

Violations of international humanitarian law in Ukraine:

Summary of events
from 24 February 2023 to 31 May 2023



People wait for their relatives to be found under the rubble as a result of a missile strike on the city of Uman (Cherkasy region), 30.04.2023. Photo source: Cherkasy Regional State Administration



On 24 February 2022, Russia, with the support of Belarus, launched a new stage of the war against Ukraine, carrying out a full-scale invasion of the territory of the neighbouring state, unprecedented in European post-war history.

The team of **the Eastern Ukrainian Center for Civic Initiatives (EUCCI)** continues its work on collecting and documenting violations of international humanitarian law (IHL) during the war with the aim of further submitting relevant materials to the Office of the Prosecutor of the International Criminal Court (ICC), the Office of the Prosecutor General of Ukraine, international investigative commissions with the mandate to collect, document and prepare all human rights violations, war crimes and other crimes, as well as other competent organizations. At the same time, we consider it important to inform a wide range of people, specially outside Ukraine, about war crimes committed in Ukraine.

Both parties to an international armed conflict are obliged to observe at least the Geneva Conventions of 1949, the Additional Protocol I to the Geneva Conventions of 1949 of 1977, the Hague Convention on the Laws and Customs of War on Land of 1907 and the Regulations Concerning the Laws and Customs of War on Land, annexed to this Convention, the customary IHL and their obligations under international human rights law.

In this digest the reader will find information about some of the most important events of the war that took place in Ukraine from **February 24, 2023, to May 31, 2023**, and affected the rights of the civilian population, and in some cases, of combatants (prisoners of war). We will try to explain why, in our opinion, certain acts, should be considered as violation of IHL.

We hope that the results of our work and up-to-date information will be useful for journalists and a wide range of readers interested in the facts of IHL violations during Russia's war against Ukraine.

Ukraine remembers every case of atrocities committed on its territory.

A summary of important facts of violations of IHL against civilians (and in some cases combatants) in the first 12 months of Russia's full-scale attack on Ukraine can be read here: <https://totalaction.org.ua/en/war-news/225>.

Premeditated killings, extrajudicial executions and torture of civilians.

In the period from March to May 2023, position fighting continued along the entire front line, which was more than 700 km long. Certain areas of the Kharkiv, Luhansk, Donetsk, Zaporizhzhya, Kherson and Mykolaiv (Kinburn Spit) regions remained temporarily occupied. Information on human rights violations in the occupied territories remains largely inaccessible to the general public.

At the same time, Ukrainian law enforcement agencies continue to investigate atrocities committed by the occupying forces in the now de-occupied territories, taking advantage of opportunities to access victims and witnesses of crimes.

For example, in April 2023, at least two high-ranking officers of the Russian army were reported on suspicion of violation of the laws and customs of war in connection with torture of civilians.

One case is about a Russian lieutenant colonel with the call sign "Sailor", who led the military personnel of the "30th motorized rifle brigade of the Central District of the Russian Federation" during the occupation of the village of Piski-Radkivski (Kharkiv region). According to the investigation, the defendant ordered his subordinates to torture the civilian population, in particular former participants of the Anti-Terrorist Operation (ATO), in order to obtain data on pro-Ukrainian citizens and servicemen of the Armed Forces of Ukraine (AFU). Soldiers beat people with stun guns and sticks and kept them in basements without food or water. Two former ATO participants were branded on their bodies with a red-hot iron. The Russian military assigned each illegally detained person a "serial number" and ordered them to respond to it, forcing people to clean the streets and dig trenches "for prevention".¹

The commander of the operational battalion of the National Guard of the Russian Federation with the rank of lieutenant colonel, who was appointed the so-called military commander of the occupation administration of one of the municipalities of the temporarily occupied Berdyansk district of the Zaporizhzhya region. According to the investigation, he personally, as well as with the help of the military personnel subordinated to him, detained in the occupied territory civilians who, due to their active civic position, could interfere with the implementation and enforcement of the occupation policy. In one of the episodes, the Russian lieutenant colonel, together with other military personnel, detained three civilians. During the interrogation the people were injured and threatened with violence. The civilians were held for long periods in inhumane conditions: in a cold garage without access to fresh air, food or water, and in unsanitary conditions. The men were forced to provide information about the activities of pro-Ukrainian activists and were also persuaded to cooperate with the Russian authorities.²

¹ <https://gp.gov.ua/ua/posts/identifikovano-rosiiskogo-pidpolkovnika-yakii-nakazuvav-katuvati-kolisnix-ucasnikiv-ato-ta-civilne-naselennya>

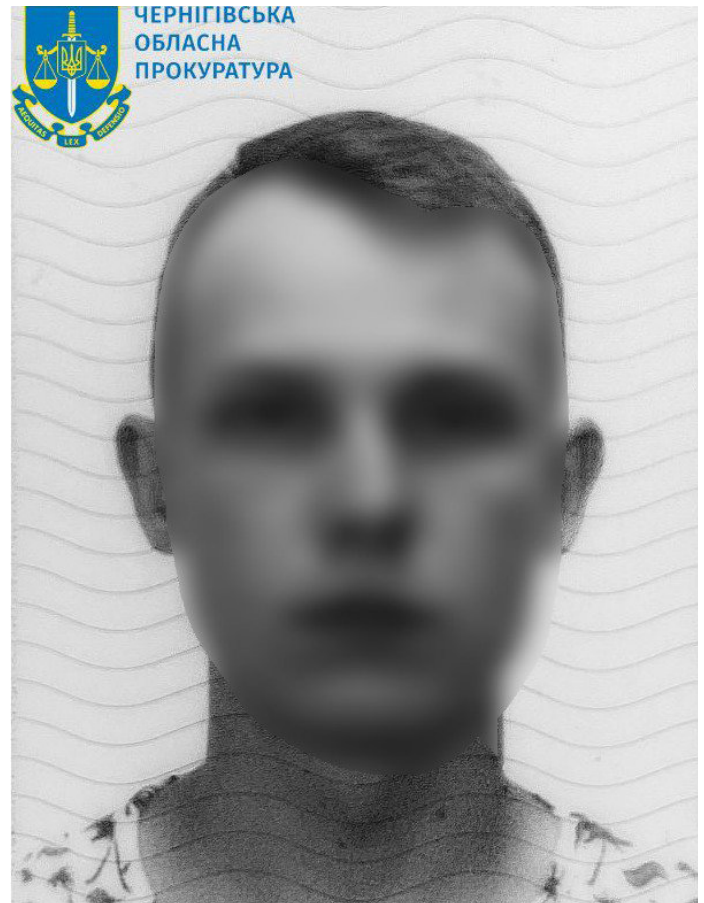
² <https://gp.gov.ua/ua/posts/zorstoke-povodzennya-iz-mirnimi-zitelyami-zaporizkoyi-oblasti-pidpolkovniku-zs-rf-povidomleno-pro-pidozru>

On 1 March

some circumstances of the extrajudicial execution of five civilians during the occupation of the village of Peremoha (Kyiv region) in February 2022 became known. The Prosecutor's Office sent to the court an indictment against the commander of the motorized rifle battalion of the "15th separate motorized rifle brigade of the 2nd Guards Combined Arms Army of the Central Military District" of the Russian Armed Forces and the deputy commander of the same military unit. According to investigators, Russian servicemen illegally detained eight civilians on the orders of the defendants. The military conducted illegal interrogations, during which the men were subjected to physical and psychological violence. Later, five of the detainees were shot with firearms.³

On 30 March

some circumstances of the premeditated killing of two civilians committed on 01 April 2022 during the temporary occupation of the village of Haivoron (Chernihiv region) became known. According to Ukrainian law enforcement officials, on that day Russian servicemen illegally detained three local civilians. They were held for several hours in the basement of one of the houses. Later, one of the servicemen took the men out of the basement, released the oldest of them and took the other two into the bushes and shot them with an automatic weapon.⁴



A Russian military officer suspected of deliberately killing two civilians in the village of Haivoron in the spring of 2022. Photo source: Office of the General Prosecutor

³ <https://gp.gov.ua/ua/posts/viddavali-nakazi-viiskovosluzbovcyam-katuvati-ta-vbivati-mirnix-meskanciv-suditimut-dvox-oficeriv-rf>

⁴ <https://gp.gov.ua/ua/posts/zaverseno-rozsliduvannya-stosovno-viiskovosluzbovcya-rf-yakii-vbiv-dvox-civilnix-na-chernigivshhini>

On 30 March, it became known that Ukrainian law enforcement officers managed to identify a Russian serviceman who shot and killed an unarmed 70-year-old disabled man during the temporary occupation of the town of Izyum (Kharkiv region). A 26-year-old native of Dagestan, commander of the combat vehicle of the "Missile Division of the 61899 Military Unit of the 27th Separate Guards Motorized Rifle Brigade of the 1st Tank Army of the Western Military District" of the Russian Armed Forces was notified of the suspicion of committing a war crime.⁵ We remind that in November 2022 Ukrainska Pravda published an article by the journalist Viktoriya Roschyna about the murder in the occupied city of Izyum of a 70-year-old local morgue worker Fedir Zdebskiy, who was a forensic expert in the past. The victim was disabled and walked on a prosthetic leg. The journalist visited the de-occupied city and talked to a witness of this event. People said that the man was in the premises of the morgue when a serviceman of the "Kadyrov" unit named Ahmed came there and demanded the man's car be given to him. The elderly man was severely beaten and then shot.

«He was shot simply because he asked a Chechen: ‘Who invited you here?’» - doctor Anatoliy Kovalenko told the journalist.



