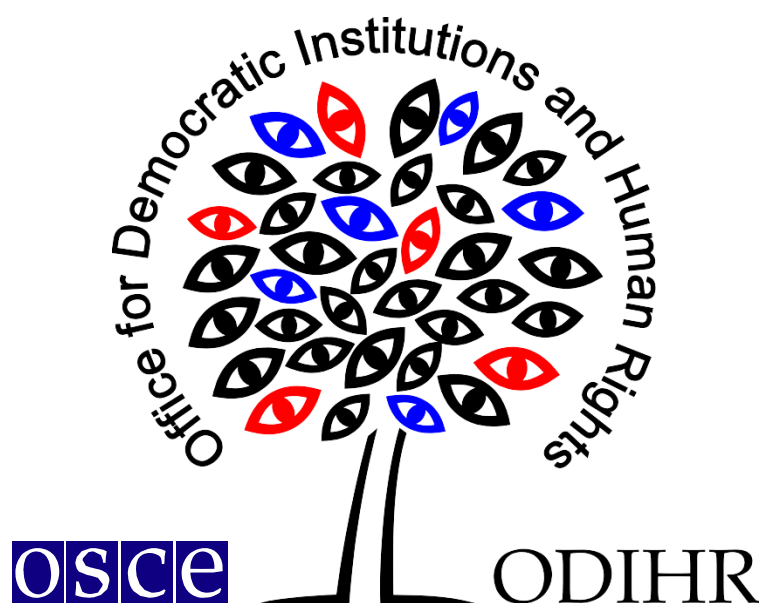


# Fourth Interim Report on reported violations of international humanitarian law and international human rights law in Ukraine



12 December 2023

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## I. Executive Summary

1. In line with its monitoring mandate, ODIHR launched the Ukraine Monitoring Initiative (UMI) to monitor and report on the most pressing issues affecting the lives of civilians and prisoners of war (POWs), following the Russian Federation's military attack in Ukraine on 24 February 2022. This is the Fourth Interim Report on reported violations of international humanitarian law (IHL) and international human rights law (IHRL) produced by the UMI, building on the findings and recommendations of the three previous Interim Reports.
2. The Report includes a short overview of developments in the context of the armed conflict from 1 June to 30 November 2023, while the main body of the report focuses on specific issues reported to ODIHR by 91 witnesses during five monitoring deployments conducted by ODIHR in the second half of 2023. The report is also informed by the UMI's remote monitoring, using open-source investigation techniques and information supplied by institutions of the Russian Federation and Ukraine and civil society organizations, among other actors.
3. ODIHR's monitoring found that Russian Federation forces continued to use explosive weapons with wide area effects in their attacks on densely populated urban areas of Ukraine, causing numerous civilian casualties, both in areas close to heavy fighting and in cities far from the contact line. ODIHR also collected information on the targeting of civilian infrastructure, including objects indispensable to the survival of the civilian population and cultural property. From late September, the Russian Federation resumed attacks on critical energy infrastructure, ahead of the winter period. Although on a much smaller scale, Ukrainian armed forces shelled populated areas of Ukraine occupied by the Russian Federation, which caused civilian casualties and damage to civilian objects.
4. The destruction of the Kakhovka dam and the ensuing flooding had catastrophic humanitarian and environmental consequences, with dozens killed or missing, thousands displaced and homes destroyed across an area previously home to 100,000 people. Evacuating residents, assisted by humanitarian actors, reported being shelled by Russian Federation forces as they attempted to flee. More broadly, attacks on humanitarian operations increased, resulting in the deaths of humanitarian workers, destruction of supplies and disruptions to the provision of emergency aid as the environment for providing humanitarian assistance deteriorated.
5. ODIHR received additional reports of torture inflicted against Ukrainian prisoners of war (POWs). Both sides continue to expose POWs to public curiosity, in violation of IHL, with Ukrainian POWs more frequently at risk. The Russian Federation and affiliated authorities brought 'terrorism' charges against individuals who should have been afforded POW status.

6. Reports of forcible transfers and deportations of Ukrainian children continued, both within Russian Federation-occupied areas of Ukraine and from these areas to the Russian Federation. It remains challenging to assess the exact number of children affected.
7. The Ukrainian authorities continued to investigate and convict individuals for collaboration with the Russian occupying authorities. Concerns persisted regarding the vague wording of applicable legislation and, in some cases, the failure to distinguish between ‘voluntary’ cooperation, which may legitimately be prosecuted, and cooperation under duress, which should not be criminalized.
8. ODIHR continued to document cases of arbitrary detention in Russian Federation-occupied areas, interviewing 22 survivors, as well as 12 eyewitnesses and receiving 11 more credible allegations of further incidents, some of which may amount to enforced disappearances and *incommunicado* detention. The information suggests that many were targeted for their real or perceived support for the Ukrainian armed forces or for their refusal to cooperate with the occupation administration, among other ‘anti-Russian’ positions.
9. Information received by ODIHR from survivors and witnesses indicates the widespread and systematic use of torture by the Russian Federation in occupied areas of Ukraine. Twenty of 22 survivors of arbitrary detention reported being subjected to torture or other ill-treatment while in detention. At least six reported sexual violence, while survivors also reported witnessing others being tortured, including allegations from one eyewitness of detainees being tortured to death. Torture was reportedly mostly used during interrogations and was aimed at extracting information and also to punish or humiliate victims. Severe beatings were reported as the most common method of torture, leaving survivors, in many cases, with long-term physical injuries and trauma. Two Ukrainian former POWs reported being tortured in Russian Federation detention and held alongside civilians.
10. Witnesses and survivors provided ODIHR with detailed information regarding the movement and displacement of civilians from occupied territories, a large number of which may be considered forcible and thus unlawful. Witnesses described various reasons pushing them to leave, including restrictions imposed by occupying authorities, encroaching hostilities and coercion to collaborate with the occupying authorities, among others. Two witnesses described being forcibly ‘deported’ to Ukrainian government-controlled territories. Some witnesses described instances of being fired upon by Russian Federation forces while fleeing and having to traverse mined roads.
11. Many witnesses from occupied territories described the various measures and pressures in place designed to coerce them into becoming Russian citizens. The regulations and restrictions on, and intimidation Ukrainian citizens to compel them to change nationality constitute serious violations of IHL.
12. ODIHR continued to receive reports of unlawful restrictions to the rights to freedom of peaceful assembly in Russian Federation-occupied territories. Assemblies were

reportedly dispersed using excessive force, including live ammunition, and participants were intimidated, harassed and detained as means to suppress peaceful protests.

13. ODIHR makes a series of recommendations, calling on both parties to the conflict to address the issues highlighted in this report, as well as to respect and ensure respect for IHL and IHRL.

## II. Introduction

14. More than 21 months after the military attack that the Russian Federation initiated in the early hours of 24 February 2022, the situation in Ukraine continues to be marked by widespread suffering of the civilian population and serious violations of international humanitarian law (IHL) and international human rights law (IHRL).
15. OSCE human dimension commitments emphasize the vital importance of participating States' realization of their binding human rights obligations under international treaties.<sup>1</sup> Those human dimension commitments reaffirm the binding nature of States' obligations under IHL, including the Geneva Conventions.<sup>2</sup>
16. In line with its core mandate to assist OSCE participating States in the implementation of their human dimension commitments,<sup>3</sup> ODIHR established the Ukraine Monitoring Initiative (UMI) immediately after 24 February 2022, prioritizing the most pressing issues affecting the lives of civilians and prisoners of war (POWs). This includes monitoring the use of means and methods of warfare prohibited under IHL; instances of wilful killings, torture and other inhumane and degrading treatment or punishment, and conflict-related sexual violence (CRSV); the unlawful displacement of civilians, including children; and denial of humanitarian relief to populations in need. Later, due to developments on the ground and information provided to ODIHR by witnesses, the scope of the monitoring was broadened to focus additionally on the situation in occupied territories and violations of the rules of occupation under IHL.
17. ODIHR's analysis of the situation in Ukraine and alleged IHL and IHRL violations is informed by relevant legal provisions applicable to the armed conflict in Ukraine, noting that the so-called 'annexation' territories under occupation by the Russian Federation remains illegal and effects no change to their status as Ukrainian territory under

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<sup>1</sup> See for example [Concluding Document of Budapest](#) (Budapest 1994), CSCE, 6 December 1994, para. 20.

<sup>2</sup> See for example [Concluding Document of Helsinki](#), (Helsinki 1992), The Fourth Follow-up Meeting, CSCE, 10 July 1992, paras. 47-52; CSCE, [Budapest 1994](#), paras. 29–35.

<sup>3</sup> CSCE, [Helsinki 1992](#). See [Interim Report on reported violations of international humanitarian law and international human rights law in Ukraine](#), (First Interim Report), OSCE/ODIHR, 20 July 2022; [Second Interim Report on reported violations of international humanitarian law and international human rights law in Ukraine](#), (Second Interim Report), OSCE/ODIHR, 14 December 2022; and [Third Interim Report on reported violations of international humanitarian law and international human rights law in Ukraine](#), (Third Interim Report), OSCE/ODIHR, 17 July 2023, for additional detail on ODIHR's mandate.

international law. More information about the legal framework is available on ODIHR's website.<sup>4</sup>

18. ODIHR developed its human rights monitoring methodology for the purposes of, and circumstances faced by the UMI. In particular, ODIHR adopts a trauma-informed approach, guided by the principles of 'do no harm', informed consent and awareness of the risks of re-traumatization. More information about the UMI methodology is available on ODIHR's website.<sup>5</sup>
19. This Fourth Interim Report published by ODIHR builds upon the findings and recommendations of the three previous Interim Reports on reported violations of IHL and IHRL in Ukraine published in July 2022 (First Interim Report),<sup>6</sup> December 2022 (Second Interim Report)<sup>7</sup> and July 2023 (Third Interim Report)<sup>8</sup> respectively. ODIHR's public reporting on such issues aims to contribute further to ensuring accountability for violations of IHL and IHRL committed in the context of the armed conflict in Ukraine.
20. The report begins with an overview of conflict-related issues and important developments which occurred in Ukraine between 1 June and 30 November 2023, before focusing on specific issues on which detailed information was provided to ODIHR during in-person interviews with survivors and witnesses conducted in the second half of 2023, giving prominence to their voices.<sup>9</sup> ODIHR conducted five monitoring deployments from August to November 2023, with two visits to Ukraine, two visits to Estonia and one visit to Poland. During these monitoring visits, in the course of 87 in-person interviews, ODIHR interviewed a total of 91 survivors of, or witnesses to alleged violations of IHL and IHRL (52 women and 39 men).<sup>10</sup> ODIHR interviewees came from various regions of Ukraine, including Donetsk, Kharkiv, Kherson, Luhansk, Mykolaiv and Zaporizhzhia. ODIHR wishes to convey its deepest gratitude to all the witnesses and survivors who provided their testimony. Additionally, ODIHR received information from the authorities of Ukraine and the Russian Federation, their respective national human rights institutions, relevant intergovernmental organizations (IGOs) and civil society organizations which is referenced throughout the report.

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<sup>4</sup> See [The legal framework applicable to the armed conflict in Ukraine](#), OSCE/ODIHR, 17 July 2023.

<sup>5</sup> See [Ukraine Monitoring Initiative Methodology](#), OSCE/ODIHR, 17 July 2023.

<sup>6</sup> OSCE/ODIHR, [First Interim Report](#).

<sup>7</sup> OSCE/ODIHR, [Second Interim Report](#).

<sup>8</sup> OSCE/ODIHR, [Third Interim Report](#).

<sup>9</sup> In this respect, the information included in this section may relate to events that occurred prior to June 2023.

<sup>10</sup> These included four interviews with two people who specifically requested to be interviewed together. To date, ODIHR has conducted a total of 14 monitoring deployments in the framework of the UMI. These included eight visits within Ukraine, conducting interviews in Uzhhorod, Lviv, Kyiv and towns and villages in the Kyiv region, six monitoring visits to Estonia, as well as a visit to Poland. During these visits, ODIHR conducted 320 in-person interviews, including 18 interviews with two people who specifically requested to be interviewed together, with 338 survivors of, or witnesses to alleged violations of IHL and IHRL (180 women, 158 men).

### III. Overview of the situation since 1 June 2023

#### a. Continued violations of IHL during the conduct of hostilities

21. During the reporting period, ODIHR continued to monitor reported violations of IHL committed during the conduct of hostilities, in particular relating to the use of explosive weapons with wide area effects in densely populated civilian areas, direct attacks against civilians, the targeting of civilian infrastructure, including objects indispensable to the survival of the civilian population and cultural property, and attacks against energy infrastructure ahead of the coming winter.
22. ODIHR's monitoring activities, including open-source investigation techniques to verify digital evidence,<sup>11</sup> show that, between 1 June and 30 November 2023, Russian armed forces continued to use explosive weapons with wide area effects<sup>12</sup> routinely in their attacks on densely populated urban areas of Ukraine, leading to numerous civilian casualties as well as extensive damage and destruction of civilian objects.<sup>13</sup> This includes the deadliest single attack since the beginning of the conflict when a Russian strike killed 59 civilians (36 women, 22 men and an eight-year-old child)<sup>14</sup> in the village of Hroza (Kharkiv region) on 5 October. While shelling and multiple launch rocket system (MLRS) attacks primarily affected residents of areas in close proximity to heavy fighting, missile, loitering munitions and airstrikes often hit civilian objects far from the frontline. For instance, one such attack corroborated by ODIHR, took place on the night of 12-13 June in Kryvi Rih (Dnipropetrovsk region) when a Russian missile hit a residential building and reportedly killed 11 civilians (including a 17-year old child) and injured 36 more.<sup>15</sup> The Russian Federation launched multiple missiles on Ukraine that night, including on

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<sup>11</sup> Since 24 February 2022, ODIHR has been collecting information on potential violations of the rules on the conduct of hostilities by the parties to the conflict. As ODIHR is not in a position to conduct detailed assessments of violations of IHL norms in relation to individual attacks, its findings are based on certain patterns observed in the course of its monitoring activities, which allow it to make provisional conclusions regarding the degree of compliance with particular IHL norms by the warring parties. For more information see [ODIHR's methodology](#).

