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HRW.org

9 March 2015

Dear Prime Minister Arseniy Yatsenyuk and the SBU,

Human Rights Watch greatly values the dialogue we have with the government of Ukraine, on ensuring compliance with human rights and international humanitarian law in the armed conflict in Donetsk and Lugansk regions. I am writing to draw your attention to concerns we have documented regarding obstacles both in delivery of humanitarian aid, particularly medicines and medical equipment to civilians in rebel-controlled areas, and access for Ukrainian civilians from rebel-controlled area to medical services in government-controlled areas. We documented these obstacles during on the ground research in January and February 2015. I would be grateful for your response to our concerns and a commitment to a prompt resolution of these urgent issues.

We are aware that in November 2014 the Ukrainian government discontinued government disbursement of funds for state services and social payments—including pensions, social security payments and salaries and budgets for hospitals—in rebel-controlled areas and that people who wish to access these social benefits are required to travel to government-controlled territories. We note that on February 9, the Kyiv District Court of Appeal partially annulled that government decision, and we would be grateful for information on steps the government is taking to comply with the Court's judgement.

We are also aware that [travel regulations](#) introduced by the Ukrainian government in January 2015 require civilians who need to move between rebel-controlled and government-controlled territories obtain a special pass, issued by a coordination group of the Security Service of Ukraine.

Human Rights Watch fully recognizes that in areas under effective control of the rebels, rebel forces have the primary responsibility to ensure humanitarian essentials such as food and medical supplies to the civilian population, and that the Ukrainian government has no obligation under international humanitarian law to provide financial assistance to

authorities operating under the control of rebels. We also fully recognize that the Ukrainian government has the right to control movement in and out of rebel-controlled areas. Nevertheless we also would remind the government that all parties to the conflict must allow and facilitate the rapid and unimpeded access for impartial humanitarian relief for civilians in need, subject to a right of control. Consent for humanitarian operations cannot be withheld for arbitrary reasons, and the government cannot seek to impose intolerable conditions on the civilian population as a tactic of war. The government also maintains its obligations to respect the right to health and other economic and social rights as well as rights such as freedom of movement, under international human rights law and the treaties to which it is a party including the European Convention on Human Rights, International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights.

In this context we are concerned that in practice several humanitarian organizations and entities, when trying to move medicines and medical equipment that is essential for the health of the civilian population, have faced restrictions and delays beyond that which may reasonably be required by security concerns. The impact of this on civilians in need in rebel-controlled areas is compounded by the fact that the new travel restrictions also seriously impede civilians who need to access humanitarian services in government-controlled areas, or need to access government controlled territories for humanitarian reasons.

For example, civilians in rebel-controlled areas who need to apply for the pass to travel to government-controlled areas face significant bureaucracy to do so, and are required to make multiple trips to government checkpoints to obtain it. While regulations set out a maximum ten-day waiting period to receive a pass, in practice the process can take longer: several people residing in and near Donetsk told Human Rights Watch that they had waited for three weeks or longer to obtain the pass. Many described hazardous journeys to long lines near checkpoints to hand in their documents.

Local groups delivering humanitarian aid to areas under rebel control, as well as local medical personnel Human Rights Watch spoke with in eastern Ukraine in early February described delays they experienced in receiving the passes required to move, and to transport humanitarian goods, in and out of areas that are currently not controlled by the government of Ukraine.

The groups also noted that government forces in charge at checkpoints seemed to have a broad discretion and imposed delays sometimes of hours or 24 hours in a manner that seemed arbitrary. We note that the UN monitoring mission in Ukraine reported that in

December 2014, some battalions of the Ukrainian armed forces - 'Dnipro-1', 'Donbas' and 'Kryvbas' - blocked access of a humanitarian organization to the areas controlled by armed groups, demanding the release of prisoners detained by armed groups.

International humanitarian organizations operating in the Donetsk region told Human Rights Watch that they have not been systematically blocked from working by any party but have found it increasingly challenging to reach most affected areas or scale up their response in part because of the restrictions on movement imposed by the authorities.

Travel restrictions have made it complicated for medical institutions and humanitarian groups to deliver medicines and medical supplies to rebel-controlled areas, resulting in interruption of medicines and medical services desperately needed by many civilians living in these areas. Civilians in areas under the effective control of the rebels should be able to access state services and social payments if they are able to reach government-controlled parts of Ukraine. However in practice many civilians—particularly the most vulnerable groups of the population— face considerable obstacles preventing them from accessing government controlled areas.