Fedir Zdebskiy. Photo source: Viktoriya Roshchyna and Ukrainska Pravda

⁵ <https://gp.gov.ua/ua/posts/identifikovano-rosiiskogo-viiskovosluzbovcya-yakii-pid-cas-okupaciyi-izyuma-zastreliiv-sudmedeksperta-za-proukrayinsku-poziciyu>

On 10 April,

the Office of the Prosecutor General announced some circumstances of the killing of a civilian during the occupation of the village of Gavronschyna (Bucha district, Kyiv region). The killing took place in March 2022. The commander of the combat vehicle of the "37th Motorized Rifle Brigade of the 36th Combined Arms Army" (his name is not given) stopped a local unarmed man on the street, who posed no threat to the combatant. Threatening with a weapon, the serviceman forced the man to lie down on the ground and began to beat out of him a confession of belonging to the military formations of Ukraine. After the beating, he placed the unarmed man against the wall and killed him by shooting him in the head with an automatic weapon.⁶



A Russian soldier suspected of a premeditated murder of a civilian in the village of Gavronschyna in spring the of 2022. Photo source: Office of the General Prosecutor

⁶ <https://gp.gov.ua/ua/posts/za-vbivstvo-ta-imitaciyu-strati-mirnix-meskanciv-kiyvshhini-suditimut-zastupnika-komandira-boiovoyi-masini-zs-rf>

On 26 April,

it became known that the prosecutor's office sent to the court an indictment against a serviceman of the Armed Forces of the Russian Federation, who, according to investigators, in March 2022 in the occupied village of Lukashivka (Chernihiv region), together with another serviceman of the Russian Army (names are not quoted), illegally detained a local civilian and began to interrogate him with the use of physical violence. After failing to obtain confessions necessary for the military, the man was taken to a private property, knocked to the ground, and after another blow to the body, shot through his leg with a firearm.⁷ The trial will probably take place under special judicial procedure (in the absence of the accused, who is hiding).

On 27 April,

it became known that the court sentenced to life imprisonment a serviceman of the Russian military, whom Ukrainian prosecutors accused of violation of the laws and customs of war. Prosecutors managed to prove in court that on 26 February 2022 the military personnel of the aggressor country, being in the central part of the village of Krupychpole (Chernihiv region), stopped a car in which there was a married couple, their daughter and son-in-law. The military, including the accused, immediately opened fire on the car and its passengers. As a result of the criminal actions, one woman was killed and other people received injuries of varying severity. The name of the defendant is not mentioned, but it was reported that the trial was held under the special court procedure (in the absence of the defendant, who is hiding).⁸

On 11 May,

it became known about the suspicion of the commander and the deputy commander of the "2nd motorized rifle company of the 1st motorized rifle battalion of the 15th separate motorized rifle brigade" of the Armed Forces of the Russian Federation on the facts of maltreatment of the civilian population. According to the investigation, in March 2022, Russian servicemen detained an unarmed man in a wooded area near the occupied village of Bohdanivka (Brovary district, Kyiv region) after shooting him in the leg. Later, the militants detained the man for five days in the place of their operation with his hands tied behind his back, without food, water and medical care, which increased the suffering of the wounded man. During the interrogation, the man was beaten, strangled, humiliated and insulted. The commander of the fighters gave the order to shoot the man, but the Russian soldiers, probably realizing that the man would die anyway, left him with his hands tied in the room where they were conducting the interrogation. The victim managed to escape from that place.⁹

⁷ <https://gp.gov.ua/ua/posts/v>

⁸ <https://gp.gov.ua/ua/posts/do-dovichnogo-pozbavleniya-voli-zasudzeno-viiskovogo-rf-yakii-rozstrilyav-avtomobil-z-rodinoyu-nacernigivshhini>

⁹ <https://www.gp.gov.ua/ua/posts/povidomleno-pro-pidozru-dvom-oficeram-zbroinix-sil-rf-yaki-katuvali-mirnogo-meskancya-kiyivshhini>

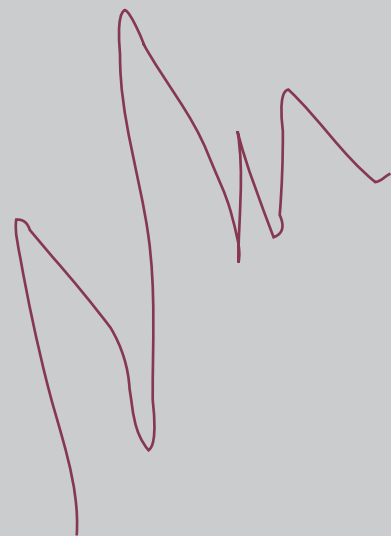
Why this constitutes a violation of IHL:

Norms of international humanitarian law provide that parties to a conflict must always distinguish between the civilian population and combatants, as well as between civilian objects and military targets, and direct their actions accordingly only against military targets in order to ensure respect for and protection of civilians and civilian objects (Additional Protocol I to the Geneva Conventions, Articles 48, 52, Customary IHL, norms 1, 7).

Civilians have the right to respect for their person, their dignity, their right to family, their religious beliefs and their rituals, habits and customs in all circumstances. They must always be treated with humanity protected from any act of violence or intimidation, from insults and from the curiosity of the crowd. The taking of hostages is forbidden (Fourth Geneva Convention, articles 27, 34).

Murder, torture, cruel or inhuman treatment, outrages upon human dignity, in particular degrading and humiliating treatment, corporal punishment, mutilation, rape and other forms of sexual violence, the taking of hostages, enforced disappearance and arbitrary detention are prohibited (Additional Protocol I to the Geneva Conventions, Article 75, Customary IHL, norms 87, 89-93, 96, 98, 99).

Premeditated killing, torture or inhuman treatment and unlawful detention of civilians are grave breaches of the Fourth Geneva Convention (Article 147) and war crimes as defined by the Rome Statute of the International Criminal Court (ICC Statute, Article 8 (1) (a) (i), (ii), (vii)).



Extrajudicial executions and torture of combatants.

On 6 March, a video of the extrajudicial execution of a prisoner of war (a serviceman of the Ukrainian Armed Forces) was distributed on the Internet. At the beginning of the video, an unarmed man in a military uniform stands in a hole dug in the middle of a strip of forest, presumably at the point of a submachine gun. A male voice says in Russian, "Take a video of him". Then the Ukrainian military says the phrase "Glory to Ukraine!" and he is immediately shot with machine-gun bursts. The pit in front of the still-living soldier looks like a freshly dug grave (you can see a shovel behind it). This suggests that the soldier was forced to dig his own grave before being executed.¹⁰

The executed militant was **Oleksandr Matsievskiy**, a serviceman of the Armed Forces of Ukraine from the city of Nizhyn (Chernihiv region). The man was executed on 30 December 2022 in the area of the town of Soledar (Donetsk region).¹¹ By the decree of the President of Ukraine dated 13 March 2023, Oleksandr Matsievskiy was awarded the title Hero of Ukraine (posthumously).¹² This case of extrajudicial execution of a prisoner of war received wide international attention.



Oleksandr Matsievskiy, serviceman of the Armed Forces of Ukraine, a moment before his execution. Video screenshot. Source: Ombudsman D. Lubinets



Ukrainian soldier Oleksandr Matsievskiy. Photo source: Security Service of Ukraine (SSU)

¹⁰ https://t.me/dmytro_lubinetzs/1854

¹¹ <https://t.me/SBUkr/7439>

¹² <https://www.president.gov.ua/documents/1462023-46089>

On 11 April,

a video appeared on pro-Russian Telegram channels showing the militants **beheading a Ukrainian prisoner of war**. The prisoner's scream can be heard at the beginning of the video. He cries that he is in pain. However, a person armed with a knife presses the man firmly to the ground and cuts off his head. The beheading lasts about 1.5 minutes and is accompanied by comments from another fighter, who is in an agitated state and shouts in Russian: "We are working brothers! Cut it off (...). Break the spine. Didn't you ever cut off a head? (...)". At the end of the video, the killer shows the severed head to the camera.

On April 12, this video was distributed by Ukrainian and foreign media. Neither Ukrainian law enforcement officials nor investigative journalists have yet revealed the name of the executed militant. At the same time, it is claimed that the direct perpetrators of this crime were fighters from the Russian so-called "Rusich" Sabotage and Assault Reconnaissance Group (SARG), which has been fighting in Ukraine since 2014 and is led by Russian Alexey Milchakov.¹³



Russian Alexey Milchakov, considered a Russian neo-Nazi. Photo source: Focus.

¹³ https://censor.net/ua/video_news/3411579/polononomu_ukrayinskomu_soldatu_rosiyiski_voyenni_zlochyntsi_iz_dshrg_rusych_vidrizaly_golovu_skolko

In Ukraine, Russian Milchakov is accused of committing a number of crimes, in particular, terrorism. In 2017, the prosecutor's office sent an indictment against him to one of the district courts of the Luhansk region for review in the special judicial procedure (in the absence of the accused, who is hiding). In the court, the review of the case was first artificially delayed (the case was at the stage of preparatory proceedings for more than three years, and the judges avoided its review in every possible way), and in December 2020, the court rejected the prosecutor's request to conduct special judicial proceedings, announced a search for the accused, and officially stopped the court proceedings. The verdict in the case was never pronounced by the court. After the introduction of martial law, court decisions in this case are no longer available for review in the electronic register of court decisions, and the fate of the paper materials of the case is not known (the location of the court is now occupied by Russian troops).

Statement by the UN Human Rights Monitoring Mission in Ukraine

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12 April 2023

The UN Human Rights Monitoring Mission in Ukraine is appalled by particularly gruesome videos posted on social media on Tuesday (April 11).

One of the videos shows a brutal execution of a man who appears to be a Ukrainian prisoner of war, while the other one shows mutilated bodies of apparent Ukrainian servicepersons. Regrettably this is not an isolated incident. In recent reports the Mission documented a number of serious violations of International humanitarian law, including those committed against prisoners of war. These latest violations must also be properly investigated and the perpetrators must be held accountable.

On 23 April,

the Russian **Yevgeny Prigozhin**, who is called the founder and head of the private military company "Wagner", said that they will kill all those who are on the battlefield and will not take prisoners. He called this new "rule" of the so-called "Wagner" "the law of the 300th".¹⁵

¹⁴ <https://ukraine.un.org/uk/227267-%D0%B7%D0%B0%D1%8F%D0%B2%D0%B0-%D0%BC%D0%BE%D0%BD%D1%96%D1%82%D0%BE%D1%80%D0%B8%D0%BD%D0%B3%D0%BE%D0%B2%D0%BE%D1%97-%D0%BC%D1%96%D1%81%D1%96%D1%97-%D0%BE%D0%BE%D0%BD-%D0%B7-%D0%BF%D1%80%D0%B0%D0%B2-%D0%BB%D1%8E%D0%B4%D0%B8%D0%BD%D0%B8-%D0%B2-%D1%83%D0%BA%D1%80%D0%B0%D1%97%D0%BD%D1%96>

¹⁵ <https://www.pravda.com.ua/news/2023/04/24/7399124/>

Why this constitutes a violation of IHL:

Persons not actively participating in military operations, in particular members of the armed forces who have laid down their arms, as well as those who have ceased to participate in military operations due to illness, injury, imprisonment or for any other reason, shall be treated humanely in all circumstances and without any discrimination. To this end, it is forbidden to commit against the above-mentioned persons such acts as violence against life and person (all kinds of murder), causing injury, ill-treatment and torture, abuse of human dignity (degrading and humiliating treatment). Any unlawful act or omission by the detaining power which causes the death or seriously endangers the health of a prisoner of war in its custody is prohibited and shall be regarded as a grave breach of the Geneva Conventions. Prisoners of war are to be protected at all times, in particular against acts of violence or intimidation and against insults and public curiosity (Third Geneva Convention, Articles 3, 13).