<sup>12</sup> These are weapons designed for the open battlefield and, given their inherent inaccuracy, their use in densely populated areas is very likely to cause indiscriminate and disproportionate harm to civilians and civilian infrastructure.

<sup>13</sup> According to updated figures made available by the Office of the United Nations High Commissioner for Human rights (OHCHR), 91 per cent of civilian deaths and injuries in Ukraine recorded between 24 February 2022 and 31 October 2023 were caused by the use of explosive weapons with a wide impact area, including shelling from heavy artillery and multi-launch rocket systems, missiles and air strikes. See [Protection of Civilians in Armed Conflict — October 2023](#), United Nations Office of the High Commissioner for Human Rights, 14 November 2023. Regarding ODIHR's previous findings, see also OSCE/ODIHR, [First Interim Report](#), paras 47-51; OSCE/ODIHR, [Second Interim Report](#), at paras 44-48; OSCE/ODIHR, [Third Interim Report](#), paras 17-20.

<sup>14</sup> Information from the Permanent Mission of Ukraine to the International Organizations in Vienna. See also [Attack on funeral reception in Hroza](#), UN Office of the High Commissioner for Human Rights (UN OHCHR), 31 October 2023; [Gathering to mourn the dead, and dying themselves in an explosion in Ukraine](#), *The New York Times*, 5 October 2023.

<sup>15</sup> [Dnipropetrovsk region Prosecutor's Office](#), Official website, 13 June 2023.

the capital, Kyiv,<sup>16</sup> and Kryvyi Rih.<sup>17</sup> Although the Ministry of Defence of the Russian Federation claimed the targets were military,<sup>18</sup> the type of weapon reportedly used — cruise missiles with a wide area effect — the reported number of civilians deaths and injuries caused and the timing of the attack — at night, when civilians were asleep at home — are an example of the Russian authorities' continued disregard for the fundamental principles of IHL in the conduct of hostilities, such as the principle of distinction and precaution.<sup>19</sup>

23. The reporting period was also marked by recurring missile and loitering munitions strikes on civilian infrastructure in the Odesa region and, in particular, on its port facilities and grain terminals<sup>20</sup> following a Ukrainian naval drone attack on the Kerch bridge on 17 July<sup>21</sup> and Russia's subsequent withdrawal from the Black Sea Grain Deal.<sup>22</sup> During July and August, the Russian Federation launched attacks on grain infrastructure almost every other day, while occasional strikes continued until early November. According to the Minister of Infrastructure of Ukraine, as of mid-September almost 300,000 metric tonnes of grain had been destroyed<sup>23</sup> in clear violation of the IHL prohibition of attacks against objects indispensable to the survival of the civilian population.<sup>24</sup> These strikes also resulted in civilian casualties.<sup>25</sup> In addition, the attacks damaged a least 17 cultural sites

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<sup>16</sup> KVMA/Kyiv city military administration, Telegram [post](#), 13 July 2023, in Russian.

<sup>17</sup> General Staff of the Armed Forces of Ukraine, Facebook [post](#), 13 June 2023, in Ukrainian.

<sup>18</sup> Russian Ministry of Defence, Telegram [post](#), 13 June 2023, in Russian.

<sup>19</sup> See also OSCE/ODIHR, [First Interim Report](#), paras 39-46; OSCE/ODIHR, [Second Interim Report](#), paras 45-46; and OSCE/ODIHR, [Third Interim Report](#), paras 17-19 discussing previous incidents where attacks attributed to the Russian Federation also appeared to violate the principles of distinction, proportionality and precaution.

<sup>20</sup> Under certain conditions, maritime ports can qualify as military objectives if they are used to transport military supplies or for launching military operations, for instance. However, there is no information available supporting that the entirety of the port infrastructure targeted offered an “effective contribution” to Ukraine's military action.

<sup>21</sup> The available information indicates that the Kerch bridge, by being the primary military supply route to the Russian forces fighting in southern Ukraine, was and is offering an “effective contribution” to the Russian Federation's military action. Consequently, its destruction, total or partial, would have offered a definitive military advantage to Ukraine by delaying and hampering the resupply of the Russian Federation's armed forces. Hence, the Kerch bridge, regardless of its simultaneous civilian use, qualified as a legitimate target.

<sup>22</sup> [Russia pulls out of Ukraine grain deal, in potential blow to global food supplies](#), CNN, 17 July 2023.

<sup>23</sup> [Кубраков: з моменту виходу РФ із Зернової угоди експортний потенціал портів України знизився на 40%](#) [Kubrakov: Since Russia's withdrawal from the Grain Agreement, the export potential of Ukrainian ports has decreased by 40%], Radio Liberty, 13 September 2023.

<sup>24</sup> As objects indispensable to civilian survival, food and food-specific infrastructure, such as grain silos, cannot be targeted for their sustenance value unless they provide sustenance exclusively to combatants. IHL also clearly prohibits reprisals against food and food infrastructure. See, [Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts \(AP I\)](#), United Nations, 8 June 1977, art 54.

<sup>25</sup> For instance, on the night of 22-23 July, two civilians were killed and 21 were injured in a massive missile attack on the historic centre of Odesa, see Information from the Permanent Mission of Ukraine to the International Organizations in Vienna; on 13 September, seven civilians were injured in a strike on two ports in the Danube River, see Oleg Kiper/Odeska ODA(OVA), Telegram [post](#), 13 September 2023, in Ukrainian; on 25 September, two civilians were killed in a missile attack on Odesa marine terminal building, grain storage facilities and warehouse buildings, see Oleg Kiper/Odeska ODA(OVA), Telegram [post](#), 25 September 2023, in Ukrainian; on 5 November, eight civilians were injured following a strike on the historic centre of Odesa and an industrial building, see Oleg Kiper/Odeska ODA(OVA), Telegram [post](#), 6 November 2023, in Ukrainian; on 8 November, one port worker was killed and several crew members were injured in a strike on a civilian vessel in the Ukrainian Black Sea Port of Pivdennyi in Odesa, see [Yet another attack on Ukraine's ports impacting a](#)



in the UNESCO-protected historic centre of Odesa,<sup>26</sup> including the oldest and largest Orthodox cathedral in the city — the Transfiguration Cathedral — in violation of the IHL rule that prohibits acts of hostility directed against cultural objects and places of worship.<sup>27</sup> Attacks against cultural and religious buildings, when intentional, also amount to war crimes.<sup>28</sup>

24. In mid-September, the Russian Federation also resumed<sup>29</sup> its strikes against Ukraine's critical energy infrastructure, raising concerns about a new escalation and the threat such attacks pose to the civilian population as winter approaches. On the night of 20-21 September, Russian armed forces carried out, for the first time in six months, a large-scale attack directed at energy facilities in central and western Ukraine that resulted in partial blackouts in the Rivne, Zhytomyr, Kyiv, Dnipropetrovsk and Kharkiv regions.<sup>30</sup> According to information corroborated by ODIHR monitoring, the strikes also caused civilian casualties and damage to civilian objects, including residential buildings.<sup>31</sup> According to Ukrainian authorities, between late September and early November, Russian armed forces attacked Ukrainian energy infrastructure facilities 60 times.<sup>32</sup>
25. Although on a much smaller scale, the Ukrainian armed forces have also engaged in shelling populated areas in the Russian Federation-occupied territories of Ukraine, which have resulted in civilian casualties and damage to civilian objects.<sup>33</sup> For example, on 8 June, four civilians were reportedly killed (including one woman) and 13 were injured (including one child and seven women) in MLRS shelling of the Central and Mykytivskiy districts of Horlivka (Donetsk region), according to the High Commissioner for Human Rights in the Russian Federation and a representative of the de facto authorities in

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[civilian crew and vessel when entering the port of Pivdennyi, Odesa](#), UN OCHA, press release, 9 November 2023.

<sup>26</sup> Cultural and religious buildings are afforded special protection under IHL. See UN, [AP I](#), arts. 53 and 85(4); [Hague Convention for the Protection of Cultural Property](#), UNESCO, 14 May 1954, art. 4.

<sup>27</sup> Information from the Permanent Mission of Ukraine to the International Organizations in Vienna. See also [Odesa: UNESCO strongly condemns attack on World Heritage property](#), UNESCO, press release, 21 July 2023; [Odesa: UNESCO strongly condemns repeated attacks against cultural heritage, including World Heritage](#), UNESCO, press release, 23 July 2023; [The Museum of Fine Arts in #Odesa, within the UNESCO World Heritage Site, was once again damaged by a Russian airstrike last night. @UNESCO strongly condemns the attack](#), @unesco\_kyiv, Twitter/X, 6 November 2023.

<sup>28</sup> [ICC Rome Statute](#), UN, in force on 1 July 2002, art. 8(2)(b)(ix).

<sup>29</sup> Russian Federation attacks on energy infrastructure in the winter of 2022-2023 resulted in numerous civilian casualties and disrupted the supply of electricity, water, heat and services to millions of Ukrainians. For more information, see OSCE/ODIHR, [Second Interim Report](#), paras 49-52; OSCE/ODIHR, [Third Interim Report](#), para. 18.

<sup>30</sup> [Ukrenergo](#), Telegram [post](#), 21 September 2023, in Ukrainian.

<sup>31</sup> Vitaliy Klitschko, Telegram [post](#), 21 September 2023, in Ukrainian; Denys Shmyhal Prime-minister of Ukraine, Telegram [post](#), 21 September 2023, in Ukrainian.

<sup>32</sup> [Допомога енергосектору і перетворення України на енергетичний хаб Європи: Герман Галущенко провів зустріч з Джеффрі Пайєттом](#) [Helping the energy sector and turning Ukraine into a European energy hub: Herman Halushchenko met with Geoffrey Payette], Ministry of Energy of Ukraine, 6 November 2023.

<sup>33</sup> For instance, between 24 February 2022 and 31 October 2023, UN OHCHR recorded 5,362 casualties (2,181 killed and 3,181 injured) in non-government-controlled areas of Ukraine. See UN OHCHR, [Protection of Civilians in Armed Conflict — October 2023](#). See also [Report on the human rights situation in Ukraine: 1 February 2023 – 31 July 2023](#), UN OHCHR, 4 October 2023, p. 6; Information from the High Commissioner for Human Rights and the Presidential Council for the Development of Civil Society and Human Rights in the Russian Federation and Permanent Representative of the Russian Federation to the OSCE.

occupied Donetsk region<sup>34</sup> and corroborated by ODIHR monitoring. On 9 August, two civilians were reportedly killed (one woman and one child) and two were injured in MLRS shelling of the Petrovskiy district of Donetsk (Donetsk region).<sup>35</sup> Under IHL, while planning military operations, Ukraine must take constant care to spare civilians and civilian objects by taking all feasible precautions to avoid and, in any event, to minimize incidental loss of civilian life and damage to civilian objects.<sup>36</sup>

### **b. Consequences of the destruction of the Kakhovka dam**

26. The reporting period was marked by the destruction of the dam at the Kakhovka Hydroelectric Power Plant (Kherson region), one of the most significant incidents of damage to civilian infrastructure since the start of the armed conflict in Ukraine. On 6 June 2023, at approximately 02:54 am, an explosion destroyed the dam, releasing a torrent of water down the Dnipro River, which submerged 620 square kilometres of territory in the Kherson, Mykolaiv, Dnipropetrovsk and Zaporizhzhia regions, causing significant damage to 80 settlements that were home to 100,000 residents.<sup>37</sup> The Kakhovka dam had been under the control of the Russian armed forces since February 2022.<sup>38</sup>
27. Information received through ODIHR's interviews with residents of areas affected by the floods<sup>39</sup> and volunteers who helped organize their evacuations,<sup>40</sup> as well as monitoring of open sources, attest to the catastrophic humanitarian and environmental consequences of the dam's breach and the ensuing floods, some of which are considered irreversible by experts.<sup>41</sup> Civilian lives were put in danger; dozens lost their lives or went missing<sup>42</sup> and thousands of homes on both sides of the river were destroyed or severely damaged.<sup>43</sup> Landmines were reported to be floating freely, further aggravating the danger.<sup>44</sup> One witness explained to ODIHR that *"there were lots of mines (anti-tank, anti-personnel (...)). After the flooding, a lot of the mines moved. The impression was that they were*

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<sup>34</sup> Information from the High Commissioner for Human Rights in the Russian Federation.

