ was directly involved in most cases of abductions, deaths and other human rights abuses in the past six months.”⁶⁴ The UN Human Rights Monitoring Mission to Ukraine observed that in October 2014, “a draft law was submitted by the *de facto* authorities of Crimea to the

⁵⁴ Removska, *supra* note 44.

⁵⁵ Office of the United Nations High Commissioner for Human Rights, *supra* note 3, ¶ 11.

⁵⁶ Removska, *supra* note 44.

⁵⁷ *Ibid.*

⁵⁸ Джемільєв заявив про зникнення 18 татар за час окупації Криму, Espresso.tv, Oct. 1, 2014, http://espreso.tv/news/2014/10/01/dzhemilyev_zayavyv_pro_znyknennya_18_tatar_za_chas_okupaciyi_krymu, last visited Feb. 19, 2015.

⁵⁹ Office of the United Nations High Commissioner for Human Rights, *supra* note 3, ¶ 212, 215 & n.74.

⁶⁰ *Id.*, ¶ 212.

⁶¹ *Id.*, ¶ 215 n.74.

⁶² Human Rights Committee, List of issues for the seventh periodic report of the Russian Federation, Addendum, UN Doc. CCPR/C/RUS/Q/7/Add.1, Dec. 18, 2014, ¶ 173.

⁶³ Office of the United Nations High Commissioner for Human Rights, *supra* note 3, ¶ 215.

⁶⁴ *Id.*, ¶ 216.

Parliament of the Russian Federation proposing to amnesty ‘militants’ and members of the ‘self-defence forces’ in Crimea” for any offenses committed between February 27, 2014 and January 1, 2015.⁶⁵

Eastern Ukraine

21. In April 2014, the bodies of Volodymyr Rybak and Yury Popravko were discovered in a river near the town of Raigorodok in the Donetsk region.⁶⁶ Rybak was a pro-Ukrainian activist and an elected local councilmember.⁶⁷ Popravko was a student from Kyiv.⁶⁸ They had been missing for two days and their bodies showed signs of torture.⁶⁹
22. One news source reports that on June 8, 2014, several religious leaders of the Church of the Transfiguration of Christ were arrested by DPR militia members and arrested for supporting the Ukrainian army.⁷⁰ One person who had been detained with them managed to escape and later reported that the men were tortured and then shot and killed on June 9.⁷¹
23. Amnesty International reports circumstantial evidence of extrajudicial killings of drug dealers by LPR forces in June 2014.⁷² On June 3, LPR commander Mozgovoy (referenced in paragraph 17 above), delivered a tough-on-crime speech on television.⁷³ He promised that his forces would crack down on “mass alcoholism and drug addiction,” and warned drug dealers: “Either you quit your business or we shall come for you. . . . You have three days to get out of town. If you don’t leave, your fate will be your own fault.”⁷⁴ On June 13, the bodies of three men were discovered in the shallow waters of a small lake near Syrotine.⁷⁵ Local police authorities confirmed that the bodies “had damaged faces and gunshot wounds to the head and chest,” and identified the men as “suspected drug dealers.”⁷⁶ Amnesty reports that “the timing and circumstances suggest that the men may have been killed as a summary punishment for alleged drug-dealing.”⁷⁷
24. Amnesty also reports corroborated evidence that LPR fighters in Severodonetsk summarily shot and killed two detainees they had been holding in a temporary detention facility as they evacuated the facility on the morning of July 22, 2014.⁷⁸
25. On January 23, 2015, DPR prime minister Aleksandr Zakharchenko “announced that his men would no longer be taking prisoners. The statement has been taken by some as an implied

⁶⁵ *Id.*, ¶ 217.

⁶⁶ Amnesty International, *supra* note 24, at 8.

⁶⁷ *Ibid.*

⁶⁸ *Ibid.*

⁶⁹ *Ibid.*

⁷⁰ *На Донбассе похоронили восьмерых протестантов, которых расстреляли террористы ДНР*, iPress.ua, July 23, 2014, http://ipress.ua/ru/news/na_donbasse_pohoronyly_vosmerih_protestantov_kotorih_rasstrelyaly_terrorysti_dnr_76204.html, last visited Feb. 19, 2015.

⁷¹ *Ibid.*

⁷² Amnesty International, *supra* note 24, at 8.

⁷³ *Id.*, at 9.

⁷⁴ *Ibid.*

⁷⁵ *Ibid.*

⁷⁶ *Ibid.*

⁷⁷ *Id.*, at 10.

⁷⁸ *Id.*, at 10–11.

threat.”⁷⁹ Videos recently uploaded to YouTube provide circumstantial evidence that separatist forces are conducting summary executions of Ukrainian soldiers.⁸⁰

V. Suggested recommendations for the Government of the Russian Federation

26. The Russian Federation should:

- Denounce the use of the death penalty in the regions of Donetsk and Luhansk that are controlled by separatist forces and call on those forces to cease imposing the death penalty in any tribunals.
- Deliver Igor Strelkov (Ghirkin) to the custody of Ukrainian authorities so he may be prosecuted for crimes he committed in Eastern Ukraine, and in the meantime terminate his employment with the Russian Government and conduct a full investigation into his involvement with summary executions in Eastern Ukraine.
- Collaborate with the Ukrainian Government and separatist forces in Eastern Ukraine to conduct a prompt, thorough, and impartial investigation into all allegations of summary executions in Eastern Ukraine and hold all perpetrators accountable.
- Conduct a prompt, thorough, and impartial investigation into the role of any Russian nationals and persons present in the Russian Federation who are alleged to have played any role in imposing or carrying out death sentences or summary executions in Eastern Ukraine and Crimea.
- Ensure that any separatist forces in Eastern Ukraine that are receiving support from the Russian Federation do not carry out summary killings or any form of execution of persons.
- Ensure that authorities and the “self-defense” forces in Crimea, as well as any separatist forces in Eastern Ukraine that are receiving support from the Russian Federation, are made fully aware of the provisions of national and international law applicable to their actions, including individual and command responsibility for violations of those provisions.
- Ensure that victims of unlawful killings, including extrajudicial and summary executions, in Eastern Ukraine and Crimea are provided with full reparations.
- Ensure full access for international organizations, including special missions from the United Nations and OSCE, to all places of detention in Eastern Ukraine and Crimea to monitor human rights and treatment of prisoners.

⁷⁹ Glenn Kates & Olena Removska, *Disturbing Videos Raise War-Crimes Concerns in Ukraine*, Radio Free Europe/Radio Liberty, Jan. 27, 2015, <http://www.rferl.org/content/ukraine-prisoners-of-war-separatists-war-crimes-questions/26816285.html>, last visited Feb. 17, 2015.

⁸⁰ *Ibid.*