Prisoners of war are to be evacuated as soon as possible after their capture to camps in an area *far enough* from the combat zone to be out of danger. Only those prisoners of war who, because of wounds or illness, would be in greater danger by evacuation than by remaining where they are, may be temporarily retained in a danger zone (Third Geneva Convention, Article 19).

Murder, torture, cruel and inhuman treatment, outrages upon human dignity, maiming, rape and other forms of sexual violence are prohibited by the norms of customary IHL (customary IHL, norms 89, 90, 92, 93 and others).

The widespread or systematic practice of rape and any other form of sexual violence of comparable gravity constitutes a crime against humanity as defined in Article 7 of the Rome Statute of the International Criminal Court (ICC Statute, Article 7 (1) (a), (g)).

Premeditated killing, in particular the killing or wounding of a combatant who has laid down his arms or who is unarmed and has surrendered unconditionally, torture, willfully causing great suffering or serious injury to body or health, rape and other forms of sexual violence are also considered war crimes under the Rome Statute (ICC Statute, Article 8 (2) (a) (i), (ii), (iii), (b) (vi), (xxii)).

The statement that "there will be no mercy" constitutes a separate war crime under the Rome Statute (ICC Statute, Article 8 (2) (b) (XII)).



Ukrainian law enforcement agencies continue to identify new facts of sexual violence against civilians during the Russian occupation of certain regions of Ukraine.

According to the General Prosecutor's Office, the Prosecutor's Office and the National Police have already recorded **155 cases** of conflict-related sexual violence (CRSV), mostly in the Kherson and Kyiv regions (during the temporary occupation).¹⁶

Злочини сексуального насильства, пов'язаного з конфліктом

Усього

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Source: Prosecutor General's Office

On 2 March, the Office of the Prosecutor General issued a notice of suspicion against the

Russian servicemen **Vadim Shakhmatov** and **Eugene Chernoknizhnyi**.

The two military servicemen of the "section of the rifle platoon of the rifle company of the 15th Separate Guards Motorized Rifle Brigade (peacekeeping forces) of the 2nd Guards Combined Arms Army of the Central Military District (Military Unit No. 90600)" of the Armed Forces of the Russian Federation are suspected of committing abuses against the civilian population, as well as other violations of the laws and customs of war, consisting of rape, indecent assault, brutal behavior, use of physical and moral

¹⁶ <https://www.gp.gov.ua/ua/posts/prokuratura-ta-nacpoliciya-zafiksuvani-vze-155-vipadkiv-seksualnogo-nasilstva-naibilse-na-xersonshhni-ta-kiyivshhni>

¹⁷ <https://www.gp.gov.ua/ua/posts/povidomlennya-pro-pidozru-saxmatovu-vd-ta-cornokniznomu-jea-original-ta-pereklad>

coercion, including intimidation by threats of physical violence, coercion to watch acts of sexual violence. According to the content of the written reports of suspicion published by the investigators, the above-mentioned servicemen, being in a state of alcoholic intoxication and using firearms to intimidate civilians, on 13 March 2022, in the territory of the municipality Baryshivka (Kyiv region), occupied at that time by the Russian army, committed, in particular, several episodes of rape in various forms (vaginal, anal, oral penetration), including in relation to a young girl, a minor girl and a pregnant woman. Some acts of sexual violence were committed in the presence of the victims' family members. The reports of suspicion contain a detailed description of the circumstances of the commission of the crimes for each of the episodes of criminal acts. A special pre-trial investigation is carried out the suspects (in the absence of hiding suspects).

Journalists believe that both combatants are probably no longer alive.¹⁸



Russian soldier Vadim Shakhmatov suspected of sexual violence. Photo source: Meduza.



Memorial plaque for the Russian soldier Yevgeni Chernoknizhnyi at the school where the suspect allegedly studied. Photo source: Meduza.

On 30 March, it became known that Ukrainian law enforcement officers identified three Russian servicemen who, during the occupation of one of the municipalities of the Bucha district (Kyiv region) in March 2022, systematically committed gang rapes of a local woman. Suspicion was announced in absentia to the servicemen of "37 OMSBr (military unit 69647)" of the Armed Forces of the Russian Federation (names are not given). According to the investigation, the suspects, together with other servicemen, intimidated the civilian population, regularly searched the houses of local residents, looking for men. After some time, they began to systematically visit a private house where a woman lived with a child and an elderly mother.¹⁹ They did this in groups of three, with the composition of such groups constantly changing. After demonstrating the presence of weapons and taking into account the absence of men in the house, they took turns taking the woman to the garage where they raped her.²⁰

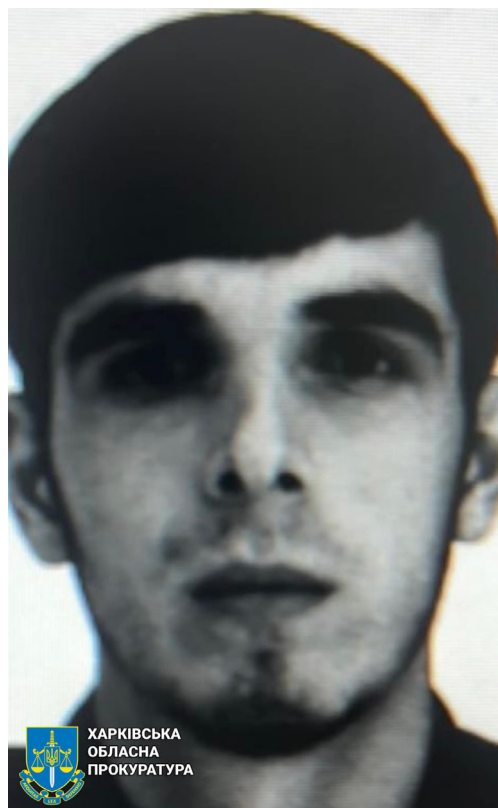
¹⁸ <https://meduza.io/feature/2023/03/14/ukraina-obvinila-dvuh-rossiyskih-snayperov-v-iznasilovanii-chetyrehletney-devochki-i-ee-materi-v-kievskoy-oblasti>

¹⁹ <https://www.npu.gov.ua/news/slidchi-natspolitsii-povidomyly-pro-pidozru-viiskovomu-rf-za-zgvaltuvannia-zhinky-pid-chas-okupatsii-kyivshchyny>

²⁰ <https://gp.gov.ua/ua/posts/povidomleno-pro-pidozru-tryom-rosiiskim-viiskovim-yaki-pid-cas-okupaciyi-gvaltuvali-zinku-na-kiyivshhini>

On 4 April,

Kharkiv Regional Prosecutor's Office reported the successful identification of three Russian servicemen (names are not given) who raped a young girl in the temporarily occupied territory of the Kharkiv region in the spring of 2022. The suspicion was reported in absentia to a 43-year-old colonel, commander of the "99th self-propelled artillery regiment of the 3rd Motorized Rifle Division of the 20th Combined Arms Army of the Western Military District" of the Armed Forces of the Russian Federation, as well as two of his subordinates: a 20-year-old private and a 24-year-old junior sergeant. According to Ukrainian law enforcement officials, the Russian military came to the house where the girl's family lived, fired shots and searched the house. After making sure that only civilians were in the house, the servicemen left, but in the evening they returned and took the girl after putting her in an armored personnel carrier. They blindfolded her so she could not see where they were taking her. On the way, the girl was stripped naked. At the house where the 43-year-old commander was staying, the fighters took turns raping the girl. Here, the military commander defiantly did it first. After the de-occupation of the municipality, the girl complained to the Ukrainian law enforcement authorities.²¹



Russian military personnel suspected by Ukrainian prosecutors of raping a girl in the Kharkiv region. Photo source: Kharkiv Regional Prosecutor Office.

²¹ <https://www.facebook.com/prokuraturokharkiv/posts/pfbido7Wn2Pf1GYMwKrBMjt5aSqKijVE5ykSjBvbdmM7SxbMbipjpPbHHFX7dHGaNzYiBkl>

On 6 April,

it became known that the Kherson regional prosecutor's office had sent a case to court against a Russian serviceman (unnamed), accused of raping a woman.²² The accused served in the military as part of a unit that in March 2022 controlled the temporarily occupied territory of the Beryslav district of the Kherson region. During one of the raids on the homes of the civilian population, a man committed sexual violence against a local female resident and entered her house without permission and began systematically to rape her, causing, in particular, psychological trauma to the victim's child.²³

²² <https://gp.gov.ua/ua/posts/zalyakuvav-civilne-naseleennya-xersonshhini-ta-gvaltuvav-miscevu-zinku-suditimut-viiskovosluzbovcya-rf>

²³ <https://t.me/phogovua/1513>

Why this constitutes a violation of IHL:

Women require special protection against any outrage upon their dignity and, in particular, protection against rape, coercion into prostitution or any other form of outrage upon their morals (Fourth Geneva Convention, Article 27, Additional Protocol I to the Geneva Conventions, Article 76).

In its resolution 3318 (XXIX) of 14 December 1974, the General Assembly of the United Nations proclaimed the Declaration on the Protection of Women and Children in Emergency Situations and During Armed Conflicts, in which it called upon the Member States of the United Nations to make every effort to protect women and children from the devastating consequences of war and to achieve a prohibition of measures such as torture, degrading treatment and violence against them.