<sup>35</sup> Information from the High Commissioner for Human Rights in the Russian Federation.

<sup>36</sup> UN, [AP I](#), arts. 57 and 58; and ICRC, [Customary IHL Rules 15-21](#).

<sup>37</sup> Government of Ukraine and the United Nations, [Post-Disaster Needs Assessment: 2023 Kakhovka Dam Disaster](#), October 2023, p. 9.

<sup>38</sup> [The Kakhovka Dam Disaster: Responsibility and Consequences](#), Wilson Center, 14 June 2023.

<sup>39</sup> ODIHR Witness Interviews UKR.WS.238; UKR.WS.250; UKR.WS.260; UKR.WS.261; UKR.WS.269; UKR.WS.273; UKR.WS.283; UKR.WS.297.

<sup>40</sup> ODIHR Witness Interviews UKR.WS.236; UKR.WS.255.

<sup>41</sup> [Rapid Environmental Assessment of Kakhovka Dam Breach](#), United Nations Environment Programme, 25 October 2023.

<sup>42</sup> According to information shared by the Government of Ukraine with the UN Commission of Inquiry on Ukraine, in the aftermath of the events, 33 people died, 28 were injured and over 40 people were missing. See [Report of the Independent International Commission of Inquiry on Ukraine](#), UN Independent International Commission of Inquiry on Ukraine, A/78/540, 19 October 2023, para. 47. See also ODIHR Witness Interviews UKR.WS.238 at para. 32, UKR.WS.255 at para. 12; UKR.WS.297 at para. 30.

<sup>43</sup> ODIHR Witness Interviews UKR.WS.238 at para. 41; UKR.WS.255 at paras 15-16; UKR.WS.261 at paras 52-55; UKR.WS.283 at para. 17. According to an October 2023 post-needs assessment, the total damage to the housing sector is estimated at USD \$1.101 billion. Around 37,012 residential units were impacted by the flooding and 15% were damaged beyond repair, Government of Ukraine and the United Nations, [Post-Disaster Needs Assessment: 2023 Kakhovka Dam Disaster](#), p. 43.

<sup>44</sup> [Ukraine dam: Dislodged mines a major concern as residents flee Kherson](#), BBC News, 8 June 2023.

*everywhere.*<sup>45</sup> The floods also impacted access to drinkable water, food and basic services<sup>46</sup> and led many civilians to be displaced.<sup>47</sup>

28. By mid-July 2023, the Ukrainian national, regional and local authorities, supported by international actors, reported having evacuated over 2,700 people, including 309 children and 80 individuals with limited mobility.<sup>48</sup> By mid-June, the Russian Ministry of Emergency Situations reported having evacuated over 7,500 people, including 461 children and 146 individuals with limited mobility.<sup>49</sup> At the same time, Russian authorities allegedly denied the international humanitarian community access to areas under occupation on the left bank of the Dnipro River.<sup>50</sup> Several residents and volunteers interviewed by ODIHR also commented on the lack of organized evacuations by the occupation authorities, as well as on reported efforts to curtail others' attempts to help them.<sup>51</sup> A former resident of Oleshky (Kherson region) told ODIHR that, when the explosion happened and Oleshky started to be flooded, the occupation authorities *“did not help anyone. If they saw someone on a good motorboat, they would take it away. There is a village, Radensk, next to Oleshky. When they heard what was going on in Oleshky, people from this village wanted to help, but then at the checkpoints the [soldiers] did not let them come.”*<sup>52</sup>
29. Residents and volunteers also mentioned incidents where people attempting to evacuate, and those helping them, came under shelling.<sup>53</sup> One former Oleshky resident explained, *“My sister had found an organization (...) that helped evacuate people from the occupied territories, including us. They tried to evacuate people on 9 June 2023 and Russian soldiers let them go through (...). When they returned with evacuated people, the [soldiers] shot at the boat and one man got injured. It also happened, on 10 June 2023, that they were shot at (...). We were worried that we would be shot at as well and were in*

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<sup>45</sup> ODIHR Witness Interview UKR.WS.260 at para. 56.

<sup>46</sup> ODIHR Witness Interviews UKR.WS.260 at para. 49; UKR.WS.269 at para. 36; UKR.WS.273 at para. 72. In July, one month after the destruction, UN OCHA estimated that nearly 1 million people were severely or catastrophically impacted by the sudden loss of water supply. See [Ukraine - Humanitarian Impact and Response Flash Update #10: Destruction of Kakhovka Dam](#), UN OCHA, 7 July 2023.

<sup>47</sup> Three days after the explosion it was estimated that more than 6,200 people had been displaced in both Russian- and Ukrainian-controlled regions, including 2,200 IDPs on the right bank and 4,000 evacuated on the left bank. See [Briefing note - Ukraine: Flooding due to the destruction of the Kakhovka Dam](#), ACAPS, 9 June 2023.

<sup>48</sup> Government of Ukraine and the United Nations, [Post-Disaster Needs Assessment: 2023 Kakhovka Dam Disaster](#), p. 14.

<sup>49</sup> [МЧС эвакуировало более 7,5 тысяч человек после ЧП на Каховской ГЭС](#) [“The Ministry of Emergencies evacuated more than 7,500 people after an emergency at Kakhovka HPP”], РИА Новости [RIA News], 15 June 2023. By 19 June, this number had risen to 8,200. See Ministry of Emergency Situations of Russia, [Telegram post](#), 19 June 2023, in Russian.

<sup>50</sup> [Statement by the Humanitarian Coordinator for Ukraine, Denise Brown, on humanitarian access to areas under Russian control](#), UN, 18 June 2023.

<sup>51</sup> ODIHR Witness Interviews UKR.WS.238 at paras 31, 34; UKR.WS.255 at para. 11; UKR.WS.297 at paras 23-24. See also [Report on the Human Rights Situation in Ukraine, 1 February - 31 July 2023](#), UN OHCHR, 4 October 2023, para. 38.

<sup>52</sup> ODIHR Witness Interview UKR.WS.238 at para. 31. See also UKR.WS.297 at para. 29; UN OHCHR, [Report on the Human Rights Situation in Ukraine, 1 February - 31 July 2023](#), para. 38.

<sup>53</sup> ODIHR Witness Interviews UKR.WS.236 at paras 11-15; UKR.WS.255 at paras 10-11.

*doubt if we would evacuate.”<sup>54</sup> Another witness, who coordinated volunteer efforts in Kherson city to receive evacuated people, explained how, shortly after President Zelenskyy visited the area on 8 June, she noticed the presence of a drone, quickly followed by artillery fire. “Then it was a trend, it happened every day. The drones came, saw where there were lots of people and cars, and then their artillery started shelling. There was no military nearby, but still there was shelling (...). The artillery was targeting the people in the boats (...). Shelling was always from the other side of the river, from Oleshky and Kokhany (...). They targeted our boats on the Kherson side, and not only the boats, also the places in Kherson where we were taking the people, and the island.”<sup>55</sup>*

### **c. Attacks against humanitarian personnel, facilities and assets**

30. Accounts of shelling during humanitarian operations to evacuate civilians after the destruction of the Kakhovka dam reflect an upward trend in the number of attacks on humanitarian personnel, facilities and assets in Ukraine. Under IHL, humanitarian personnel and the objects used for humanitarian relief operations must be respected and protected at all times.<sup>56</sup> Yet, during the reporting period, many humanitarian actors on the ground reported alarming incidents and highlighted the deteriorating operating environment for the distribution of humanitarian aid to those most in need.<sup>57</sup>
31. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), as of 31 October 2023, the number of humanitarian aid workers killed in Ukraine has more than tripled, from four in 2022 to 14 in 2023.<sup>58</sup> One such incident was confirmed by three residents from Orikhiv (Zaporizhzhia region) interviewed by ODIHR,<sup>59</sup> who witnessed an airstrike that occurred on 9 July 2023 on a local humanitarian hub situated within a

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<sup>54</sup> ODIHR Witness Interview UKR.WS.293 at para. 27.

<sup>55</sup> ODIHR Witness Interview UKR.WS.236 at paras 11-15, 47. See also UKR.WS.255 at paras 10, 18.

<sup>56</sup> UN, [API](#), Art. 71(2); and ICRC [Customary IHL](#) Rules 31 and 32.

<sup>57</sup> Between 1 June and 30 November 2023, the UN Humanitarian Coordinator for Ukraine made several statements in response to alarming incidents. See for instance [Humanitarian Assistance Must Be Protected: Statement By The Humanitarian Coordinator For Ukraine, Denise Brown, On The Latest Attacks Affecting Aid Workers In Ukraine](#), UN, 13 July 2023; [Statement By The Humanitarian Coordinator For Ukraine Denise Brown On The Escalation Of Attacks In Southern Ukraine](#), UN, 14 August 2023; [Yesterday Was Yet Another Tragic Day For Civilians In Ukraine](#), UN, 10 September 2023. See also [A Russian drone dropped ammunition on the ADRA Ukraine warehouse, where humanitarian aid was being shipped](#), ADRA Ukraine, 11 August 2023; Proliska, Facebook post, 22 August 2023, in Ukrainian; Road to Relief, Instagram, 10 September 2023.

<sup>58</sup> [Briefing to the Security Council on humanitarian situation in Ukraine](#), speech by Ramesh Rajasingham, UN OHCHA, 31 October 2023.

<sup>59</sup> ODIHR Witness Interviews UKR.WS.245 at paras 7-9, 13-15, 19, 21, 32; UKR.WS.247 at paras 6-8; UKR.WS.254 at paras 4-9.

school, as a result of which seven civilians, including humanitarian workers, were killed and a dozen were injured,<sup>60</sup> including a number of humanitarian volunteers.<sup>61</sup>

32. Increasing attacks on humanitarian facilities and assets have had a direct impact on the distribution of aid. According to OCHA, attacks impacting distribution points have steadily increased throughout the year, forcing a temporary suspension of aid on many occasions.<sup>62</sup> One of the most notable attacks in this regard occurred on 19 September 2023, when a Russian airstrike destroyed approximately 300 metric tonnes of relief supplies in a warehouse of the NGO Caritas-Spes in Lviv.<sup>63</sup>

#### **d. Situation concerning POWs**

33. Reports of Ukrainian POWs being subjected to widespread mistreatment, including torture and ill-treatment, have continued to emerge,<sup>64</sup> including through ODIHR's own interviews with witnesses and survivors.<sup>65</sup> Exposure to public curiosity in violation of IHL<sup>66</sup> also remains an issue of concern, with the identity and biographical data of POWs, and that of their family members, being recorded and widely disseminated on social media and governmental platforms.<sup>67</sup> While this concerns POWs affiliated to both parties of the

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<sup>60</sup> State Emergency Service of Ukraine, Telegram [post](#), 10 July 2023, in Ukrainian; [В Оріхові завершено пошуково-рятувальну операцію: внаслідок ворожого авіаудару 7 мирних громадян загинули, 13 отримали поранення – поліція задокументувала воєнний злочин](#) [A search and rescue operation was completed in Orikhiv: as a result of an enemy airstrike, 7 civilians died, 13 were injured - the police documented a war crime], Головне управління Національної поліції в Запорізькій області [Main Directorate of the National Police in Zaporizhzhia Region, 11 July 2023, in Ukrainian.

<sup>61</sup> See for instance [Трагедія в Оріхові. Загибло подружжя залізничників: у них залишилась маленька донька](#) [The tragedy in Orikhiv. A couple of railway workers died: they had a small daughter left behind], Главком [Glavcom], 11 July 2023, in Ukrainian. See also ODIHR Witness Interview UKR.WS.254, a volunteer who was injured in the strike, at paras 4-9.

<sup>62</sup> [Ukraine Humanitarian Response 2023: Situation Report](#), UN OCHA, last updated 11 October 2023.

<sup>63</sup> [Statement By the Humanitarian Coordinator For Ukraine, Denise Brown, On An Attack That Destroyed The Caritas-Spes Warehouse In Lviv](#), UN Humanitarian Coordinator For Ukraine, 19 September 2023; Caritas-Spes, Facebook [post](#), 19 September 2023.

<sup>64</sup> See [Statement Of Preliminary Findings And Recommendations](#), UN OHCHR, 10 September 2023, p. 2; [Російському полоні: що відбувається з українськими військовими за стінами російських тюрем](#) [In Russian captivity: what happens to Ukrainian soldiers behind the walls of Russian prisons], Медійна ініціатива за права людини [Media Initiative for Human Rights], 23 June 2023, in Ukrainian; [Ukrainian prisoners of war say they were tortured at Russian prison](#), BBC News, 16 August 2023.

<sup>65</sup> See section V.b) Torture and ill-treatment in areas under the control of the Russian Federation below. Other violations reported by ODIHR witnesses include the inability to maintain contact with relatives (ODIHR Witness Interviews UKR.WS.239 at para. 36; UKR.WS.244 at paras 36, 49-50; UKR.WS.253 at paras 10, 25; UKR.WS.307 at paras 25, 39, 60-61), exposure to public curiosity (ODIHR Witness Interviews UKR.WS.253 at para. 28; UKR.WS.307 at paras 20-22, 46, 60), pillage of belongings (ODIHR Witness Interview UKR.WS.244 at paras 17, 50-51), forced labour whilst in detention (ODIHR Witness Interview UKR.WS.244 at paras 43, 55-56) and the lack of access to a lawyer whilst being forced to sign unknown documentation and confessions (ODIHR Witness Interview UKR.WS.244 at paras 24, 46, 59; UKR.WS.253 at para. 10. See also UKR.WS.307 at para. 64).

