Human Rights First

HIGHLY SUSPECT

How Ukraine deals with those accused of collaboration with Russia

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Introduction

As Ukraine faces multiple threats from Russian forces including long-range bombing of its cities and towns, attacks along a front line hundreds of miles long, plus energy shortages and many other challenges, it is also confronting difficult decisions about what to do with suspected collaborators.

Human rights activists in Ukraine say the current system is unfair and vague and are advocating for changes in the laws covering collaboration. They propose significant changes to current legislation as well as a better understanding from state bodies and the public of what constitutes collaboration, and how to address it.

Many Ukrainian communities have been under occupation since the invasion of 2014, and many more since the invasion of 2022. Despite some pushback by the Ukrainian military in late 2022 to retake towns occupied by Russian forces earlier that year, a new offensive in May 2024 has meant Russian reoccupation for some villages and towns in the Kharkiv region.

Both Russian invasions of 2014 and 2022 were helped by locals in Ukraine providing Kremlin forces with intelligence on military movements and locations of sensitive infrastructure. During the occupation of Ukrainian territories, some locals also collaborated with Russian troops.

Since the 2022 invasion, there are numerous examples of collaboration by civilians in Ukraine with Russian forces. In the city of Bucha, where Russia committed one of its worst massacres, mayor Anatoly Fedoruk said that at least some of the killings of civilians were the result of civilian cooperation with Russian troops. He reported that some Ukrainian civilians passed on “the names and addresses of pro-Ukrainian activists and officials in the city” to Russian troops.

Stories like these are not uncommon. In Kharkiv, government authorities reported instances of similar collaboration where individuals gave Russian troops specific names of residents who posed a threat or had access to wealth. In places occupied by Russian forces, reports of collaboration are common.

In Kupiansk, Mayor Gennady Matsegora surrendered the city without a fight and agreed to work with Russian occupiers. Prosecutors have opened and closed cases against policemen, mayors, judges, and other officials for collaboration with Russian forces during occupation.

Truth Hounds is a Ukrainian NGO known internationally for its work investigating war crimes since 2014. Research on how journalists have been targeted in the occupied territories of Ukraine noted that "According to several media professionals who have been captured by the Russians, they were either personally known by collaborators from the local authorities or their work was monitored during the occupation."

They detailed the case of Oleh Baturin, a journalist with the Novy Den (New Day) media outlet who was reporting from occupied Kakhovka in Kherson when he was taken by Russian forces in March 2022, and held for eight days.

He said he was chained to a radiator, beaten, interrogated, threatened, and denied food and water. Oleh said among his interrogators was a local collaborator Volodymyr Leontiev.

In April 2024, Leontiev was convicted in absentia by a court in Odesa for collaboration activities and sentenced to 12 years in prison. Journalist Oleh Baturin provided evidence in the case.

But local Human Rights Defenders (HRDs) say the Ukrainian authorities' response to those accused of collaborating often falls short of international law standards, and the legislation dealing with the issue is vague, inconsistently applied, and permits the prosecution of those providing vital services under occupation, including shelter and medical support work.

For countries resisting occupation, it's a perennial challenge: how to deal with collaborators and what should count as collaboration. While some locals under occupation enthusiastically act as informers for Russian forces, others act as online propagandists, posting on social media, encouraging the invasion. Some openly welcome Russian soldiers into their village or city.

However, there is no clear definition of what constitutes collaboration, and local activists say the laws are being applied with worrying double standards. Similar behaviors are sometimes identified as collaboration and sometimes not.

A series of draft laws under consideration to address the issue are generally designed to make the punishments more severe, rather than to address the realities of living under occupation.

Activists warn that the current application of the law risks estranging those living under long-term occupation from the Ukrainian state, as they will feel alienated if the Ukrainian authorities condemn them as collaborators.