The widespread or systematic use of rape and any other form of sexual violence of comparable gravity constitutes a crime against humanity as defined in Article 7 of the Rome Statute of the International Criminal Court (ICC Statute, Article 7 (1) (g)). Rape and other forms of sexual violence are also considered war crimes under the Rome Statute (ICC Statute, Article 8 (2) (b) (xxii)).

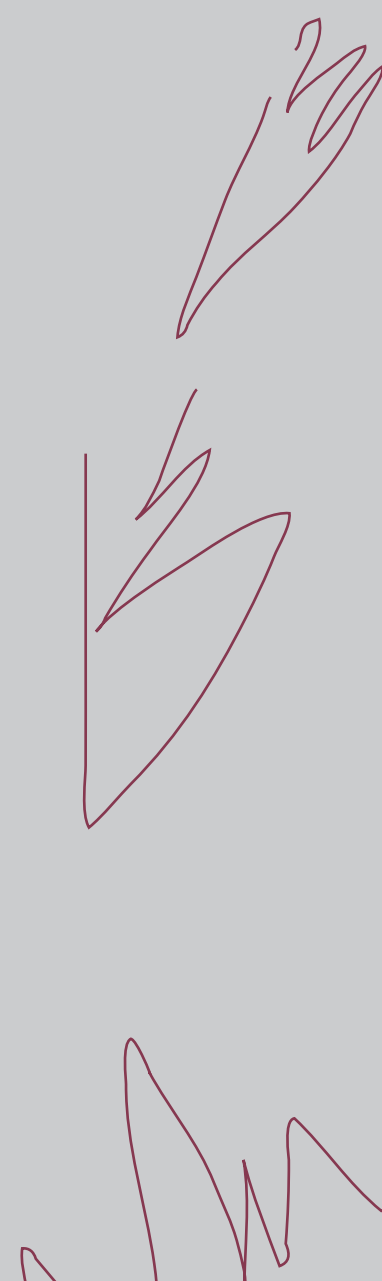
In addition, the Rome Statute specifically treats humiliating and degrading treatment as war crimes and outrages upon human dignity, (ICC Statute, Article 8 (2) (b) (XXI)).

For reference:

Sexual violence in conflict-related situations, in its various forms, has been widespread since 2014, that is, since the very beginning of Russia's armed aggression against Ukraine, as EUCCI has repeatedly reported in its publications, research and other materials.

See, for example, the EUCCI report: «**War Without Rules: Gender-Based Violence in the Context of the Armed Conflict in Eastern Ukraine**»:

https://totalaction.org.ua/public/upload/book/1522852942_gon_eng_web.pdf



4

Deliberate attacks on civilian population and civilian objects. Attacks of indiscriminate nature. Failure to comply with the principle of proportionality in an attack.

From the very beginning of the full-scale invasion, deliberate attacks on civilians and civilian objects have been carried in violation of the principle of distinction. The number of *indiscriminate attacks* remains consistently high. In many cases, there are indications that the combatants do not observe *the principle of proportionality* in their attacks. We recall that the essence of the latter is that attacks that can be expected to cause incidental deaths of civilians or injuries to civilians, damage to civilian objects, or a combination of such consequences that would be excessive in relation to the expected specific and immediate military advantage to be gained are prohibited.

In February-May 2023, the entire territory of Ukraine was at risk under the threat of missile and bomb attacks. Air alarms were sounded in all regions without exceptions.²⁴

Municipalities in the vicinity of active military operations, as well as those in the rear of Ukrainian troops, continued to be subjected to indiscriminate artillery, rocket and bomb attacks.

Here are several examples:

On 14 April, a missile attack was launched on the city of Sloviansk (Donetsk region). According to the Donetsk regional military administration, eight missiles of the S-300 anti-aircraft missile system were fired at the city. At least 15 people were killed (including a 2-year-old child who died on the way to the hospital) and 24 injured. The greatest destruction was suffered by a five-story residential building in Parkovy Lane.²⁵

Apartment building in Sloviansk after a missile attack. Photo source: Pavlo Kyrylenko / Donetsk Regional State Administration (Regional Military Administration).



²⁴ <https://alerts.in.ua/>

²⁵ https://t.me/pavlokyrylenko_donoda/7579



Маленький ангел
 😊 это не твоя судьба
 Ты должен был жить

Rescuers pull a still-alive boy from a high-rise building destroyed by a rocket strike in the city of Slovyansk. Photo source: Apostrophe.

On 28 April,

the country was shocked by a missile attack on the city of Uman (Cherkasy region). One of the missiles hit a nine-story apartment building. At least **23** civilians were killed, including six children of various ages. Two people were reported missing. A large number of people sustained injuries of varying severity.²⁶ On the same day, a missile strike on the city of Dnipro (Dnipropetrovsk region) killed a 31-year-old woman and her 2-year-old child. At least three people were wounded. Residential buildings, cars, etc. were damaged.²⁷



Rescuers sort through the rubble of a nine-story apartment building in the city of Uman after it was hit by a Russian missile. Photo source: State Emergency Service of Ukraine.

²⁶ <https://www.pravda.com.ua/news/2023/04/29/7399991/>

²⁷ <https://gp.gov.ua/ua/posts/zagibel-ditini-ta-zinki-i-poranennya-tryox-lyudei-vnaslidok-raketnoyi-ataki-na-dnipro-rozpocato-rozsliduvannya>

On 11 May,

the Russian military fired twice at a residential building in the city of Toretsk (Donetsk region). One of the attacks involved a multiple launch rocket system, believed to be heavy self-propelled 300 mm multiple rocket launcher "Smerch". At least nine civilians were wounded.²⁸ It can be assumed that more civilian casualties were prevented only because a significant part of the civilian population had already left the city due to regular shelling. At the same time, a significant number of people, including women and children, are still in the city.



Residential buildings in Toretsk after the shelling, 11.05.2023. Photo source: Office of the Prosecutor General and Donetsk Regional Prosecutor's Office.

²⁸ <https://www.gp.gov.ua/ua/posts/vnaslidok-obstrilu-torecka-armijeyu-rf-zaznali-poranen-9-gromadyan-rozpocato-dosudove-rozsliduvannya>

As of May 2023, the Donetsk region, in particular the city of Bakhmut and surrounding areas, remains the hottest point of armed confrontation. Heavy fighting continues for the towns of Avdiivka, Vugledar, and Mariinka. These communities have been completely destroyed. However, at the beginning of April 2023, according to estimates of the Donetsk regional military administration, about 1,800 civilians remained in Avdiivka.²⁹

In **January-April 2023**, on the territory of the Donetsk region controlled by the Government of Ukraine, at least **246** civilians were killed and **810** people were injured (according to the information from the daily messages of the head of the Donetsk regional state administration/regional military administration in Telegram).³⁰ In total, since the beginning of the full-scale invasion, at least **1539** civilians have been killed and **3620** injured in the region (excluding victims in the temporarily occupied territories, in particular in the city of Mariupol).³¹

Since 24 February 2022, at least **484** children have been killed in Ukraine, not less than **992** children have been injured and at least **393** children have gone missing (as of 1 May 2023 and excluding the areas under temporary occupation). The exact number of children killed and injured is still unknown.³²

Civilian social infrastructure, including public buildings, in the Donetsk region is also significantly damaged. Since 24 February 2022, **722** educational institutions (299 kindergartens, 319 schools, 29 colleges, 43 universities and 32 extracurricular educational institutes) have been damaged or completely destroyed in the Donetsk region.³³

²⁹ https://t.me/pavlokyrylenko_donoda/7461

³⁰ https://t.me/pavlokyrylenko_donoda

³¹ https://t.me/pavlokyrylenko_donoda/7703

³² <https://childrenofwar.gov.ua/>

³³ https://t.me/pavlokyrylenko_donoda/6924

Why this constitutes a violation of IHL:

Norms of international humanitarian law provide that parties to a conflict must always distinguish between the civilian population and combatants, as well as between civilian objects and military targets, and direct their actions accordingly only against military targets, in order to ensure respect for and protection of civilians and civilian objects (Additional Protocol I to the Geneva Conventions, Articles 48, 52, Customary IHL, norms 1, 7).

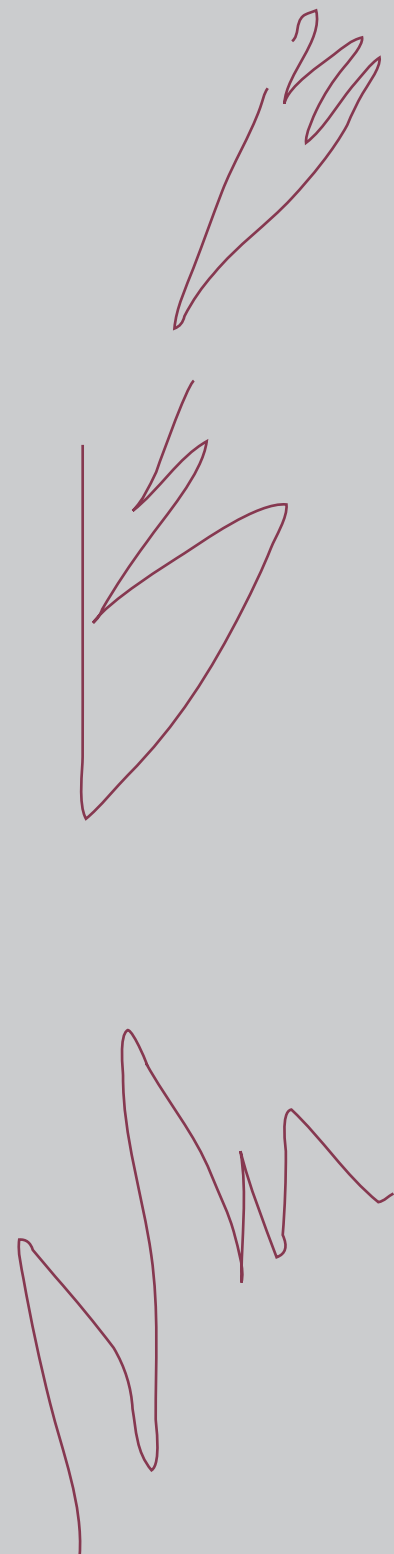
The protection of civilian objects ceases when these objects are used for military purposes.