<sup>66</sup> IHL protects POWs from “exposure to public curiosity”, which includes the simple disclosure of images of POWs both to preserve their dignity, as well as to protect them from being identified and subjected to possible acts of reprisals after their release. See [GC III](#), art. 13(2).

<sup>67</sup> As part of its monitoring activities, ODIHR regularly consults social media channels and platforms affiliated with, or supportive of parties to the conflict. In doing so, it has been able to track instances where POWs are exposed to public curiosity through the publication of videos and photos.

conflict, these practices appear to affect Ukrainian POWs more frequently and consistently than Russian POWs.<sup>68</sup>

34. Another concerning development has been the initiation of criminal proceedings on several ‘terrorism’-related charges under the Russian Criminal Code against individuals who should be considered POWs, but who are denied this status by the Russian Federation and affiliated authorities. On 15 June 2023, a trial of 22 Ukrainian citizens affiliated with the ‘Azov’ Regiment of the Ukrainian Armed Forces (UAF) commenced in the Southern District Military Court of Rostov-on-Don (Russian Federation).<sup>69</sup> In late July, the same court heard its first hearing in the trial of 18 Ukrainian citizens affiliated with the UAF’s ‘Aidar’ Battalion.<sup>70</sup> The two military formations were active during the battle of Mariupol and the battle for Bakhmut (Donetsk region) respectively.<sup>71</sup> In both cases, the accused were charged with “participation in a terrorist organization” and attempts to overthrow the government of the so-called ‘Donetsk People’s Republic’.<sup>72</sup> It is important to note that the designation of the battalion as a ‘terrorist organization’ is irrelevant for the purpose of IHL and does not change their POW status and the rights afforded to them under the Third Geneva Convention. These trials have raised questions as to their fairness, impartiality and independence,<sup>73</sup> and appear to violate a range of IHL rules, including that combatants cannot be prosecuted merely for their participation in hostilities,<sup>74</sup> as well as the prohibitions on exposing POWs to public curiosity, on subjecting them to ill-treatment<sup>75</sup> and on coercing admissions of guilt.<sup>76</sup>
35. ODIHR continues to monitor the periodic exchanges of POWs between Ukraine and the Russian Federation.<sup>77</sup> The last exchanges that were made public were reported to have

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<sup>68</sup> This is exemplified in one pro-Russian telegram channel dedicated to sharing videos of Ukrainian POWs, which, as of 17 November 2023, had shared more than 1,500 videos, with 50 (more than two videos a day) of those shared during the month of October 2023 alone.

<sup>69</sup> [Russia’s Sham Trial of Ukrainian Prisoners of War](#), Human Rights Watch, 6 July 2023; [Russia begins illegal show ‘trial’ of Ukrainian POWs for defending Ukraine in besieged Mariupol](#), Kharkiv Human Rights Protection Group, 16 June 2023; [Поварихи «Азова» готовили захват власти](#) [“Azov’s” cooks were preparing to seize power], Коммерсантъ [Kommersant], 15 June 2023, in Russian; Information from the Permanent Mission of Ukraine to the International Organizations in Vienna.

<sup>70</sup> [A window into the trial of the Ukrainian “Aidar” battalion in Russia](#), Justice Info, 26 September 2023.

<sup>71</sup> [Russia’s Sham Trial of Ukrainian Prisoners of War](#), Human Rights Watch, 6 July 2023; [Russian court begins criminal trial of captured soldiers from Ukraine’s Aidar Battalion](#), Rubryka, 25 July 2023.

<sup>72</sup> In August 2016, both the Aidar and Azov formations were declared to be terrorist and extremist organizations by the so-called ‘Donetsk People’s Republic’. In addition, as reported in ODIHR’s [Second Interim Report](#), following a petition by the Russian Ministry of Justice, the Russian Supreme Court declared the Azov regiment a “terrorist organization”, see [«ВС РФ признал украинский полк "Азов" террористической организацией»](#) [Supreme Court of the Russian Federation recognized Azov regiment as terrorist organization], Interfax.ru, 2 August 2022.

<sup>73</sup> Human Rights Watch, [Russia’s Sham Trial of Ukrainian Prisoners of War](#).

<sup>74</sup> For a combatant, mere participation in hostilities is not subject to judicial prosecution; only those serious violations of humanitarian law known as war crimes are. See ICRC [2020 Commentary on GC III](#), Introduction, para. 20.

<sup>75</sup> [GC III](#), arts. 13, 17.

<sup>76</sup> [GC III](#), art. 99(2). During the trial, at least three defendants reportedly stated that they had suffered ill-treatment and signed confessions under duress while in detention. See Human Rights Watch, [Russia’s Sham Trial of Ukrainian Prisoners of War](#).

<sup>77</sup> Since the advent of the conflict, both parties have reportedly exchanged more than 2,500 prisoners from both sides and expressed a commitment to the ongoing exchange of POWs. See OSCE/ODIHR, [Third Interim](#)

taken place on 6 July and 7 August 2023 respectively.<sup>78</sup> In late August, Ukraine announced the creation of mixed medical commissions to facilitate the exchange of wounded and sick POWs.<sup>79</sup> According to IHL, mixed medical commissions shall be appointed upon the outbreak of hostilities “to examine sick and wounded prisoners of war, and to make all appropriate decisions regarding them”.<sup>80</sup> However as of late-November, it has been reported that Russian authorities have still not agreed to the creation of an equivalent commission, rendering the proposition untenable at present.<sup>81</sup> Despite the reduced number of exchanges and frustrations expressed on both sides,<sup>82</sup> both parties continue to express publicly their commitment to the repatriation of POWs.<sup>83</sup>

#### e. Forcible transfers and deportations of children

36. Available information shows that Ukrainian children continue to be forcibly displaced within Russian Federation-occupied territories of Ukraine and from occupied territories to the Russian Federation<sup>84</sup> and Belarus.<sup>85</sup> Authorities of both countries remain steadfast

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Report, paras 39-40; from the Permanent Mission of Ukraine to the International Organizations in Vienna; @ZelenskyUA, Twitter/X post, 12 June 2023, in Ukrainian; Dmytro Lubinets, Telegram post, 7 August 2023, in Ukrainian.

<sup>78</sup> See Dmytro Lubinets, Telegram post, 6 July 2023, in Ukrainian; Tatyana Moskalkova, Telegram post, 6 July 2023, in Russian; Andriy Yermak, Telegram post, 7 August 2023, in Ukrainian. See also [Україна повідомила про повернення з полону 22 військових](#) [Ukraine reports return of 22 servicemen from captivity], РБК [RBC], 7 August 2023, in Russian.

<sup>79</sup> Military Media Center, Telegram post, 22 August 2023, in Ukrainian. See also [Ukraine initiates the creation of hybrid medical commissions for the exchange of prisoners. Their main functions](#), Babel, 22 August 2023.

<sup>80</sup> GC III, art. 112. This article also provides that prisoners of war who, in the opinion of the medical authorities of the Detaining Power, are manifestly seriously injured or seriously sick, may be repatriated without having to be examined by a Mixed Medical Commission.

<sup>81</sup> [Відкритий лист Координаційного штабу до Міжнародного комітету Червоного Хреста](#) [Open letter of the Coordination Headquarters to the International Committee of the Red Cross], Координаційний штаб з питань поводження з військовополоненими [Coordination Headquarters for the Treatment of Prisoners of War], 14 November 2023; Office of the Ombudsman of Ukraine, Facebook post, 24 November 2023.

<sup>82</sup> [С лета Россия заморозила обмены". Почему Москва и Киев больше не обмениваются пленными? Объясняет представитель украинской стороны](#) ["Since the summer, Russia has frozen exchanges". Why are Moscow and Kyiv no longer exchanging prisoners? A representative of the Ukrainian side explains], Current Time, 17 November 2023, in Russian; [РФ призупинила обміни полонених, щоби складалося враження, ніби Україна бездіє](#) [Russia suspends prisoner exchanges to make it look like Ukraine is doing nothing], Suspilne, 27 November 2023, in Ukrainian.

<sup>83</sup> Information from the Permanent Mission of Ukraine to the International Organizations in Vienna. See [Україна Створила Додатковий Інструмент Для Звільнення Полонених - Змішані Медичні Комісії](#) [Ukraine Created Additional Tool for Release of Prisoners - Mixed Medical Commissions], Ukrainian Military TV, 23 August 2023, in Ukrainian; [Пушилин обвинил Киев в недоговороспособности по обмену пленными](#) [Pushilin accused Kyiv of lack of agreement on prisoner exchange], РИА Новости [RIA Novosti], 28 August 2023, in Russian; [Відкритий лист Координаційного штабу до Міжнародного комітету Червоного Хреста](#) [Open letter of the Coordination Headquarters to the International Committee of the Red Cross].

<sup>84</sup> Information from the Permanent Mission of Ukraine to the International Organizations in Vienna, 23 November 2023; [В Чувашию из зоны спецоперации привезли почти полсотни детей](#) [Almost fifty children were brought to Chuvashia from the special operation zone], Pro город [Pro city], 18 June 2023, in Russian; [Чувашия принимает детей из Бердянска и разоблачает украинские фейки](#) [Chuvashia receives children from Berdiansk and exposes Ukrainian fakes], Правда ПФО [Pravda of the Federal District], 20 June 2023, in Russian. See also [Спротив](#), Telegram post, 10 August 2023, in Ukrainian.

<sup>85</sup> Information from the Permanent Mission of Ukraine to the International Organizations in Vienna; [Україна ОБСТРЕЛИВАЄТ Донбас | Беларусь "крадєт дітей"? | Кадри реальної життя Лисичанська. Фільм](#) [Ukraine IS SHELLING Donbass | Belarus "stealing children"? | Images of real life in Lysychansk. Film], ATH:

in their denial of any involvement in unlawful action, instead claiming to rescue children from the conflict, while publicly thanking and celebrating the actions of those involved.<sup>86</sup> Meanwhile, the Ukrainian government, through its “Bring Kids Back UA” action plan,<sup>87</sup> has increased its efforts to repatriate Ukrainian children, as have local charities<sup>88</sup> and third countries involved in negotiations.<sup>89</sup>

37. It remains impossible to ascertain exactly how many Ukrainian children have been subjected to deportation and/or forcible transfer. According to the Ukrainian authorities, the total number of children deported and/or forcibly displaced was 19,546 as of 30 November 2023, an increase of 6,463 since 1 June 2023, while only 387 have been returned.<sup>90</sup> Meanwhile, as of early July 2023, Russian officials reported that more than 700,000 Ukrainian children had been brought to the territory of the Russian Federation since the start of the conflict, with the caveat that “the overwhelming majority of minors arrived with their parents or other relatives.”<sup>91</sup>

#### **f. Collaboration**

38. Ukrainian judicial authorities have continued to investigate and prosecute cases related to acts of ‘collaboration’, based on amendments to the Criminal Code that introduced two new crimes, namely “collaborationism” (Article 111-1 of the CCU) and “abetting the

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новости Беларуси и мира [ATN: news of Belarus and the world], YouTube, 18 July 2023, in Russian; [Генсек белорусского Красного Креста открыто подтвердил, что организация участвует в вывозе детей из Украины в Беларусь](#) [The secretary general of the Belarusian Red Cross openly confirmed that the organization was involved in the trafficking of children from Ukraine to Belarus], Зеркало [Mirror], 19 July 2023, in Russian; “Узнали про вашу культуру и готовы к чему-то новому”. Группа детей Донбасса приехала на отдых в Беларусь” [“We learnt about your culture and are ready for something new”. A group of Donbas children came to Belarus for a holiday], Белта [Belta], 18 September 2023, in Russian.

<sup>86</sup> Information from the Permanent Mission of Ukraine to the International Organizations in Vienna; [Meeting with heads of delegations of African States](#), President of Russia Official, 17 June 2023; Maria Lvova-Belova, Telegram post, 21 June 2023, in Russian; [Львова-Белова: мы благодарны Беларуси за поддержку детей Донбасса](#) [Lvova-Belova: we are grateful to Belarus for supporting the children of Donbas], Белта [Belta], 20 September 2023, in Russian; [Foreign Minister Sergey Lavrov’s remarks and answers to media questions during a news conference following the High-Level Week of the 78th session of the UN General Assembly, New York, September 23, 2023](#), The Ministry of Foreign Affairs of the Russian Federation, 23 September 2023; [Statement by Larysa Belskaya](#), Permanent Representative of Belarus to the United Nations Office, at a session of the Executive Committee of the Office of the United Nations High Commissioner for Refugees on 10 October 2023, in Russian.

<sup>87</sup> Information from the Permanent Mission of Ukraine to the International Organizations in Vienna. See [Bring Kids Back UA Platform](#); Dmytro Lubinets, Telegram post, 10 September 2023, in Ukrainian; Andriy Yermak, Telegram post, 16 October 2023, in Ukrainian.

<sup>88</sup> See e.g. Mykola Kuleba, Telegram post, 12 September 2023, in Ukrainian.