Human Rights First's history of working in Kharkiv

Human Rights First has reported from the city of Kharkiv since 2017 and has made over a dozen research trips to the Kharkiv region since Russia's full-scale invasion in 2022. We have produced numerous reports and dozens of articles on how local HRDs are documenting war crimes and providing aid to communities in the Kharkiv region, despite facing intense Russian aggression and immense dangers to their lives. Human Rights First returned to Kharkiv in July and August 2024 to research this report.[1]

People across the region have told Human Rights First how they were shocked at the collaboration of their neighbors with the occupying Russian soldiers. **"My whole life I knew these people, work colleagues and people on my street, and I couldn't believe when the Russians came they were friendly and offered to help them,"** said one woman in Kupiansk.

"In the Kupiansk district, there are still many who supported the occupation authorities," a police officer from Shevchenkiv told an investigative journalist.

From June to August 2024, Human Rights First accompanied volunteers evacuating civilians from communities under fire. In August, Human Rights First joined a team to evacuate three civilians — an elderly man and two elderly sisters — from the front-line city of Kupiansk. On the three-hour drive back to Kharkiv city, the evacuees had to stop at another town to have their phones checked for signs of collaboration and verify that they were not accused of collaboration.

There is widespread suspicion — with good reason. Collaboration has led to lethal attacks by Russian forces. In October 2023 the Mamon brothers from the village of Horta in Kharkiv provided information to Russian forces to direct a missile strike on a café in the village, which claimed the lives of 59 civilians, including children. It was the most lethal Russian attack against Ukrainian civilians in 2023, making the Mamon brothers some of the deadliest collaborators since the start of the full-scale invasion.

There are many other cases in Kharkiv of collaboration with the Russians. Those accused and punished for collaboration range from regular civilians informing Russia on where to

[1] In May 2023, Human Rights First reported on how Tsyrkuny, a village north of Kharkiv, survived Russian occupation. We released another report in June 2023 on the Russian occupation of the city of Izyum and surrounding villages in the Kharkiv Oblast. In July 2023, we worked with local NGO the Kharkiv Anti-Corruption Center to report on dubious contracts for the reconstruction of public buildings awarded by Kharkiv's authorities. In August 2023, we published a report from the frontline city of Kupiansk on how locals were holding out against the threat of a Russian re-occupation. In November 2023, we returned to the region and issued a report on how civilians in Kharkiv prepared for a bitter winter war as Russia renewed its bombing attacks on Ukraine's heating infrastructure. In January 2024 we reported from Kharkiv on the need for greater psychological support for civilians, and in March 2024 we returned to the region to report on demining efforts. In June 2024, we reported from Kharkiv on how HRDs are undertaking evacuations from villages under fire, and how the latest Russian advances have impacted the work of local activists. In July 2024, we reported on how HRDs in Kharkiv are battling Russian-backed disinformation.

target missiles, former MPs tried for treason, school headmistresses, heads of official Ukrainian government departments, ex-policeman, and village council deputies. Sentences for collaboration are heavy; one man in Kharkiv was sentenced to life imprisonment for assisting Russian forces in a missile strike on the Kharkiv Regional Military Administration that killed 31 people. An ex-policeman found guilty of working with Russian invaders who occupied Kupiansk was also sentenced to life imprisonment. Others face decades-long sentences.

A historical problem

Human Rights First has previously reported on resistance efforts by those in territories under Russian occupation. Ukraine's experience has been part of a long history of resistance and of collaboration by people under occupation in wars and conflicts in Europe and elsewhere.

Much of this history is the subject of classic literature. John Steinbeck's The Moon is Down 1942 novel, one of the most popular pieces of literature during Nazi-occupied Europe, draws a portrait of how some locals in an unnamed village chose to collaborate with the occupying German army. Kornel Filipowicz's 1961 novella The Memoir of an Anti-Hero recounts the motivations of a self-serving collaborator in Poland under Nazi occupation. Other recent non-fiction examples include Robert Gildea's history of the French resistance, Fighters in the Shadows, and Halik Kochanski's Resistance: The Underground War in Europe 1939-1945.