Preventive measures during an attack provide in particular, but not exclusively, that the person who plans an attack or decides to carry it out must do everything practically possible to ensure that the objects of the attack are neither civilians nor civilian objects and are not subject to special protection, but are precisely military targets (Additional Protocol I to the Geneva Conventions, Article 57, Customary IHL, Rule 16).

Indiscriminate attacks, in particular attacks not directed against a specific military target, or attacks using methods or means of conducting military operations which cannot be directed against a specific military target, are prohibited.

In case of doubt as to whether an object normally intended for civilian purposes, such as a place of worship, an apartment building, a school, is being used in effective support of hostilities, such object shall be presumed to be used for civilian purposes (Additional Protocol and to the Geneva Conventions, Article 52).

Intentionally directing attacks against the civilian population or individual civilians, intentionally directing attacks against civilian objects, failure to comply with the principle of proportionality in an attack, and certain other related acts committed in the course of an international armed conflict are war crimes within the meaning of the Rome Statute of the International Criminal Court (ICC Statute, Article 8).



5

Threat to high-risk structures and facilities.

In February-May 2023, actions of the Armed Forces of the Russian Federation continued to threaten the safe operation of the nuclear facilities of Ukraine. First of all, this applies to the Zaporizhzhya Nuclear Power Plant (NPP), where the armed Russian military and heavy equipment continue to be stationed.

Currently, the plant does not produce electricity, but only consumes electricity from the Ukrainian power system to meet its own needs. Five units of Zaporizhzhya NPP are in the state of a cold shutdown, one unit is in the state of a hot shutdown.³⁴



Zaporizhzhya Nuclear Power Plant. Illustrative photo. Photo source: Energoatom

³⁴ <https://www.energoatom.com.ua/o-0605231.html>

On 7 April,

it became known that the night before, masked Russian soldiers broke into one of the premises of the Zaporizhzhya NPP and detained four employees of the plant's physical security service. The people were taken to an unknown destination and their whereabouts remain unknown.³⁵ At the same time, the IAEA regularly draws attention to the lack of maintenance personnel at the plant and the related threats to the safe operation of the nuclear facility.³⁶

On 3 May,

the State Committee for Nuclear Regulation of Ukraine with reference to the IAEA Crisis Center, reported that the occupation forces placed military equipment, weapons and explosives in the turbine department of the power unit No. 4 of the Zaporizhzhya NPP. It is also known that at the end of July 2022, the Russian military placed heavy military equipment with ammunition, as well as weapons and explosives in the engine room of the power unit No. 1. At the beginning of August 2022, information was received about the placement of military equipment also in the engine room of the power unit No. 2.³⁷

³⁵ <https://www.energoatom.com.ua/o-0704231.html>

³⁶ <https://www.iaea.org/newscenter/pressreleases/update-157-iaea-director-general-statement-on-situation-in-ukraine>

³⁷ <https://snriu.gov.ua/news/rosiiski-okupanty-rozmistyly-v-turbinnomu-viddileni-enerhobloku-4-zaes-viiskovu-tekhniku-ta-vybukhivku>

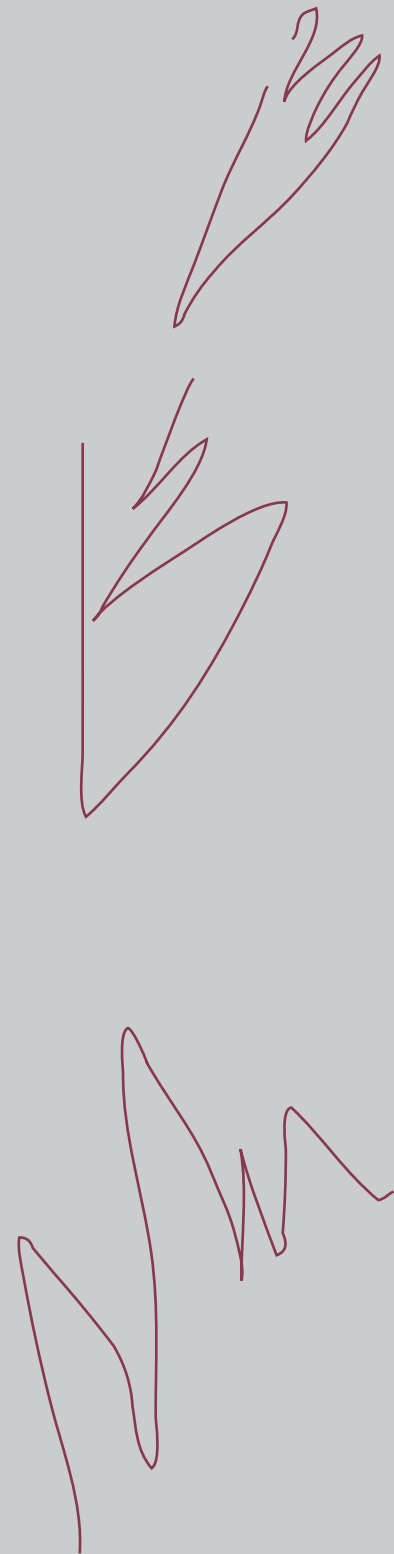
Why this constitutes a violation of IHL:

Facilities and structures containing hazardous forces such as dykes, dams, and nuclear power plants, may not be attacked if such an attack is likely to result in the release of hazardous forces and subsequent large civilian casualties. Attack is prohibited if such objects are military in nature (Additional Protocol I to the Geneva Conventions, Article 56). When attacking on high-risk structures and installations, special care should be taken to avoid the release of dangerous forces and excessive civilian casualties during such attacks (Customary IHL, norm 42).

Therefore, the prohibition of attacks on these objects is not absolute. For example, the special protection against attacks on nuclear power plants end if the nuclear power plant generates electricity for the regular, substantial and direct support of military operations and if such an attack is the only practical way to stop such support.

It is quite obvious that the Zaporizhzhya NPP under the control of Ukraine was a purely civilian facility, not a military facility. There were no Ukrainian military facilities near the NPP. The consequences of conducting military operations in the vicinity of the plant, damaging to its infrastructure, transforming the Zaporizhzhya NPP into a military base of the Russian Federation (militarization of the plant), launching missiles over the territory of the NPP, mining the relevant territories and other similar actions are in most cases unpredictable and pose an extraordinary danger.

A deliberate attack, when it is known that such an attack will cause incidental death or injury to civilians or damage to civilian objects or extensive, lasting and serious damage to the natural environment, which clearly cannot be compared to the specific and immediately expected general military advantage, is a war crime in the sense of the Rome Statute of the International Criminal Court (ICC Statute, Article 8 (2) (b) (iv)).



6

Seizure and looting of property.

The trend of seizure and plundering of property by the occupation forces and occupation administrations (persons and organizations under their control) in the temporarily occupied territories has not changed in February-May 2023. Reports of such cases are usually difficult to verify from several (alternative) sources, but the veracity of most of them is beyond reasonable doubt. The range of types of property that become object of encroachment is, as before, rather diverse: from domestic robbery of the local population (cars, cash, etc.) to seizure and looting of property of large enterprises in significant amounts (crops of farmers, goods and property complexes of Ukrainian enterprises, etc.).

For example, at the end of March 2023, the Office of the Prosecutor General published the results of an investigation into a domestic robbery of local residents by the Russian military in May 2022 in the formerly occupied city of Izyum (Kharkiv oblast). According to the investigation, three soldiers of the "39th Separate Motorized Rifle Red Banner Brigade of the 68th Army Corps of the Eastern Military District" (names are not given) stopped a car carrying two civilians, fired two shots from automatic weapons near the front wheels of the car, and then began to demand money from the men, threatening to kill them. After taking the money, the men were released.³⁸

This example, according to the information available in the public sphere, is a fairly typical situation in the temporarily occupied territories (in particular in the areas close to the front line).

On 16 March, it became known that in the temporarily occupied territories of the Zaporizhzhya region the property and equipment of the medical company "Diaservice" were looted, and the company's premises were declared "unattended property", with the prospect of further "nationalization". In the temporarily occupied village of Kamyanka-Dniprovska, two ultrasound machines and other expensive equipment were stolen from the premises of "Diaservice", and medical equipment was stolen from the biological material sampling stations. In the temporarily occupied town of Pology, furniture, equipment and even glass containers for tests were stolen from the company's premises.³⁹



One of the premises of the "Diaservice" medical center. Illustrative photo. Photo source: "Center for Investigative Journalism".

³⁸ <https://gp.gov.ua/ua/posts/pogrozuvali-rozstrilyati-yakshho-poterpili-ne-viddadut-grosi-suditimut-tryox-rosiiskix-viiskovix>