<sup>89</sup> Information from the Permanent Mission of Ukraine to the International Organizations in Vienna; [Secret talks to return Ukrainian children taken by Russia](#), *Financial Times*, 18 July 2023; [Qatar Announces the Successful Reunification Process of Ukrainian Children with their Families](#), Qatar’s Ministry of Foreign Affairs, 16 October 2023; Volodymyr Zelenskyy, Telegram post, 22 October 2023, in Ukrainian; [During third advisors’ meeting in Malta a proposal to create international coalition of states to facilitate return of Ukrainian children deported by Russia was made](#), President of Ukraine’s Official Website, 29 October 2023.

<sup>90</sup> Information from the Permanent Mission of Ukraine to the International Organizations in Vienna. See [Children of War](#), Ukraine Ministry for Reintegration of the Temporarily Occupied Territories of Ukraine, 17 November 2023, in Russian.

<sup>91</sup> See [Report: About Activities Authorised Under The President Of The Russian Federation On Children’s Rights In 2022](#), Children’s Rights Commission under the President of the Russian Federation, 31 July 2023, [archived version], in Russian; Grigory Karasin, Telegram post, 2 July 2023, in Russian.



aggressor state” (Article 111-2 of the CCU). To date, more than 6,000 criminal cases for alleged collaboration have reportedly been opened<sup>92</sup> and close to 800 decisions have been issued by the courts.<sup>93</sup> Many aspects of the current legislation, in particular due to its vague wording, continue to raise concern with some of the main problems being a lack of clear differentiation between different provisions and duplication of crimes, as well as issues with disproportionality and inconsistent application of punishment.<sup>94</sup> In addition, the necessary distinction between ‘voluntary’ cooperation with the occupying authorities — which may be legitimately prosecuted — and ‘involuntary’ cooperation, or cooperation under duress, may not always be evident.

39. For instance, the role of alleged ‘collaborators’ continues to be widely referenced by witnesses interviewed by ODIHR,<sup>95</sup> without necessarily detailing the specific circumstances or motives that might have justified such behaviour, even though many witnesses also referred to the intense pressure being applied on local representatives, civil servants and heads of companies to collaborate with the occupying authorities.<sup>96</sup> One witness from Zaporizhzhia region also highlighted how the possibility of being accused of collaboration in Ukraine looms over individual citizens’ search for job opportunities in an extremely challenging economic climate. She explained how her son, who was considering taking up a job in a mining company in the occupied territory, “(...) was worried, he was asking: ‘what if I do it, will I be seen as a collaborator?’ (...). He is doing it to save his life. Many people in occupied are suffering from hunger. They have no money and most of those living in cities in apartment buildings, they have no garden, no animals [for food] (...). I can’t send him money from here and I don’t have much money myself.”<sup>97</sup>
40. ODIHR also notes that the Ministry of Reintegration of the Temporary Occupied Territories of Ukraine publicly stated on its website that “obtaining a Russian passport is the first step towards collaboration and aiding and abetting the enemy, which may entail criminal liability”<sup>98</sup> and that a Draft Law “On Amendments to the Criminal and Criminal

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<sup>92</sup> [Statement](#) delivered by Nada Al-Nashif, United Nations Deputy High Commissioner for Human Rights during the Interactive Dialogue on OHCHR report on Ukraine, 54th session of the Human Rights Council, 09 October 2023.

<sup>93</sup> By 20 September 2023, the Ukrainian Unified State Register of Court Decisions reportedly contained 788 decisions in cases under Article 111-1 and seven decisions under Article 111-2. See [Єдиний державний реєстр судових рішень](#) [Unified State Register of Court Decisions]. For more details, see [Collaborationism and abetting the aggressor State: practice of legislative application and prospects for improvement](#), Human Rights Centre ZMINA, 2023.

<sup>94</sup> See OSCE/ODIHR, [Second Interim Report](#), paras 170-172. See also [Collaborationism and abetting the aggressor State: practice of legislative application and prospects for improvement](#), Human Rights Centre ZMINA, 2023.

<sup>95</sup> See for instance ODIHR Witness Interviews UKR.WS.234 at para. 29; UKR.WS.249 at para. 4; UKR.WS.252 at para. 12; UKR.WS.256 at para. 11; UKR.WS.257 at para. 8; UKR.WS.260 at para. 32; UKR.WS.262 at para. 17; UKR.WS.265 at para. 12; UKR.WS.268 at para 47; UKR.WS.270 at para. 15; UKR.WS.275 at para. 28; UKR.WS.283 at paras 55, 63.

<sup>96</sup> See for instance ODIHR Witness Interviews UKR.WS.235, at paras 10, 20, and 25; UKR.WS.239 at para. 33; UKR.WS.242 at para. 25; UKR.WS.262 at para. 18.

<sup>97</sup> ODIHR Witness Interview UKR.WS.289 at para. 39.

<sup>98</sup> [Зупинись та не чіпай: п’ять причин не отримувати російський паспорт на ТОТ – Міністерство з питань реінтеграції тимчасово окупованих територій України](#) [Stop and don’t touch: Five reasons not to get a

Procedural Codes of Ukraine on Combating Russian Passportization”<sup>99</sup> envisages imprisonment for a period of 10 to 15 years for Ukrainian civil servants in the occupied territories who receive a Russian passport. In many instances, Ukrainian citizens are forced to acquire Russian citizenship if they wish to keep their employment, have access to health care and humanitarian aid, to keep their property, to ensure their children’s access to education, or retain their parental rights and such circumstances do not appear to be taken into account by this draft legislation.<sup>100</sup>

#### **IV. Specific issues described to ODIHR by witnesses and survivors**

##### **a. Arbitrary deprivation of liberty and enforced disappearances in areas under the control of Russian authorities.**

41. ODIHR has continued to document cases of arbitrary deprivation of liberty of civilians by Russian Federation armed forces and law enforcement officials in occupied areas of the Donetsk, Kherson, Luhansk and Zaporizhzhia regions, in violation of IHL. Between 1 June and 30 November 2023, ODIHR collected 22 testimonies from survivors of arbitrary detention, including 17 men and five women.<sup>101</sup> In addition, ODIHR interviewed 12 eyewitnesses<sup>102</sup> of arbitrary detentions and received 11 additional credible allegations<sup>103</sup> of such violations. Some of the reported cases may amount to *incommunicado* detention or enforced disappearances.<sup>104</sup>
42. Deprivation of liberty of civilians in armed conflicts is only permissible for imperative security reasons of the detaining power; in this case, these are limited to assigned

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Russian passport in the Temporarily Occupied Territories of Ukraine], Statement of the Ministry of Reintegration of the Temporary Occupied Territories of Ukraine, 16 August 2022, in Ukrainian.

<sup>99</sup> [Проект Закону № 8057 від 19.09.2022 про внесення змін до Кримінального та Кримінального процесуального кодексів України щодо протидії російській паспортизації](#) [Draft Law № 8057 from 19.09.2022 on Amendments to the Criminal and Criminal Procedural Codes of Ukraine on Combating Russian Passportization], in Ukrainian.

<sup>100</sup> For more details, see section IV.d) Forced adoption of Russian Citizenship, below.

<sup>101</sup> ODIHR Witness Interviews UKR.WS.237; UKR.WS.239; UKR.WS.240; UKR.WS.244; UKR.WS.246; UKR.WS.248; UKR.WS.249; UKR.WS.251; UKR.WS.252; UKR.WS.259; UKR.WS.265; UKR.WS.268; UKR.WS.283; UKR.WS.285; UKR.WS.289; UKR.WS.293; UKR.WS.294; UKR.WS.296; UKR.WS.298; UKR.WS.300; UKR.WS.303; UKR.WS.304.

<sup>102</sup> ODIHR Witness Interviews UKR.WS.235 at paras 27-37; UKR.WS.241 at paras 28, 35; UKR.WS.243 at paras 8-40, 45-55; UKR.WS.267 at paras 36, 49-51, 53-58, 70; UKR.WS.274 at paras 24-31; UKR.WS.275 at paras 50-51; UKR.WS.279 (associated with UKR.WS.268); UKR.WS.286 (associated with UKR.WS.300); UKR.WS.289 at paras 39-43; UKR.WS.290 (associated with UKR.WS.304); UKR.WS.301 at para. 25; UKR.WS.319 at para. 3.

<sup>103</sup> ODIHR Witness Interviews UKR.WS.235 at paras 26, 51, 54; UKR.WS.236 at paras 7, 30-31; UKR.WS.242 at paras 25-26, 38; UKR.WS.250 at para. 10; UKR.WS.261 at paras 20-21; UKR.WS.263 at paras 32-33, 44, 55, 80, 88-90; UKR.WS. 270 at para. 34; UKR.WS.273 at para. 26; UKR.WS.282 at paras 22-23; UKR.WS.288 at para. 17; UKR.WS.305 at para. 33.

<sup>104</sup> ODIHR Witness Interviews UKR.WS.237; UKR.WS.240; UKR.WS.243; UKR.WS.244; UKR.WS.246; UKR.WS.248; UKR.WS.259; UKR.WS.298.

residence or to internment under very narrow circumstances,<sup>105</sup> or detention related to legitimate criminal proceedings.<sup>106</sup> Citizenship or alignment with an enemy party is not a sufficient reason for detention, and nor is the deprivation of liberty for the sole purpose of gathering intelligence.<sup>107</sup> If deprivation of liberty is not in line with applicable law, it amounts to unlawful confinement which is a grave breach of IHL and a war crime.<sup>108</sup>

43. New information obtained by ODIHR further confirms the Russian Federation's practice of targeting individuals based on their real or perceived support of, or assistance to Ukrainian armed forces,<sup>109</sup> for being formerly associated with, or having relatives or friends who served in the Ukrainian armed forces,<sup>110</sup> for refusing to cooperate with occupation authorities,<sup>111</sup> or for allegedly holding pro-Ukrainian or anti-Russian views.<sup>112</sup> For instance, a young man from Zaporizhzhia region was arrested on the street, together with his girlfriend, after raising a Ukrainian flag in front of a Russian military vehicle that was passing nearby. According to him, "*They remarked on our bravery and said they needed to teach us a lesson. They hooded us, tied our hands and took us to the commandant's office*".<sup>113</sup> A woman from Zaporizhzhia region told ODIHR she had been subjected to 12 house searches because her son and daughter-in-law served in the Ukrainian military. She was eventually accused of anti-Russian propaganda, for appearing in a video where she sang the Ukrainian national anthem and detained for a brief period of time.<sup>114</sup> A married couple was detained for almost three weeks for expressing pro-Ukrainian views, including by displaying a Ukrainian flag on their house.<sup>115</sup>
44. Survivors of arbitrary detention and alleged enforced disappearance included educational and medical staff, entrepreneurs, farmers, an employee of Zaporizhzhia Nuclear Power

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<sup>105</sup> For instance, an individual interned for imperative reasons of security must be released as soon as the reasons which necessitated his internment cease to exist. [GC IV](#), art. 132. See also [GC IV](#), art. 78 and UN, [API](#), art. 75(3).

<sup>106</sup> If criminal charges are brought against a civilian living under occupation, the accused is entitled to all fair trial guarantees as set out in IHL and IHRL.

<sup>107</sup> [International Humanitarian Law and the Challenges of Contemporary Armed Conflicts](#) 11, 30IC/07/8.4 ICRC Guidelines, (October 2007), Annex 1, para. 380; see also International Criminal Tribunal for the former Yugoslavia, *Prosecutor v Delalic and others*, case No. IT-96-21-T, Trial Chamber, Judgment of 16 November 1998 paras. 576-577.

<sup>108</sup> [GC IV](#), art. 147, see also ICRC, [Customary IHL](#), Rule 99; [ICC Rome Statute](#), art. 8(2)(a)(vii). Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law, if committed as part of a widespread or systematic attack directed against a civilian population, may also constitute a crime against humanity, [ICC Rome Statute](#), art. 7(1)(e).

<sup>109</sup> ODIHR Witness Interviews UKR.WS.246 at para. 29; UKR.WS.248 at para. 9; UKR.WS.259 at para. 19; UKR.WS.265 at paras 9, 21,62; UKR.WS.275 at paras 50-51; UKR.WS.283 at paras 37, 69; UKR.WS.293 at para. 33; UKR.WS.296 at para. 8; UKR.WS.304 at para. 13.

<sup>110</sup> ODIHR Witness Interviews UKR.WS.244 at paras 10-11; WS.249 at para. 15; UKR.WS.268 at para. 60; UKR.WS.289 at para. 13; UKR.WS.294 at paras 13,16; UKR.WS.274 at paras 24-31.

<sup>111</sup> ODIHR Witness Interviews UKR.WS.251; UKR.WS.298 at paras 9-10; UKR.WS.303 at para. 10; See also UKR.WS.241 at paras 28, 35.

<sup>112</sup> ODIHR Witness Interviews UKR.WS.239 at paras 6-7, 11; UKR.WS.240 at para. 27; UKR. UKR.WS.265 at para. 8; UKR.WS.285 at para. 9; UKR.WS.289 at para. 22; UKR.WS.303 at para. 10; UKR.WS.304. See also UKR.WS.289 at para. 40.

<sup>113</sup> See ODIHR Witness Interview UKR.WS.248 at para. 8.

<sup>114</sup> See ODIHR Witness Interview UKR.WS.289 at paras 13, 22.