Academic expert on the Nazi occupation of the Netherlands Ronald Nielsen draws parallels between the Dutch experience then and the Ukrainian experience now, and he warns against a rush to vigilante justice in Ukraine.

Some infamous collaborators have survived. During the American Revolutionary War, United States military officer Benedict Arnold switched sides and supported the occupying British forces before fleeing to England. Others, such as Second World War Norwegian politician Vidkun Quisling, were executed for collaborating with the occupying Nazi forces.

Kharkiv has its own long history of collaboration and informants. Mikhail Petrovich Bulanov was executed in Kharkiv city after being convicted of collaborating with the Nazis during the occupation of the city. Bulanov was a twenty-six-year-old driver for the Sonderkommando SK 4A Germany Army and was tried, convicted, and sentenced to death with three Nazi officers in the 1943 Kharkiv war crimes trials that preceded the more famous trials at Nuremberg by two years.

Bulanov and the others were charged under international law and convicted of war crimes that involved hundreds of murders by mass shootings, including 60 children. They were executed in one of Kharkiv's public squares the day after being sentenced. Grisly, grainy, black-and-white film footage survives, showing the trial at the theatre at 21 Rymarska Street, and the four being led to gallows in front of a vast crowd.

The trial was widely covered by the international media, and on December 20, 1943, The New York Times reported: "*ATROCITY KILLERS HANGED IN KHARKOV: 50,000 See the Executions of 3 Germans and 1 Russian in Market Square -- CAMERAS RECORD DEATHS -- Trial Also Was Filmed for Use in Breaking German Morale — Hitler's Guilt Stressed*."

In other trials of that era, Kharkiv policemen were also convicted of treason for being members of German execution squads.

Siding with the enemy

In the last three years, more than 1,000 people in the Kharkiv region have been served with a notice of suspicion related to treason, collaboration, and dissemination of information about the movement of the Ukrainian military. These include 182 suspected of high treason, 738 of collaboration, 61 suspected of other types of cooperation, and 39 suspected of sharing information about the movement of Ukrainian military units.

So far, the courts have tried and sentenced 382 people, including 338 for collaboration, 16 for treason, and 17 for those found guilty of guiding Russian fire and attacks.

There is a constant fear of saboteurs and Russian informants in Kharkiv. Locals told Human Rights First how, in the weeks following the February 2022 invasion, rumors swept across Kharkiv that Russian spies had put markings on buildings to be targeted for attack. Others recalled how men spotted on tall buildings taking photographs of missile damage in the city were attacked by mobs who suspected them of being Russian agents.

In August 2024 Ukraine's SBU Security Service detained a woman in Kyiv who was suspected of organizing arson attacks on military vehicles. In the first half of July, four military vehicles were burned in arson attacks.

Ukrainian authorities claim that Russian forces recruit saboteurs via Telegram and other social media channels and are offered money to set fire to vehicles and infrastructure. The Kyiv Prosecutor's Office announced in July 2024 that it had discovered a group of saboteurs from Cherkasy and Kharkiv who had set fire to railway equipment near Kyiv.

One of the most devastating examples of collaborators in Kharkiv is the case of the Mamon brothers. Thirty-year-old Volodymyr Mamon and his younger brother, 23-year-old Dmytro, were low-ranking policemen in the small Kharkiv village of Hroza on the road between Kharkiv city and Kupiansk. When Russian forces occupied the village in 2022, the Mamon brothers began working for the occupying forces, serving in the so-called Internal Affairs Department of the Kharkiv Oblast's Military-Civil Administration.

When Ukraine took back the village from Russian forces in September 2022, the brothers fled with the retreating Russian soldiers across the border to Russia but kept in contact via social media with former neighbors in Hroza.

In October 2023, the brothers began collecting information on a social gathering in a café in Hroza honoring the death of a local Ukrainian soldier. They passed on information about the location and time of the event to Russian forces, who carried out one of the deadliest missile strikes against Ukrainian civilians.

The attack killed 59 people, including half of the residents of the street where the Mamons had lived. The brothers remain in Russia, and face life imprisonment if they ever return to Ukraine.