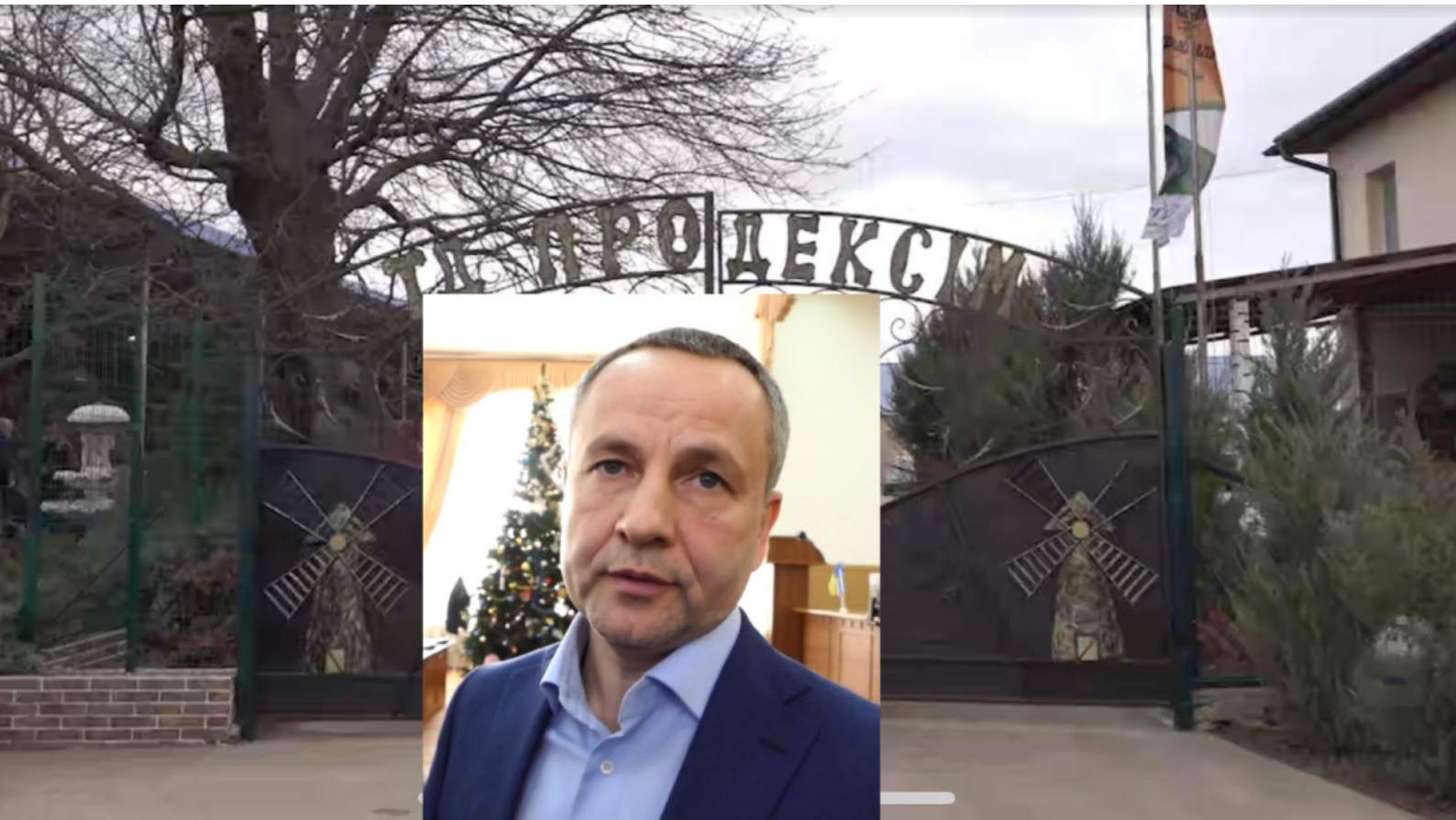
³⁹ <https://investigator.org.ua/ua/news-2/252491/>

On 23 March,

the General Staff of the Ukrainian Armed Forces announced that all units of the Russian Army stationed in the village of Novaya Kakhovka (Kherson region) left the town. This was preceded by a tour of the nearest homes of the local population and the "confiscation" of large quantities of household and electronic appliances, jewelry, clothing and mobile phones.⁴⁰ However, it turned out that this was probably a planned rotation of the occupation forces. We assume that during the next rotation the local population can expect a similar procedure of "confiscation" of personal property.

On 3 April,

the confiscation of the property complex of the private company "Trading House 'Prodeksim'", whose assets are located mainly on the left bank of the temporarily occupied Kherson region, became known. The media call the mayor of the city of Kherson Ihor Kolykhayev the main beneficiary of the company. Since June 2022, he remains in Russian captivity.⁴¹ "Prodeksim" is a number of agricultural enterprises located in Berislav, Gornostaivka, Kakhovka, Novovorontsovka and Chaplynka districts of Kherson region. The enterprises specialize in cultivation and trade with grain, supply of petroleum products to agricultural enterprises, etc.⁴²



Ihor Kolykhayev, the mayor of Kherson and the main beneficiary of "Prodeksim". Photo source: "Center for Investigative Journalism".

⁴⁰ <https://www.facebook.com/GeneralStaff.ua/posts/pfbid0U5nJd58nTcbXGSvYBT69DXdzTxSF5iQHQPCH9xu4qhogQuQ2oGUg4Vba3aurhDsl>

⁴¹ <https://investigator.org.ua/ua/news-2/253197/>

⁴² https://uk.wikipedia.org/wiki/%D0%9A%D0%BE%D0%BB%D0%B8%D1%85%D0%B0%D1%94%D0%B2_%D0%86%D0%B3%D0%BE%D1%80_%D0%92%D1%96%D0%BA%D1%82%D0%BE%D1%80%D0%BE%D0%B2%D0%B8%D1%87

On 2 August,

the medical center "Avicenna", located in the temporarily occupied town of Melitopol (Zaporizhzhya region), declared the seizure of the premises and property of the center by unknown persons, who tried to restore the work of the medical center without the consent of the legal owner.⁴³ Journalists managed to find out that the full operation of the medical center stopped in April 2022, when the doctors left for the territory controlled by Ukraine. In November 2022, armed Russians came to the center, "sealed" the premises, took the keys and said that in order to continue working, the owner must come to the "ministry" for registration. The clinic was then robbed twice. First, a local collaborator doctor took away the equipment of the gynecological office, and then unknown persons drove away in a car and took away furniture and equipment.⁴⁴ We are convinced, such actions, which are systemic in nature, would hardly have been possible without the support of the occupation authorities.



Oleksandr Semeniuta's medical center "Avicenna" in the city of Melitopol. Photo source: MC "Avicenna".

These are just a few examples of the confiscation and looting of private property in the occupied territories.

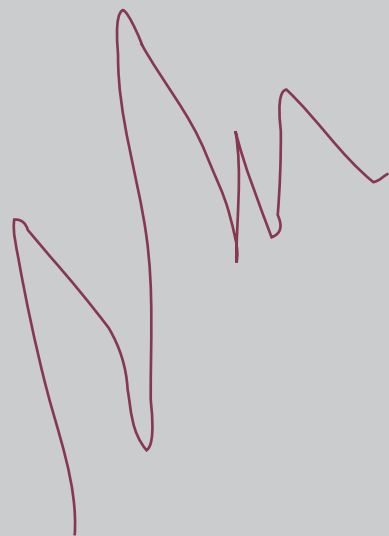
⁴³ https://www.facebook.com/avicennamelitopol/posts/pfbidowYBcsLzqVCCoc65kL6uQRRTEoTcxrNbvVU4YoaUgwSB5PZqtBHiSsatjchCHFTaMl?locale=ru_RU

⁴⁴ [http://1news.zp.ua/vyvezli-mediczinskoe-oborudovanie-i-zahvatili-pomeshhenie-v-zaporozhskoj-oblasti-rossijskie-okkupanty-naczionalizirovali-medczentr/](http://1news.zp.ua/vyvezli-mediczinskoe-oborudovanie-i-zahvatili-pomeshhenie-v-zaporozhskoj-oblasti-rossijskie-okkupanty-naczionalizirovali-medczent/)

Why this constitutes a violation of IHL:

The rules of IHL prohibit robbery. It is permitted to confiscate movable public property in the occupied territory *which can be used for military operations*; private property must be respected, it may not be confiscated, except in cases where the destruction or seizure of such property is required by *urgent military necessity* (Fourth Geneva Convention, Article 53, IHL, norms 49-51).

The unlawful, wanton or extensive destruction and appropriation of property not caused by military necessity, the pillaging of communities, and certain other related acts committed during an international armed conflict are war crimes within the meaning of the Rome Statute of the International Criminal Court (ICC Statute, Article 8).



7

Arbitrary detention and deprivation of liberty of civilians.

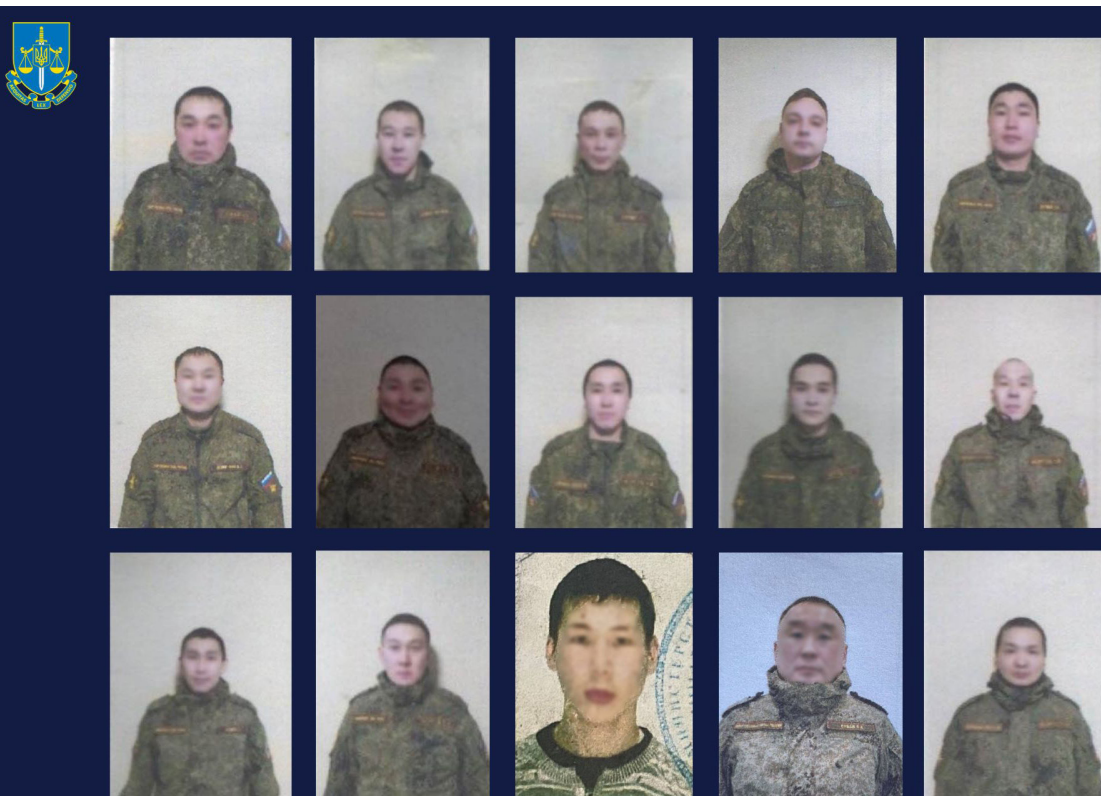
In February-May 2023, the practice of arbitrary detentions by servicemen of the Armed Forces of the Russian Federation, Rosgvardiya, FSB, etc. (hereinafter referred to as the "Russian military" for the sake of simplicity) and imprisonment of civilians in the occupied territories in illegal detention facilities did not change significantly. Illegal deprivation of liberty is still being carried out everywhere and is clearly part of a plan or policy against certain sections of the civilian population of the occupied territories.