<sup>115</sup> See ODIHR Witness Interview UKR.WS.239 at para. 6.

Plant (ZNPP) and students.<sup>116</sup> ODIHR also received witness reports and credible allegations regarding the detentions of local authority personnel, former law-enforcement officials, employees of the ZNPP, humanitarian volunteers and a priest.<sup>117</sup>

45. Russian armed forces and law enforcement officials<sup>118</sup> arrested individuals at their homes, workplaces, in the street or at checkpoints.<sup>119</sup> Arrests at home often followed house searches that were conducted either as part of general ‘raids’ conducted in civilian areas or based on the suspicion of providing any form of support to the Ukrainian authorities. Survivors and witnesses of arbitrary detention explained that house searches were often conducted in an aggressive manner, with property being vandalised and valuable items and other personal belongings being seized.<sup>120</sup> Seven survivors reported to ODIHR that they were subjected to physical abuse and were intimidated during the searches of their homes.<sup>121</sup> For instance, a male survivor from Zaporizhzhia region described his arbitrary detention for 18 days. He told ODIHR, *“At around 7:00 am, I was at home. They came to me. It was the first time they came. There were three cars. Seven people got out. They had AKs. They were in full gear with shields, vests and balaclavas. They put me against the wall... They walked around all the premises; checked everything (...). They told me they were looking for weapons, although I never had any weapon. (...). They started to beat me, (...) two or three punches on my face, and then they threw me to the floor. They continued beating me with their feet and a bit with their hands. They kicked my head, my kidneys, my ribs. They kept asking why I did not want to support the Russian Federation.”*<sup>122</sup>
46. Four survivors told ODIHR that their relatives and friends were detained along with them.<sup>123</sup> For instance, a male survivor from Zaporizhzhia region described how he was detained together with his son after neighbours allegedly denounced his pro-Ukrainian

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<sup>116</sup> ODIHR Witness Interviews UKR.WS.237; UKR.WS.246; UKR.WS.239; UKR.WS.240; UKR.WS.249; UKR.WS.251; UKR.WS.252; UKR.WS.265; UKR.WS.283; UKR.WS.285; UKR.WS.293; UKR.WS.298; UKR.WS.300; UKR.WS.304.

<sup>117</sup> ODIHR Witness Interviews UKR.WS.235 at paras 26-37; UKR.WS.236 at paras 7, 30-31; UKR.WS.242 at paras 25-26; UKR.WS.250 at para. 10; UKR.WS.262 at para. 18; UKR.WS.263 at paras 32-33, 44, 55, 80-81, 86; UKR.WS.267 at para. 53.

<sup>118</sup> Survivors identified the perpetrators of arbitrary detention to be members of the Russian Federation’s armed forces, including Russian-affiliated armed groups, members of Russian-installed police, as well as the Federal Security Service (FSB) of the Russian Federation.

<sup>119</sup> ODIHR Witness Interviews UKR.WS.237 at para. 34; UKR.WS.239 at paras 7,11,13; UKR.WS.240 at para. 12; UKR.WS.244 at para. 9; UKR.WS.246 at para. 25; UKR.WS.248 at paras 8-9; UKR.WS.249 at paras 14-15; UKR.WS.251 at para. 43; UKR.WS.259 at para. 15; UKR.WS.265 at para. 19; UKR.WS.268 at para. 60; UKR.WS.283 at para. 37; UKR.WS.285 at para. 8; UKR.WS.289 at paras 18-19, 21; UKR.WS.293 at para. 29; UKR.WS.294 at para. 16; UKR.WS.296 at para. 6; UKR.WS.298 at para. 11; UKR.WS.300 at para. 16; UKR.WS.303 at paras 9,11; UKR.WS.304 at paras 13, 20.

<sup>120</sup> ODIHR Witness Interviews UKR.WS.235 at paras 29-30, 32; UKR.WS.243 at paras 13-15; UKR.WS.249 at para. 14; UKR.WS.251 at para. 57; UKR.WS.265 at para. 22; UKR.WS.293 at paras 12, 44-45; UKR.WS.294 at para. 16; UKR.WS.298 at para. 32; UKR.WS.303 at paras 9-10.

<sup>121</sup> ODIHR Witness Interviews UKR.WS.239 at para. 9; UKR.WS.265 at paras 9-10, 20, 24; UKR.WS.285 at para. 8; UKR.WS.289 at para. 19; UKR.WS.293 at paras 32-34, 36-37, 43; UKR.WS.294 at para. 16; UKR.WS.303 at para. 10.

<sup>122</sup> ODIHR Witness Interview UKR.WS.303 at paras 9-10.

<sup>123</sup> ODIHR Witness Interviews UKR.WS.239 at paras 6, 13; UKR.WS.240 at para.12; UKR.WS.248 at paras 8-9; UKR.WS.285 at para. 8.

views to occupation authorities. *“First, they came to my son's house. I was taken there and I saw him lying with his face down. He had been beaten before that, but I did not see them beating him. They started interrogating me. I said I was a pensioner. At that moment, a Russian military vehicle came and a (...) soldier (...) hit me with his rifle. I believe that someone had reported me already and they had some information on me. They took me and my son to their vehicle and we were taken away.”*<sup>124</sup>

47. Witnesses reported to ODIHR that victims were often not properly informed of the reason for their detention. For instance, the wife of a man arbitrarily detained in Zaporizhzhia region told ODIHR that, when she asked why her husband was being detained, the head of the local Russian military administration responded that *“he had misbehaved”*. The reasons for his one-week detention were never disclosed to the victim either.<sup>125</sup> Of the 22 people interviewed by ODIHR who reported being arbitrarily detained, only five reported being presented with official charges.<sup>126</sup>
48. The majority of witnesses interviewed by ODIHR explained that victims were not allowed to contact a lawyer. A male survivor who was arbitrarily detained for 15 months in Donetsk region told ODIHR that he was forced to sign a document waiving his right to legal representation.<sup>127</sup>
49. In addition, some of the victims were not allowed to contact their relatives, who were sometimes unaware of their fate or whereabouts during part or, at times, the entire period of their detention.<sup>128</sup> A female survivor from Zaporizhzhia region who spent 35 days in arbitrary detention told ODIHR, *“When I was captured, I asked if I could call my family. They did not allow. In the detention facility they also did not allow any calls or visits. You would be lucky if someone you knew was released; you could ask them to tell your family.”*<sup>129</sup> Another witness explained that, after the recapture of Kherson by Ukrainian armed forces in November 2022, she lost contact with her husband, who had been unlawfully detained by occupation authorities in June and transferred to occupied Crimea in September the same year. Only a few months later, she learned from a former detainee that her husband was still detained in occupied Sevastopol (Autonomous Republic of Crimea). Despite numerous attempts to find out his status and location from the Russian Federation Ministry of Interior and others, as of mid-August 2023, the Russian authorities had not provided her with any information.<sup>130</sup> Being held in undisclosed locations may amount to enforced disappearance which is prohibited under customary IHL and, if

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<sup>124</sup> ODIHR Witness Interview UKR.WS.285 at para. 8.

<sup>125</sup> ODIHR Witness Interview UKR.WS.249 at paras 14-15.

<sup>126</sup> ODIHR Witness Interviews UKR.WS.244 at para. 24; UKR.WS.246 at para. 30; UKR.WS.289 at para. 62; UKR.WS.298 at para. 31; UKR.WS.304 at paras 40, 53.

<sup>127</sup> ODIHR Witness Interview UKR.WS.244 at para. 24.

<sup>128</sup> ODIHR Witness Interviews UKR.WS.237 at para. 40; UKR.WS.239 para. 36; UKR.WS.246 at para. 45; UKR.WS.248 at para. 24; UKR.WS.259 at para. 26; UKR.WS.268 at para. 105; UKR.WS.298 at para. 30; UKR.WS.304 at para. 33. See also UKR.WS.243 at paras 21, 24.

<sup>129</sup> ODIHR Witness Interview UKR.WS.246 at para. 45.

<sup>130</sup> ODIHR Witness Interview UKR.WS.243 at paras 34-40.

committed as part of a widespread or systematic attack directed against a civilian population, a crime against humanity.<sup>131</sup>

50. According to witnesses interviewed by ODIHR, detainees were often held for part of the time or throughout their detention in one or several improvised detention facilities, such as a garage at a police station, basements of military administration and court buildings, the basement of a gym, at the premises of a cultural centre, a college, as well as in a private office and an apartment.<sup>132</sup> A man from Kherson region told ODIHR that he was kept for three days, handcuffed and blindfolded, in holes dug in the ground at an unknown location, one being “*narrow like a grave*”. He reported then being moved to two other improvised places of detention, in a hotel and a cultural centre, where he spent another four days before being transferred to a prison in the city of Kherson. In all places of detention, he was subjected to torture and ill-treatment.<sup>133</sup>
51. According to witnesses interviewed by ODIHR, official places of detention included police stations, pre-trial detention and prison facilities.<sup>134</sup> Nearly all survivors reported deplorable detention conditions amounting to inhuman and degrading treatment, such as overcrowded cells, lack of fresh air, freezing temperatures, inadequate sanitary conditions and a lack of, or poor quality food and water.<sup>135</sup> For instance, a female survivor described being confined in a 2x2 metre security cage at a police station in Enerhodar (Zaporizhzhia region) for ten days with no proper place to sleep; she was also not given food during the first three days and once had to relieve herself on the floor after the guard refused to take her to the toilet.<sup>136</sup> Another civilian who was detained for nine days in a cell at a police station in Nova Kakhovka (Kherson region) together with 11 other men told ODIHR, “*it was only possible for four people to lie down at one time. The others would have to sit or stand. Sometimes, the captors forgot to take us to the toilet and we had to use a bucket. When it was full, we knocked on the door, but we learned that this was a punishable offence and we could be beaten for this... It was also difficult to breathe as the air was very humid and the ventilation was non-existent. We all tried to take turns to breathe near the window opening.*”<sup>137</sup>

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<sup>131</sup> ICRC, [Customary IHL](#), Rule 98. Whilst the term does not appear in IHL treaties, enforced disappearance violates or threatens to violate a range of customary rules including the prohibition of arbitrary deprivation of liberty, torture or other forms of cruel or inhuman treatment, and murder, as well as the requirements to register persons deprived of their liberty, and to respect family lives.

<sup>132</sup> ODIHR Witness Interviews UKR.WS.237 at paras 38,41; UKR.WS.240 at para. 13; UKR.WS.248 at paras 8,10; UKR.WS.249 at para. 15; UKR.WS.251 at paras 44-45; UKR.WS.259 at paras 16-18; 20; UKR.WS.265 at para. 28; UKR.WS.283 at para. 50; UKR.WS.296 at paras 8; 12; UKR.WS.304 at paras 15, 20.

<sup>133</sup> ODIHR Witness Interview UKR.WS.259 at paras 16-18, 20, 23.

<sup>134</sup> ODIHR Witness Interviews UKR.WS.239 at paras 13, 23; UKR.WS.244 at paras 10, 15, 23, 25, 30, 37; UKR.WS.246 at para. 26; UKR.WS.248 at para. 11; UKR.WS.252 at para. 14; UKR.WS.259 at para. 23; UKR.WS.265 at para. 25; UKR.WS.268 at para. 61; UKR.WS.283 at para. 38; UKR.WS.285 at para. 10; UKR.WS.293 at para. 55; UKR.WS.294 at para. 17; UKR.WS.298 at paras 12, 33; UKR.WS.300 at para. 16; UKR.WS.303 at para. 13; UKR.WS.304 at paras 23, 40.

<sup>135</sup> ODIHR Witness Interviews UKR.WS.237; UKR.WS.239; UKR.WS.240; UKR.WS.244; UKR.WS.246; UKR.WS.248; UKR.WS.249; UKR.WS.251; UKR.WS.252; UKR.WS.259; UKR.WS.268; UKR.WS.283; UKR.WS.285; UKR.WS.293; UKR.WS.296; UKR.WS.298; UKR.WS.300; UKR.WS.303; UKR.WS.304.

<sup>136</sup> ODIHR Witness Interview UKR.WS.298 at paras 13, 22-23, 29.

<sup>137</sup> ODIHR Witness Interview UKR.WS.268 at paras 70, 72, 74.

52. Several survivors reported to ODIHR that they were not allowed to walk and/or exercise, sometimes for prolonged periods.<sup>138</sup> The survivors also reported that no, or inadequate, medical care was provided to them while in detention.<sup>139</sup> Two survivors told ODIHR that they were forced to work without any compensation.<sup>140</sup>
53. The majority of survivors were arbitrarily deprived of liberty for periods varying from one to five weeks, while less than one-third reported being detained for shorter periods of time, from several hours to three days. The longest detention times documented by ODIHR through these interviews were 13 and 15 months.<sup>141</sup>
54. According to witnesses interviewed by ODIHR, conditions of release often included signing a paper promising cooperation with the occupying authorities and/or participating in staged videos to read self-incriminating statements; some of the videos were subsequently used for propaganda purposes by Russian state media.<sup>142</sup> A number of survivors told ODIHR that they were forced to write in a statement that they did not have any complaints related to their arrest and treatment during detention.<sup>143</sup> In addition, one survivor reported to ODIHR that, as part of the conditions of his release, he had to promise in writing that he would apply for a Russian passport.<sup>144</sup>
55. Many survivors told ODIHR that their detention and fear of subsequent persecution was the main reason for leaving their hometowns.<sup>145</sup> A female survivor of arbitrary detention explained, “*Right after [the release], I was terrified and did not want to talk to anyone. Every morning I could see the Russian flag from my window, and it made me nervous... On 18 August, two FSB officers brought my phone [back] and said that if I made any calls on the phone, my fate would be terrible. On 20 August, I left for [the Ukrainian-controlled city of] Zaporizhzhia.*”<sup>146</sup> Two survivors reported to ODIHR that they were given a ‘deportation’ order to leave occupied areas following their release.<sup>147</sup> In addition, following their release from unlawful detention, one female survivor was forced to quit her job as a doctor, while a female student was expelled from university.<sup>148</sup>

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<sup>138</sup> ODIHR Witness Interviews UKR.WS.239 at para. 26; UKR.WS.244 at para. 44; UKR.WS.304 at paras 27, 35-36.