Courtesy of Viktoriya Mankovksa, Gwara Media

Police and rescuers investigate the rocket attack in the village of Hroza.

Vague laws inconsistently applied

While the fair trials process has advanced considerably in Ukraine since the 1943 Kharkiv war crime trials, and the country abolished the death penalty in 2000, human rights activists voice concerns that those accused of collaboration are prosecuted under vague laws, and often described by state bodies and the media as guilty before anything has been proven.

New research published in July by Ukrainian NGO ZMINA found that until June 15, 2024, official government statistics showed 9,179 criminal proceedings registered and 1,442

verdicts under Article 111-1 of the Criminal Code of Ukraine ("Collaborative Activities"), the largest number (484) based on public denial of Russian aggression.

"A third of the sentences relate to public denial of Russian aggression, and 90% of these sentences are about insults and posts in [social media site] Odnoklassniki," said ZMINA's Onisia Sinyuk.

The report, Survival or Crime: How Ukraine Punishes Collaborationism, also highlights 11 cases concerning employees of the State Emergency Service, and 18 concerning employees of communal institutions. Sinyuk said Ukrainian legislation on collaboration fails to comply with international law because it allows the prosecution of those who help maintain basic living conditions in the occupation.

Among those who have cases brought against them are firefighters and others providing vital services in the occupied regions. The average sentence for collaboration is eight months in jail. The severity of punishments doled out to collaborators comes out of deep frustration. Since many of the guilty flee to Russia, those who remain and are caught bear the force of that residual anger and are given maximum punishments.

Ukraine's parliament is considering at least 16 draft laws related to collaborating, but most of them do not offer solutions to the problems identified by HRDs. Nine of the draft laws propose strengthening criminal liability for cooperation with the enemy, but the process of updating current legislation seems at a standstill.

Inna Vyshnevska from Lviv State University points to a lack of political will to take on the problem, and warns that **"while the state does not solve the problems in the legislation, the population of Ukraine under occupation is becoming more and more distant from us due to the awareness that the legislation may consider them collaborators."**

Local anti-corruption NGO the Kharkiv Anti-Corruption Action Center (KhAC) also publicly criticizes how the laws for treason are being applied and the wide variation in sentencing between courts addressing the same crime.

Volodymyr Rysenko of the KhAC has suggested that a key problem is that the same crimes are often designated under different articles of the Criminal Code, which provide for very different punishments. He noted that sometimes allegations are reclassified and that instead of being sentenced to many years in prison, those found guilty face only a suspended sentence or a ban on holding positions in state bodies.

KhAC research suggests that **"One of the most widespread offenses – posting by citizens of Ukraine in social networks of posts that justify and support the armed aggression of the Russian Federation against Ukraine – is qualified by investigative bodies in an arbitrary order, [either] according to Art. 436-2 of the Criminal Code of Ukraine, or according to Part 1 of Art. 111-2 of the Criminal Code of Ukraine."**

This matters because the punishment under these articles is significantly different. While Part 1 of the relevant code provides for punishment varying from labor for up to two years, to three years in prison, Part 2 provides for jail of up to five years.

For example, KhAC noted that in March 2023 the Chuguyiv city court in the Kharkiv region sentenced an unemployed woman to a punishment of 11 years of not being allowed to hold public office for posting on Tik-Tok in January **2023 "I like Putin... I'm for Russia, Russia is classy, ...I want to see Putin, I want Putin to come...",** which is how she expressed support for the decisions and actions of the state – the aggressor of the Russian Federation. The sentence was regarded as largely symbolic and the chances of the woman holding public office were regarded as slim.

Also in March 2023 in the Komsomol City Court of the Poltava Region, a sentence of five years in prison was issued to someone convicted of posting similar messages on social media that said, **"Our President [Putin] has put everything on the altar of Russia ... they hate him for the fact that he is selflessly devoted to the Motherland ...Putin has no equal! He is hated by perverts, globalists, and the opposition, those who were in power in the 90s. I remember how all this was, that's why I support Putin."** Activists at KhAC suggest "It is quite difficult to consider these sentences fair and proportionate."