These vulnerable groups include the elderly, the impoverished, people with disabilities, and the like. We spoke with people who lack the financial resources to travel, are themselves physically unable to travel, are unable to travel because they are caring for sick or elderly family, or simply do not have the resources to cope with the pass application process. Military hostilities compound these difficulties, in some cases making it too dangerous for many to take multiple trips to obtain the pass to eventually be able to travel to government-controlled areas.

Those who remain in rebel-controlled areas have no choice but to rely on humanitarian groups for provision of certain medications and medical services. Therefore lengthy delays in delivery of medications can have a severe negative impact on their health with dire, in some cases deadly, consequences.

Human Rights Watch spoke at length with doctors and medical personnel in rebel-controlled areas of the Donetsk region treating patients living with HIV, living with tuberculosis, and receiving opioid-substitution therapy; we also spoke directly with people receiving treatment for these medical conditions.

The Donetsk regional center for AIDS prevention and control has its facility located in rebel-controlled territory and treats patients in that area. The center, which is registered in Sloviansk on Ukrainian government-controlled territory, had to wait more than three

weeks to receive the necessary passes to bring antiretroviral (ARV) medication, diagnostic kits, and other items into rebel-controlled parts of Donetsk. During the interim, the supply of ARV medications for approximately 6,000 people in rebel-controlled areas of the Donetsk region, living with HIV and receiving antiretroviral medicines, had dwindled to a dangerously low level and was almost completely gone, when the center was finally able to deliver the cargo last week.

Delays in delivery of treatments for tuberculosis could have serious, negative impacts on people living with tuberculosis as well as the broader population. The chief doctor of the Donetsk regional centre for tuberculosis, where over 500 patients, including 40 children are currently treated, told Human Rights Watch in early February that while the centre has enough first-line medicines in stock to provide uninterrupted treatment to patients for another month, the stocks of second-line treatment, used to treat tuberculosis that is resistant to first line therapy, as well as medicines to treat tuberculosis-related conditions were almost depleted. The center also ran out of rapid diagnostic tools for tuberculosis in December and diagnosis can now take months as opposed to days. Fast diagnosis is essential to combating drug-resistant tuberculosis.

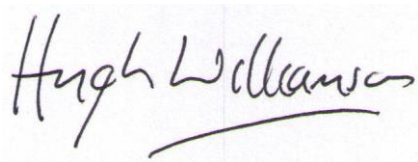
The doctor also said that more patients seeking treatment had advanced forms of tuberculosis because many people in conflict-affected areas either could not afford to travel to see a doctor or were trapped in active war zones, sometimes spending weeks or months in unsanitary, underground shelters, which exacerbated their condition.

The government has still not approved a decree, drafted in January, that would set out mechanisms and a procedure to allow humanitarian groups to deliver methadone and buprenorphine, used in the opioid substitution therapy, to rebel-controlled areas. Over 500 patients in rebel-controlled areas of the Donetsk and Lugansk regions are facing a total cessation of these treatments when the supply runs out in March. The abrupt interruption of such treatment would have a devastating impact on patients receiving opioid substitution therapy, including relapse into illicit drug use and risk of accidental overdose.

In light of the above, we would like to know why there has been a delay in approving the decree and if there is a date set for its adoption, what steps the Ukrainian government is taking to ensure that restrictions on movement in and out of areas not under government control do not adversely affect the health of the civilian population, and what recourse humanitarian groups have when they encounter arbitrary delays in their ability to deliver medication and medical supplies.

We also ask the government to consider issuing instructions to troops manning checkpoints, and their commanders, to ensure that delivery of medications and medical supplies for the civilian population in these areas are not subject to arbitrary or unreasonable delays, reminding them of their obligation under international humanitarian law to allow and facilitate the rapid and unimpeded access for humanitarian relief for civilians in need and of the undertaking with respect to humanitarian access in article 7 of the agreement reached after the peace talks on 11-12 of February in Minsk.

Sincerely,

A handwritten signature in black ink that reads "Hugh Williamson". The signature is written in a cursive style with a long horizontal flourish at the end.

Hugh Williamson
Director of Europe and Central Asia Division
Human Rights Watch