Almost every day there are new reports of people being arrested by the occupation authorities. Some of the detainees are subsequently released, while the fate of the rest remains unknown.

For example, on **28 March**, the illegal detention of the head of one of the municipalities in the temporarily occupied Skadovsk district became known (the name of the person and the name of the municipality were not reported by the police).⁴⁵

Compared to the first months of the full-scale military invasion, the number of such reports decreases with each month of the war. EUCCI believes that this is not due to a decrease in the number of cases of illegal detention of people by the occupation authorities, but to the growing fear of the relatives of detainees to publicly report disappearances (the formation of a stable system of repressive bodies in the occupied territories creates an atmosphere of general fear), as well as to the general information blockade of the occupied territories by the Russian authorities.

On 4 April, the Ukrainian Prosecutor's Office sent a case to court against 15 servicemen of the Russian army, accused of violating the laws and customs of war during the temporary occupation of the village of Yahidne (Chernihiv region) in March 2022.



Russian servicemen accused of crimes against civilians in the village of Yahidne. Photo source: Office of the General Prosecutor.

⁴⁵ https://www.facebook.com/khersonpolice.official/posts/pf_bido4XMg1wNMaPtXGfTVUxbmCmgheAe6QEDxKXFkQZyKPK4EgYFsdJtu4mCieqjQDHt4l

In March 2022, the Russian military set up its headquarters in the premises of a local school. At the same time, they kept people from the local population, including women and children, in the basement of the school. People were almost never allowed to go outside.⁴⁶ The youngest prisoner was 3 months old and the oldest was 93 years old.

Local resident *Oleg Turash*, who was held in this basement, told reporters that at least 10 people died of suffocation in the basement.⁴⁷ The bodies of the dead were stored for some time in the basement next to the living people who were being held there. Ukrainian law enforcement officials have determined that armed militants deprived 368 people, including 69 children, of their liberty and forcibly held them in the basement of the school as a "human shield".⁴⁸



School in Yahidne. Photo source: Suspilne Chernihiv

Besides, **in April 2023** it became known that the Ukrainian prosecutors in absentia informed an employee of the FSB of the Russian Federation (name not given) about the suspicion of ordering maltreatment of the civilian population, as well as committing other violations of the laws and customs of war. According to the investigation, in March 2022, during the temporary occupation of the city of Kherson, the suspect, along with other representatives of the occupation authorities, broke into the apartment of a local resident, where he conducted an illegal search and took away material values from the owner. Later, while threatening the family with violence and using physical force, the victim was taken to the occupied building in the center of the city, where they continued to beat the victim, simulating an execution, in order to force the illegally detained person to cooperate.⁴⁹

⁴⁶ <https://t.me/uniannet/44049>

⁴⁷ <https://www.youtube.com/watch?v=vii1ZUFRmGE>

⁴⁸ <https://gp.gov.ua/ua/posts/za-zorstoke-povodzennya-z-civilnim-naselennyam-na-cernigivshhini-suditimut-15-viiskovosluzbovciv-rf>

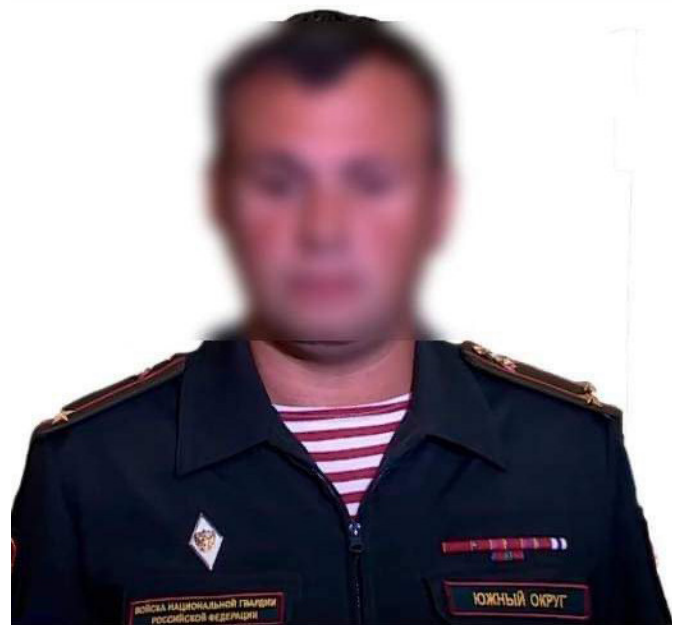
⁴⁹ <https://gp.gov.ua/ua/posts/pograbuvannya-ta-katuvannya-meskanciv-xersonshhini-identifikovano-shhe-odnogo-spivrobitnika-fsb-rf-yakii-zorstoko-povodivsyia-z-civilnimi>



A similar suspicion was raised against another career officer of the FSB of Russia (unnamed), who, according to the investigation, while in the temporarily occupied territory of the Kherson region, gave orders to subordinates to use physical force, detain and imprison the civilian population. Illegally detained persons were taken to the occupied regional police building, where they were later illegally detained and tortured. In particular, in June 2022, on the instructions of the suspect, FSB officers entered the country house (dacha) of a local resident, conducted an illegal search of the house, threatened to kill relatives, detained the man, and took him to the aforementioned occupied police building. There the man was held in inhumane conditions, interrogated, systematically beaten and electrocuted in order to force him to cooperate.⁵⁰

An officer of the FSB of Russia suspected of illegal detentions of residents of Kherson. Photo source: Office of the General Prosecutor.

In another case, a Russian soldier (commander), who was appointed by the aggressor state as the “commander-head of the garrison” of the village of Lazurne after the occupation of the Kherson region, was accused by the Ukrainian prosecutor’s office in absentia. He personally, as well as by giving orders, participated in the arrest and torture of local residents with a pro-Ukrainian position, and illegally confiscated private property. In one of the episodes, the defendant, together with his accomplices, detained the chairman of one of the village councils of the Skadovsk district. The man was kept in the basement of a boarding house, where he was systematically beaten, threatened with violence and simulated execution. The man was asked to provide information about pro-Ukrainian activists and was persuaded to cooperate.⁵¹



The Russian commander, “commander-in-chief” of the garrison” of the village of Lazurne. Photo source: Office of the General Prosecutor.

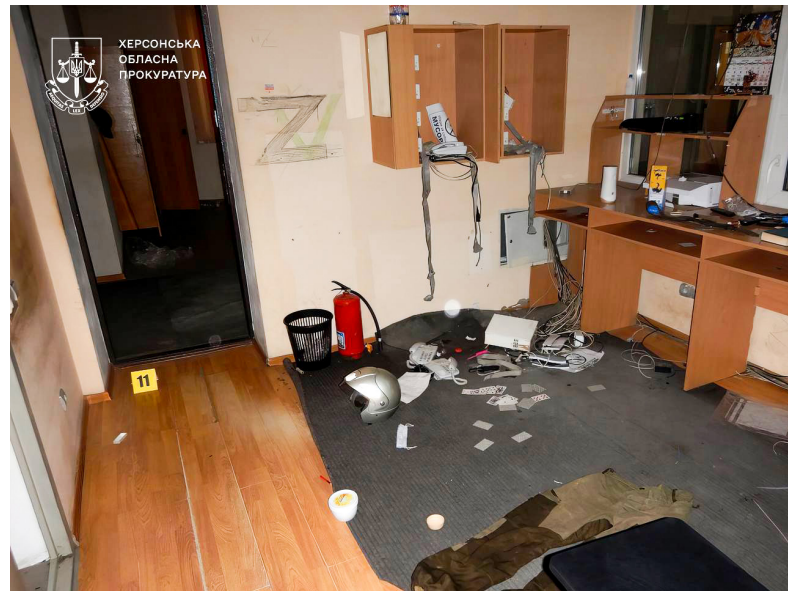
⁵⁰ <https://gp.gov.ua/ua/posts/povidomleno-pro-pidozru-kadrovomu-spivrobotniku-fsb-rf-pricetnomu-do-zorstoko-povodzennya-z-civilnimi-na-xersonshhini>

⁵¹ <https://gp.gov.ua/ua/posts/znushhavsya-ta-katuvav-mirnix-meskanciv-xersonshhini-suditimut-viiskovogo-rf>

On 11 May,

prosecutors of the Kherson regional prosecutor's office charged the deputy head of the department of "Rosgvardiya" of the Rostov region of the Russian Federation, a police lieutenant colonel, with suspicion of violation of laws and customs of war, who during the occupation of the city of Kherson (Kherson region) by the Russian military, organized a torture chamber and personally ordered the use of force against illegally detained civilians. The confiscated premises of the local police temporary detention center were used as a place for detention and torture. From March to October 2022, more than 200 civilians passed through this place of detention. The investigation has already identified 160 victims. Those illegally detained were mostly pro-Ukrainian activists, volunteers, veterans and relatives of law enforcement officers. They were kept in unhygienic conditions and tortured. At least **17 men** were sexually assaulted by electrocuting the genitals. At least **three people** were tortured to death.

According to Prosecutor General Andriy Kostin, **11 torture chambers** and **13 places of detention** were found in the Kherson region alone. Information on the illegal detention of nearly 1,000 people is being verified.⁵²



Building of a temporary detention center in Teploenergetikiv Street in the city of Kherson, where Russian security forces held detained civilians during the occupation of the city. Photo Source: Office of the Prosecutor General and Kherson Regional Prosecutor's Office.

⁵² <https://www.gp.gov.ua/ua/posts/andrii-kostin-kozen-zlocin-maje-imya-prizvishhe-ta-obliccya-bagato-z-nix-mi-vze-znajemo-insim-ne-vdastsya-sxovatisya-navit-na-rosiiskix-bolotax>

Why this constitutes a violation of IHL:

During an international armed conflict, the grounds on which a party to the conflict may deprive a civilian of his or her liberty are laid down in the Fourth Geneva Convention: civilians may be interned or forcibly transferred to a particular place only if it is absolutely necessary for the security of the State under whose authority they are (Article 42) and in the occupied territory for reasons of maintaining security (Article 78). In order for the deprivation of liberty in such cases to be considered lawful, it is also necessary to follow the established procedure (articles 43, 78 and others).