<sup>139</sup> ODIHR Witness Interviews UKR.WS.237 at para. 38; UKR.WS.240 at para. 19; UKR.WS.244 at para. 35; UKR.WS.259 at para. 20; UKR.WS.268 at para. 105; UKR.WS.303 at para. 21; UKR.WS.304 at para. 49.

<sup>140</sup> ODIHR Witness Interviews UKR.WS.244 at paras 43, 56; UKR.WS.246 at para. 46. IHL clearly provides that internees should not be employed as workers, unless they so desire and that the Detaining Power shall take entire responsibility for all working conditions, including the payment of wages. See [GC IV](#), art. 95.

<sup>141</sup> ODIHR Witness Interviews UKR.WS.244; UKR.WS.304.

<sup>142</sup> ODIHR Witness Interviews UKR.WS.240 at paras 21, 24; UKR.WS.248 at paras 8, 16-17; UKR.WS.251 at para. 67; UKR.WS.259 at paras 21-22; UKR.WS.268 at para. 110; UKR.WS.294 at para. 24; UKR.WS.298 at paras 16, 22, 34; UKR.WS.303 at para. 23; UKR.WS.304 at para. 18.

<sup>143</sup> ODIHR Witness Interviews UKR.WS.239 at para. 31; UKR.WS.268 at paras 101-102; UKR.WS.283 at para. 58; UKR.WS.294 at para. 17; UKR.WS.303 at para. 23.

<sup>144</sup> ODIHR Witness Interview UKR.WS.300 at para. 20.

<sup>145</sup> ODIHR Witness Interviews UKR.WS.240 at para. 30; UKR.WS.251 at para. 68; UKR.WS.252 at para. 17; UKR.WS.259 at para. 25; UKR.WS.265 at para. 43; UKR.WS.268 at para. 113; UKR.WS.294 at para. 17; UKR.WS.298 at para. 40.

<sup>146</sup> ODIHR Witness Interview UKR.WS.298 at para. 40.

<sup>147</sup> ODIHR Witness Interviews UKR.WS.248 at para. 19; UKR.WS.289 at para. 62.

<sup>148</sup> ODIHR Witness Interviews UKR.WS.246 at para. 53; UKR.WS.304 at para. 46.

## b. Torture and ill-treatment in areas under the control of Russian authorities

56. New information collected by ODIHR from witnesses and survivors, confirms its previous findings<sup>149</sup> that torture has been widely used in detention in those parts of Ukraine that were, or remain under occupation by the Russian Federation.<sup>150</sup> In addition, and considering these new testimonies in the light of those previously analysed, ODIHR finds that commonalities in the profiles of those targeted, the intention behind the interrogation sessions and the manner in which they were conducted, as well as the means and methods employed, point to torture being a systematic practice.
57. Twenty of the 22 survivors of arbitrary detention interviewed by ODIHR reported having been subjected to torture or other forms of ill-treatment by members of the Russian armed forces or law enforcement authorities.<sup>151</sup> The majority also witnessed other detainees being tortured or physically abused. Moreover, in the course of its interviews, ODIHR received additional credible allegations of torture and ill-treatment from relatives and acquaintances of individuals who had been arbitrarily detained.<sup>152</sup>
58. According to survivors interviewed by ODIHR, torture was generally used either during interrogation sessions with the aim of extracting information or confessions,<sup>153</sup> or to force victims to cooperate with the occupying authorities,<sup>154</sup> or as a punishment.<sup>155</sup> One male survivor from Zaporizhzhia region described his experience to ODIHR as follows, “*On the first day, from 16:00 to 22:00 hours, I was interrogated. When I came back, I could not lie down because my body was full of bruises from the beating... If the man asking questions did not like my answer, the people behind me would beat me with a stick and he would repeat the question maybe five or six times until I changed my response or until he gave up and went to the next question. If he liked my answer, he would ask the next*

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<sup>149</sup> See OSCE/ODIHR, [Second Interim Report](#), paras 105-115; OSCE/ODIHR, [Third Interim Report](#), paras 55-64.

<sup>150</sup> Torture and inhumane treatment, including wilfully causing great suffering or serious injury to body and health, are strictly prohibited by IHL and constitute war crimes. See [GC IV](#) art. 32; UN, [API](#), arts. 75(1)-(2) and 11; ICRC, [Customary IHL](#), Rules 90, 92. See also [ICC Rome Statute](#), art. 8(2)(a)(ii). If carried out as part of a widespread or systematic attack directed against any civilian population, torture and inhumane treatment may also qualify as crimes against humanity. See [ICC Rome Statute](#), arts. 7(1)(f) and (k). In addition, under IHRL, the prohibition of torture and other inhuman and degrading treatment enshrined in Article 7 of the [ICCPR](#) and Article 2 of the [UN Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment](#) (CAT) is absolute and does not allow for derogation, even in times of armed conflict.

<sup>151</sup> ODIHR Witness Interviews UKR.WS.239; UKR.WS.240; UKR.WS.244; UKR.WS.246; UKR.WS.248; UKR.WS.249; UKR.WS.251; UKR.WS.252; UKR.WS.259; UKR.WS.265; UKR.WS.268; UKR.WS.283; UKR.WS.285; UKR.WS.293; UKR.WS.294; UKR.WS.296; UKR.WS.298; UKR.WS.300; UKR.WS.303; UKR.WS.304.

<sup>152</sup> ODIHR Witness Interviews UKR.WS.235 at para. 36; UKR.WS.243 at paras 22, 28, 36; UKR.WS.275 at para. 50; UKR.WS.288 at para. 17; UKR.WS.289 at paras 40-41, 43; UKR.WS.305 at para. 33. See also UKR.WS.236 at paras 33-34.

<sup>153</sup> ODIHR Witness Interviews UKR.WS.240 at para. 16; UKR.WS.244 at paras 19(-20); UKR.WS.249 at paras 15-18; UKR.WS.251 at paras 55, 62-64; UKR.WS.259 at paras 19, 21; UKR.WS.265 at para. 32; UKR.WS.268 at paras 85-88, 95; UKR.WS.283 at para. 61; UKR.WS.285 at paras 15, 17; UKR.WS.293 at paras 59-61; UKR.WS.296 at para. 13; UKR.WS.298 at paras 21-22; UKR.WS.303 at para. 17.

<sup>154</sup> ODIHR Witness Interviews UKR.WS.251 at para. 67; UKR.WS.268 at paras 92, 112. See also UKR.WS.293 at para. 62.

<sup>155</sup> ODIHR Witness Interviews UKR.WS.244 at para. 25; UKR.WS.303 at para. 16.



question.”<sup>156</sup> In one instance, a survivor of arbitrary detention told ODIHR that torture was used in order to coerce him into handing over the license for two fishing trawlers that he was operating to Russian Federation-installed police.<sup>157</sup>

59. According to survivors, interrogations combined with torture were mostly carried out by agents of the Federal Security Service (FSB) of the Russian Federation,<sup>158</sup> while other perpetrators included members of Russian Federation armed forces, including Russian-affiliated armed groups,<sup>159</sup> Russian-appointed law enforcement authorities<sup>160</sup> and the National Guard of the Russian Federation (Rosgvardia).<sup>161</sup>
60. Almost all survivors of torture reported being subjected to severe beatings while in detention.<sup>162</sup> Perpetrators hit victims with sticks, rifle butts, metal rods, rubber batons and baseball bats. A man who was detained in an improvised detention facility in Zaporizhzhia region told ODIHR, *“I was frequently singled out. They would hood me and lead me to the courtyard, where I was subjected to beatings from multiple assailants using various weapons, including sticks, metal rods... On one occasion, they placed a metal bucket over my head and repeatedly struck it until it began to deform. I was genuinely fearful for my life. After enduring approximately 20 minutes of this suffering, they returned me to the garage. I was, of course, soaked in blood. The others tried to help clean me up.”*<sup>163</sup> Other forms of torture included electric shocks,<sup>164</sup> pricking with a knife,<sup>165</sup> hooding,<sup>166</sup> prolonged use of handcuffs,<sup>167</sup> stress positions<sup>168</sup> and mock executions<sup>169</sup> as well as threats of physical violence, mutilation, or that they or their family

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<sup>156</sup> ODIHR Witness Interview UKR.WS.240 at para. 15.

<sup>157</sup> ODIHR Witness Interview UKR.WS.252 at para. 14.

<sup>158</sup> ODIHR Witness Interviews UKR.WS.239 at para. 21; UKR.WS.240 at para. 12; UKR.WS.249 at paras 16-18; UKR.WS.259 at para. 22; UKR.WS.268 at para. 86; UKR.WS.283 at paras 49-50, 60-61; UKR.WS.293 at para. 34; UKR.WS.298 at paras 19-20.

<sup>159</sup> ODIHR Witness Interviews UKR.WS.259 at paras 15-16; UKR.WS.265 at paras 69-70; UKR.WS.268 at para. 99; UKR.WS.283 at paras 48-49, 61; UKR.WS.285 at para. 13.

<sup>160</sup> ODIHR Witness Interviews UKR.WS.244 at paras 16, 52; UKR.WS.252 at paras 11-12; UKR.WS.268 at para. 63; UKR.WS.303 at para. 23.

<sup>161</sup> ODIHR Witness Interviews UKR.WS.239 at para. 25; UKR.WS.293 at paras 12, 22.

<sup>162</sup> ODIHR Witness Interviews UKR.WS.240 at paras 14-15; UKR.WS.244 at paras 12-13, 19-20, 27, 38; UKR.WS.248 at paras 8-9, 17; UKR.WS.249 at paras 15-16; UKR.WS.251 at para. 53; UKR.WS.252 at paras 13-14; UKR.WS.259 at paras 21, 24; UKR.WS.268 at paras 62-63, 88-89, 96; UKR.WS.283 at paras 50-52; UKR.WS.285 at paras 11, 15; UKR.WS.293 at para. 56; UKR.WS.294 at paras 16-17; UKR.WS.296 at paras 8, 12-13; UKR.WS.298 at paras 13, 19, 27; UKR.WS.300 at para 17-19; UKR.WS.303 at paras 16-18.

<sup>163</sup> ODIHR Witness Interview UKR.WS.248 at para. 11.

<sup>164</sup> ODIHR Witness Interviews UKR.WS.248 at paras 11, 13; UKR.WS.285 at paras 13, 15; UKR.WS.296 at paras 13, 15; UKR.WS.298 at para. 26. See also UKR.WS.239 at paras 17, 20, 37.

<sup>165</sup> ODIHR Witness Interview UKR.WS.265 at para. 34.

<sup>166</sup> ODIHR Witness Interviews UKR.WS.259 at para. 16; UKR.WS.268 at paras 88, 94; UKR.WS.283 at paras 48-49; UKR.WS.303 at para. 22.

<sup>167</sup> ODIHR Witness Interviews UKR.WS.259 at para. 16; UKR.WS.268 at paras 88-89, 96.

<sup>168</sup> ODIHR Witness Interviews UKR.WS.268 at paras 88-89, 96; UKR.WS.283 at paras 49-50; UKR.WS.304 at para. 56.

<sup>169</sup> ODIHR Witness Interview UKR.WS.259 at paras 16, 20.

members would be killed.<sup>170</sup> In addition, some witnesses reported being subjected to humiliating and degrading treatment.<sup>171</sup>

61. One survivor told ODIHR that he was not subjected to physical violence in detention himself, but clarified that he had experienced high levels of mental suffering while hearing his wife being tortured with electricity. This, in itself, and given the apparent intent to cause him mental pain,<sup>172</sup> can amount to torture. *“I could hear my wife crying and yelling. I could recognize her voice... They could have taken her to a different floor, but no, they did it on purpose; they even opened the hole normally used to pass us food [service hatch] to let us hear what was happening.”*<sup>173</sup>
62. At least six survivors (three men and three women) reported to ODIHR that they had been subjected to sexual violence, such as forced stripping and nudity during a house search or in detention,<sup>174</sup> as well as threats of rape against themselves and their families.<sup>175</sup> In addition, ODIHR received allegations of rape and sexualised torture, as well as threats of rape used against detainees.<sup>176</sup>
63. During interrogation and torture sessions, perpetrators were reported to sometimes refer to the victims as “Nazi” and “Fascist”, used derogatory names or offensive language to address them, and mocked their appearance and health.<sup>177</sup> Several survivors recalled being forced to memorize and sing the Russian national anthem. *“We had to learn the Russian anthem and sing it every morning. If you got a word wrong you were beaten. Every night my only thought was practicing the anthem in my head.”*<sup>178</sup>
64. Six survivors interviewed by ODIHR sustained various short-term and long-term physical injuries and trauma as a result of torture in detention, such as fractured toes, a broken nose, head trauma, damage to lungs, bruises and other marks from rubber bullets, and loss of memory.<sup>179</sup> Because of the injuries sustained after severe beatings in detention, a male survivor and his son had to undergo several surgeries,<sup>180</sup> while a female survivor

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<sup>170</sup> ODIHR Witness Interviews UKR.WS.251 at para. 59; UKR.WS.259 at para. 16; UKR.WS.265 at para. 34; UKR.WS.283 at para. 47; UKR.WS.285 at para. 13; UKR.WS.304 at paras 15-16.