When cases go to appeal, notes the ZMINA research, that process is usually initiated by the prosecution, and punishments are likely to be increased. Until now, only two people have been acquitted on appeal.

Public messaging

Public messaging about suspects from state and unofficial bodies is often irresponsible, say local researchers. The Semantrum monitoring platform analyzed 339,536 various posts on Ukrainian media and 25,268 posted by state bodies.

The analysis shows that 49 percent of messages from law enforcement agencies used negative terms about people accused or suspected of committing crimes. **"For example, the word 'criminal' is the most frequently used word in relation to suspects and those convicted,"** said Veronika Volkovynska of Semantrum. In the media, while the prevalence of negative language is a little lower – at 43 percent – 39 percent of these posts do not include information about the suspect's conviction, which can be a marker of violation of the presumption of innocence.

Researchers found that regionally, media and state bodies based in areas nearest to the conflict were more likely to use negative terms including "collaborator" and "traitor," and have been used in Kharkiv more than any other region.

The public voice

Social sanctioning of those accused of collaboration ranges from ostracism and name-calling to their homes being daubed with signs alleging they were Russian sympathizers to local administrators telling organizations restoring damaged houses not to repair those suspected of collaboration.

As part of the ZMINA project, HRD Maksym Yeligulashvili of the Ukrainian civil society network the 5 am Coalition helped facilitate a series of public discussions about what should be done regarding those suspected or convicted of collaboration.

Discussions were held in Kharkiv, Chernihiv, Sumy, Kherson, Luhansk, and Zaporizhzhia regions.

Locals emphasized the need for communities to seek punishment for collaborators that is proportionate to their actions. For example, people largely agreed that those who helped the Russian forces to take power should unequivocally be brought to justice, as should those who helped to organize fake elections, worked as part of the security forces for the Russians, or who informed on their neighbors to the Russians.

But they also said no one should be punished just for living in an occupied territory, obtaining a Russian passport if necessary for survival, or for accepting humanitarian aid and social benefits. They also said there should be no punishment for medics or "rescuers" who help support life under occupation.

“We saw both a demand for upholding standards of justice and a low assessment of the system's ability to deliver it,” said Yeligulashvili.

Conclusion and recommendations

As German historian Gerhard Hirschfeld notes, **“Collaboration with the enemy is as old as war and the occupation of foreign territory.”** No society has yet figured out how to address the contentious and painful issue. European counties, including France, are still struggling with the aftermath of Nazi collaboration in the 1940s, and the problems raised by current collaboration with Russia are likely to haunt Ukraine for generations to come. However, local activists suggest that a useful start can be made to address some of the difficulties now.

The U.S. government should urge the government of Ukraine to:

- Amend current policy to make it compliant with relevant international humanitarian law (IHL), specific as opposed to vague, and acknowledge the realities of living under occupation, including the atmosphere of intimidation and coercion.

- Take into account the norms of IHL and the need to protect vital activities in occupied territories and avoid wording that allows for an overly broad interpretation of provisions.
- Better inform the public about investigations and avoid using inflammatory language or language that undermines the principle of a presumption of innocence.
- Organize consultations with the public to clarify specific contexts at the community level, and provide safe spaces for discussing the experience under occupation aimed at restoring peaceful life.
- Fund and develop research into previous experiences of conflict and post-conflict societies to better understand models of addressing collaboration.

Mission Statement

Human Rights First works to create a just world in which every person's intrinsic human rights are respected and protected, to build societies that value and invest in all their people. To reach that goal demands assisting victims of injustice, bringing perpetrators of abuse to justice, and building institutions that ensure universal rights.

Human Rights First is a nonprofit, nonpartisan international human rights organization based in Los Angeles, New York, and Washington D.C.

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Cover photo: Graves following the rocket attack in the village of Hroza.
Courtesy of Ivan Samoilov, Gwara Media.

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