Enforced disappearances and arbitrary deprivation of liberty (Customary IHL, norms 98, 99) directed against civilians are prohibited.

The widespread or systematic practice of enforced disappearance, detention or other cruel deprivation of personal liberty in violation of fundamental norms of international law constitutes a crime against humanity as defined in Article 7 of the Rome Statute of the International Criminal Court (ICC Statute, Article 7 (1) (e) (i)).

Unlawful deprivation of liberty, hostage-taking and certain other related acts are also considered war crimes under the Rome Statute (ICC Statute, Article 8 (2) (a) (vii), (viii)).

For reference:

The practice of arbitrary arrests and detention of civilians in illegal detention facilities has been widespread since 2014, that is, since the very beginning of Russia's armed aggression against Ukraine, as EUCCI and other human rights organizations have repeatedly reported in their publications, research, and other materials.

See, for example:

Imprisoned in the "LPR Government" Building

<https://totalaction.org.ua/en/books/31>

War Without Rules: Gender-Based Violence in the Context of the Armed Conflict in Eastern Ukraine

<https://totalaction.org.ua/en/books/3>

Surviving Hell

<https://totalaction.org.ua/en/books/9>



The imposition of Russian citizenship on the residents of the temporarily occupied territories of Ukraine continues.

On 27 April, 2023

V. Putin with his "migration" decree No. 307 approved the "specifics of the legal status" of residents of the temporarily occupied Ukrainian territories who *did not receive a Russian passport*.⁵³

From now on, as of 30 September 2022 ("the date of admission of the new entities to the Russian Federation" - the occupied territories), in particular, citizens of Ukraine who on that date were living in the territories of Ukraine occupied by Russia, as well as Ukrainian citizens who previously lived in these territories and went to the Russian Federation (probably including those who were forcibly deported to Russia), who declared their desire to retain their existing Ukrainian citizenship and did not take the oath of citizenship of the Russian Federation, will be considered "foreigners". Put simply, all Ukrainian citizens who have not received a Russian passport are considered foreigners with all the legal consequences associated with this, including the need to comply with the rules of stay of foreigners on the territory of Russia, the specifics of income taxation, etc. "New foreigners" may receive a "residence permit" in the Russian Federation, but they are required to pass the state fingerprint registration. They can be expelled from the Russian Federation (from the occupied territories) if they pose a "threat to national security" of Russia, which includes, in particular, participation in unauthorized public meetings.

We remind that on **25 May 2022** V. Putin signed the Decree 304, which simplified admission to Russian citizenship of residents of the occupied territories of the Kherson and Zaporizhzhya regions of Ukraine.⁵⁴ By Decree 330 of 30 May, the Russian President introduced a "simplified procedure" for the acquisition of Russian citizenship by orphans, children deprived of parental care, and disabled persons with Ukrainian citizenship.⁵⁵

As for the territories of the Donetsk and Luhansk regions occupied after 24 February 2022, Russian passports will be issued to the residents of these territories in accordance with the legislation of the Russian Federation introduced even earlier for the self-proclaimed "Donetsk People's Republic/Luhansk People's Republic", in the same way as for the residents of the "DPR/LPR" (Decree of V. Putin, dated 24 April 2019, No. 183).⁵⁶

⁵³ <http://publication.pravo.gov.ru/Document/View/0001202304270013?rangeSize=1>

⁵⁴ <https://www.pravda.com.ua/news/2022/05/25/7348452/>

⁵⁵ <https://life.pravda.com.ua/society/2022/05/30/248879/>

⁵⁶ <http://www.kremlin.ru/acts/bank/44190>

On 30 September 2022, the Russian authorities announced in Moscow the signing of "agreements" on the admission to the Russian Federation of the so-called Donetsk People's Republic, the Luhansk People's Republic, as well as the Zaporizhzhya and Kherson regions within borders existing at the "time of their creation and at the time of their admission to the Russian Federation".⁵⁷ Subsequently, on 2 October, the Constitutional Court of the Russian Federation declared these "international treaties" "constitutional", and on 3 October 2022, the Russian authorities announced that their parliament had unanimously supported the annexation of the temporarily occupied territories of Ukraine: the regions of Donetsk, Luhansk, Zaporizhzhya and Kherson.⁵⁸

Each of the "treaties" contains Article No. 5 as follows: *"From the date of admission of the DPR/LPR/Zaporizhzhya region/Kherson region to the Russian Federation and formation of a new entity within the Russian Federation, citizens of DPR/LPR/Ukraine and stateless persons permanently residing on the territory of DPR/LPR/Zaporizhzhya region/Kherson region as of that date shall be recognized as citizens of the Russian Federation, with the exception of persons who, within one month from this date, declare their desire to retain another citizenship held by them and/or their minor children, or to remain stateless persons"*.

As a result, all residents of the occupied territories of Ukraine, who permanently resided in the occupied territories or at least had a note in their passport (or other document provided for by law) about their registered place of residence (previously - residence registration) in the occupied territories, automatically received Russian citizenship in the understanding of the authorities of the Russian Federation. While living under conditions of occupation (against the background of military operations, the presence of armed military and special services, etc.) or leaving for the territory controlled by Ukraine or abroad, it is hardly practically possible to declare within a month to the authorities of the Russian Federation about *"their desire to preserve the other citizenship which they and/or their minor children have"* as it was stated in the "treaties". In addition, orphans and children without parental care, as well as disabled persons, were explicitly deprived of this opportunity.

⁵⁷ <http://kremlin.ru/events/president/news/69465>

⁵⁸ <http://duma.gov.ru/news/55411/>

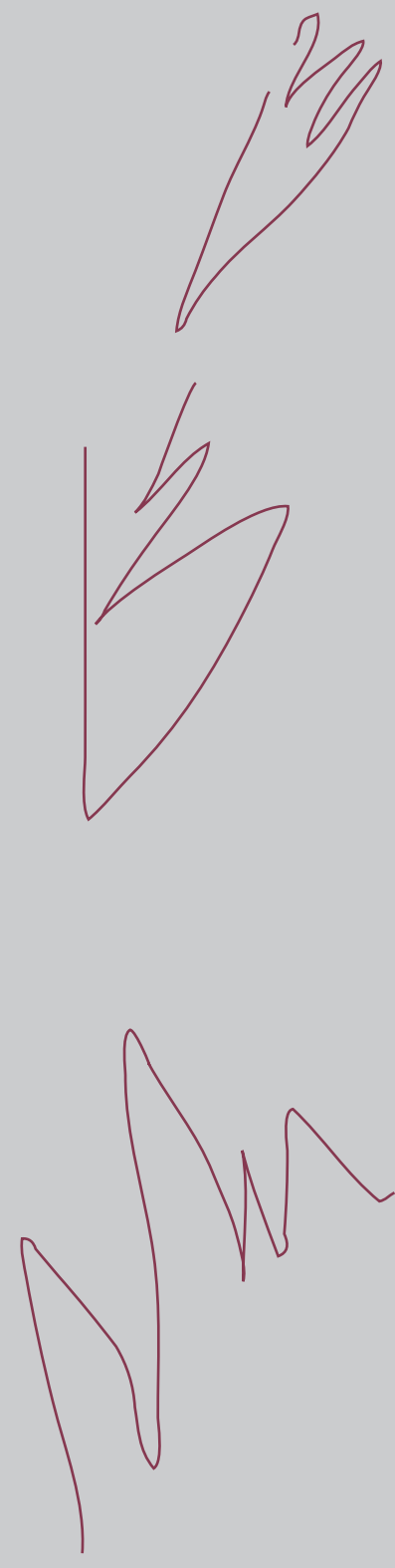
Why this constitutes a violation of IHL:

In accordance with Article 45 of the Regulations concerning the Laws and Customs of War on Land, annexed to The Hague Convention (IV) on the Laws and Customs of War on Land of 1907, it is prohibited to compel the inhabitants of occupied territory to swear allegiance to the hostile power.

Article 47 of the Geneva Convention (IV) on Civilians states: "Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, as the result of the occupation of a territory, into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory (Article 47 IV of the Geneva Convention).

The imposition of Russian citizenship on the residents of the occupied Ukrainian territories de jure and de facto forces them to swear allegiance to the occupying power, which is prohibited by international law. Any change of citizenship must be a priori voluntary. Voluntariness requires a free choice, not an artificially offered one. Using the example of the imposition of citizenship on residents of the temporarily occupied Crimean peninsula, it can be noted that the legal framework adopted "in a period of upheaval and general legal uncertainty" significantly undermines the ability of any person to make an informed choice based on a full understanding of the "advantages and disadvantages" of the options of retaining Ukrainian citizenship or acquiring the citizenship of the occupying state. Undoubtedly, the situation with Russian citizenship on the Crimean peninsula and on the occupied mainland of Ukraine is different, and the issue of acquiring citizenship is complex and multidimensional.⁵⁹

However, there are already grounds for claiming that the inhabitants of the territories occupied by Russia do not have the opportunity to freely choose their citizenship and that the acquisition of Russian citizenship is not voluntary.



⁵⁹ https://www.irf.ua/content/files/report_crimea_human_rights.pdf

Reference:

Since 2014, EUCCI has been documenting human rights violations committed during the war in Ukraine. Our team has undergone a series of specialized trainings to properly collect, process, and preserve victim testimonies. During 2014-2021, EUCCI interviewers visited almost every city in the Donetsk and Luhansk oblasts (on the territory controlled by the Ukrainian government) to collect dozens of first-hand accounts of human rights violations. We collected information on gross human rights violations caused by the armed conflict, including:

- illegal detention;
- inhuman treatment;
- torture;
- involvement of minors in organized armed groups;
- gender-based violence.

EUCCI provides free legal assistance to any victim in the form of counseling and assistance in court proceedings.

This publication was prepared jointly by the [Eastern-Ukrainian Center for Civic Initiatives](#) (EUCCI) and the German organization [KURVE](#)

[Wustrow](#) – Center for Training and Networking in Nonviolent Action as part of the Civil Peace Service (CPS) in Ukraine.

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We now face new challenges due to of Russia's large-scale invasion of Ukraine, but we continue our human rights work and call on all victims and witnesses of violations of human rights and IHL to report such violations to us:

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