<sup>171</sup> ODIHR Witness Interview UKR.WS.244 at para. 42; UKR.WS.259 at paras 17, 20.

<sup>172</sup> According to the UN [Convention against Torture](#), the definition of torture contains three main elements: (1) an “act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person”, (2) “for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind” and (3) “inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity”.

<sup>173</sup> ODIHR Witness Interview UKR.WS.239 at para. 20.

<sup>174</sup> ODIHR Witness Interviews UKR.WS.244 at para. 38; UKR.WS.265 at para. 20; UKR.WS.298 at para. 28,

<sup>175</sup> ODIHR Witness Interviews UKR.WS.246 at para. 30; UKR.WS.248 at para.14; UKR.WS.265 at para. 65; UKR.285 at para. 10.

<sup>176</sup> ODIHR Witness Interview UKR.WS.239 at para. 15; UKR.WS.244 at para. 18; UKR.WS.289 at para. 43.

<sup>177</sup> ODIHR Witness Interviews UKR.WS.244 at paras 19, 28; UKR.WS.251 at para. 53; UKR.WS.265 at para.

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<sup>178</sup> ODIHR Witness Interview UKR.WS.259 at para. 24. See also UKR.WS.244 at para. 38; UKR.WS.248 at para. 8; UKR.WS.253 at para. 10.

<sup>179</sup> ODIHR Witness Interviews UKR.WS.248 at para. 11; UKR.WS.283 at para. 50; UKR.WS.293 at paras 7, 29, 47; UKR.WS.294 at paras 18-19, 21; UKR.WS.296 at para. 12. See also UKR.WS.240 at para. 28.

<sup>180</sup> ODIHR Witness Interview UKR.WS.285 at paras 11, 23.

explained how she still had difficulties using her arm more than a year after she had been subjected to physical violence in detention.<sup>181</sup> One survivor explained that he had lost ten kilograms during his nine days in detention due to the high level of stress he suffered from torture and ill-treatment.<sup>182</sup>

65. Survivors reported to ODIHR instances of people being tortured to death. One survivor of arbitrary detention and torture from Kherson region recounted having directly witnessed another male detainee being beaten to death. *“I was a few metres away with my head bowed but I could see from the corner of my eye the body on the floor which was completely lifeless. Blood covered the floor around him. They continued hitting him with batons long after he became lifeless... He was about 30 years old.”*<sup>183</sup> ODIHR also received one other testimony with allegations of death in detention resulting from torture.<sup>184</sup>
66. Two survivors of torture reported to ODIHR that they attempted suicide while in detention.<sup>185</sup> One of them — a male survivor of enforced disappearance and torture — described his state of despair as follows, *“I thought about suicide. They had never taken my belt and I thought about hanging myself from pipes. I had also collected fragments of metal which I used to try and cut my wrists, but they were not sharp enough.”*<sup>186</sup> Other survivors told ODIHR that detention, torture and ill-treatment resulted in continued psychological trauma and distress. Survivors reported experiencing nervous breakdowns and being in a suppressed psychological state, feeling anxiety, moral exhaustion and suffering as well as having problems with sleep.<sup>187</sup>

### ***Torture and ill-treatment of POWs***

67. In the course of these interviews, ODIHR also received new information indicating that Ukrainian prisoners of war (POWs) were subjected to torture and ill-treatment whilst held in captivity by the Russian authorities. The information includes the testimonies of two male former POWs<sup>188</sup> who were released during prisoner exchanges between Ukraine and the Russian Federation in 2023,<sup>189</sup> as well as the testimonies of civilians who were held together with POWs at the same detention facilities.<sup>190</sup>
68. Both former prisoners of war interviewed by ODIHR reported being transferred between several detention facilities within the Russian-occupied territory of Ukraine and the

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<sup>181</sup> ODIHR Witness Interview UKR.WS.265 at para. 34.

<sup>182</sup> ODIHR Witness Interview UKR.WS.268 at para. 81.

<sup>183</sup> ODIHR Witness Interview UKR.WS.259 at para. 20.

<sup>184</sup> ODIHR Witness Interviews UKR.WS.244 at para. 16.

<sup>185</sup> ODIHR Witness Interviews UKR.WS.259 at para. 22; UKR.WS.268 at para. 92.

<sup>186</sup> ODIHR Witness Interview UKR.WS.259 at para. 22.

<sup>187</sup> ODIHR Witness Interviews UKR.WS.239 at para. 46; UKR.WS.249 at para. 24; UKR.WS.285 at para. 23; UKR.WS.298 at paras 39-40.

<sup>188</sup> ODIHR Witness Interviews UKR.WS.253; UKR.WS.307.

<sup>189</sup> One of the witnesses, who served in the Armed Forces of Ukraine and was held captive by the Russian Federation as a prisoner of war for over a year, was released as part of the official prisoner exchange as a civilian due to the lack of proper documentation confirming his military status on the Ukrainian side.

<sup>190</sup> ODIHR Witness Interviews UKR.WS.239; UKR.WS.244; UKR.WS.304.

Russian Federation.<sup>191</sup> One of them was held for part of the time in improvised places of detention.<sup>192</sup> In addition, several witnesses reported to ODIHR the lack of distinction between POWs and civilians, with both categories of persons often detained in the same facilities following their capture/detention and subjected to similar practices of torture and ill-treatment.<sup>193</sup>

69. Similar to civilian detainees, POWs faced deplorable detention conditions, including severely overcrowded cells, poor access to sanitation and lack of medical attention.<sup>194</sup> One of the former POWs interviewed by ODIHR equated the provision of food given to him during his detention to “*torture with hunger*”.<sup>195</sup>
70. According to survivors and witnesses interviewed by ODIHR, the means and methods of torture and ill-treatment inflicted upon POWs included severe beatings and the use of electric shocks,<sup>196</sup> stress positions,<sup>197</sup> hooding and prolonged use of handcuffs,<sup>198</sup> sexual violence including forced nudity,<sup>199</sup> mock executions,<sup>200</sup> threats of violence and mutilation,<sup>201</sup> as well as humiliation and verbal abuse.<sup>202</sup>
71. Torture was reportedly mostly used during interrogations and was aimed at extracting information, but also to punish or humiliate victims.<sup>203</sup> One former POW told ODIHR that, during one of the interrogations, he was beaten “*with a fist to the chest*” every time he did not answer or said he didn’t know something.<sup>204</sup> Another survivor recalled seeing a bat/truncheon decorated with stickers labelled “*denazification*” in the corner of the interrogation room.<sup>205</sup>
72. One of the POWs detailed his experience of severe beatings, which caused such severe injuries that doctors considered amputating his leg. He stated that a particular guard, known for his “*zeal in inflicting pain*”, hit his leg with such force it caused permanent damage, adding that “[*t*]he injury caused my leg to swell to the point where I couldn't wear normal clothes and the skin started to rupture. The affected area turned dark blue and I continue to experience pain from that incident to this day. In June 2022, my leg

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<sup>191</sup> UKR.WS.253 at paras. 7, 9, 11; UKR.WS.307 at paras 9, 16, 36, 55, 77.

<sup>192</sup> ODIHR Witness Interviews UKR.WS.307 at paras 14, 16.

<sup>193</sup> ODIHR Witness Interviews UKR.WS.236 at paras 30-31; UKR.WS.239 at paras 13, 15, 23-24, 27, 45; UKR.WS.244 at paras 4-5, 7-10, 16-22, 30, 42, 55, 59-60, 65-66; UKR.WS.253 at paras 4, 7, 9-10, 13-16, 20; UKR.WS.304 at paras 37-38. See also UKR.WS.307 at paras 59-60.

<sup>194</sup> ODIHR Witness Interviews UKR.WS.239 at paras 24, 26; UKR.WS.244 at paras 21-25, 27, 29-30, 33, 45; UKR.WS.253 at paras 9, 13-16, 21; UKR.WS.307 at paras 13, 17, 24-25, 28, 40.

<sup>195</sup> ODIHR Witness Interview UKR.WS.253 at paras 9, 13-16.

<sup>196</sup> ODIHR Witness Interviews UKR.WS.239 at para. 27; UKR.WS.253 at paras 9-10, 13-14, 20; UKR.WS.304 at paras 37-38; UKR.WS.307 at paras 10-11, 19, 23-24, 26-32, 66.

<sup>197</sup> ODIHR Witness Interview UKR.WS.253 at para. 11.

<sup>198</sup> ODIHR Witness Interview UKR.WS.307 at paras 9, 16, 25.

<sup>199</sup> ODIHR Witness Interviews UKR.WS.253 at paras 7, 10, 12, 28; UKR.WS.307 at para. 37.

<sup>200</sup> ODIHR Witness Interviews UKR.WS.304 at para. 37; UKR.WS.307 at para. 26.

<sup>201</sup> ODIHR Witness Interviews UKR.WS.253 at para. 9; UKR.WS.307 at para. 10.

<sup>202</sup> ODIHR Witness Interviews UKR.WS.244 at paras 40, 48; UKR.WS.253 at paras 9-10, 22-23; UKR.WS.307 at paras 65-67. See also UKR.WS.304 at para. 37.

<sup>203</sup> ODIHR Witness Interviews UKR.WS.253 at paras 7-11, 20; UKR.WS.307 at paras 18-20, 27, 30,

<sup>204</sup> ODIHR Witness Interview UKR.WS.307 at paras 18-19.

<sup>205</sup> ODIHR Witness Interview UKR.WS.253 at para. 7.

*started to rot due to the injuries and lack of adequate care. On 8 January 2023, my leg became severely inflamed and I developed a high fever. My health rapidly declined.*<sup>206</sup> He recounted to ODIHR that he was belatedly able to access medical care because the guards feared being sent to the frontline for having lost “*a prisoner of war meant for exchange*”.<sup>207</sup>

73. In addition, one of the former POWs recounted that several videos of him were recorded and published online, including one in which he was made to disparage his command.<sup>208</sup> Another POW was forced to make an on-camera statement while naked, in which he was compelled to describe his treatment in captivity as adequate.<sup>209</sup>
74. Witnesses told ODIHR that, as a result of severe beatings or complications arising from them, some POWs died in detention,<sup>210</sup> and others attempted to take their own life while in detention as a result of the humiliation and physical abuse.<sup>211</sup>

### **c. Evacuations, unlawful displacement, so-called ‘deportations’ of civilians from the occupied territories and the ‘filtration process’**

75. As was the case during the preparation of previous Interim Reports,<sup>212</sup> a significant amount of the information provided to ODIHR by witnesses and survivors relates to the movement and displacement of civilians from occupied territories, a large number of which may be considered forcible and thus unlawful.<sup>213</sup> Under IHL, individual or mass forcible transfers, as well as deportations of civilians from occupied territory to the territory of the Occupying Power or to that of any other country, are prohibited regardless of their motive<sup>214</sup> and are considered a grave breach of IHL and a war crime.<sup>215</sup>

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<sup>206</sup> ODIHR Witness Interview UKR.WS.253 at para. 10.

<sup>207</sup> *Ibid.*

<sup>208</sup> ODIHR Witness Interview UKR.WS.307 at paras 20-22, 46, 60.

<sup>209</sup> ODIHR Witness Interview UKR.WS.253 at para. 28.

<sup>210</sup> ODIHR Witness Interviews UKR.WS.244 at para. 27; UKR.WS.304 at paras 37-38.

<sup>211</sup> ODIHR Witness Interview UKR.WS.239 at para. 31; UKR.WS.244 at para.48.

<sup>212</sup> See OSCE/ODIHR, [First Interim Report](#), paras 66-72; OSCE/ODIHR, [Second Interim Report](#), paras 123-139; and OSCE/ODIHR, [Third Interim Report](#), paras 72-79.

<sup>213</sup> ODIHR monitors collected 87 testimonies between June and November 2023, of which, 49 refer to witness evacuations, displacement/deportation, and/or filtration.

<sup>214</sup> [GC IV](#), art. 49(1). As an exception to the prohibition of deportations, the occupying power may evacuate a given area for the security of the population or imperative military reasons. However, such evacuations must not involve the displacement of protected persons outside occupied territory except when for material reasons it is impossible to do otherwise. Such evacuations exceptionally allowed under IHL must be temporary in that the persons evacuated “shall be transferred back to their homes as soon as hostilities in the area in question have ceased”, see [GC IV](#), art. 49(2).

<sup>215</sup> [GC IV](#), art. 147; [ICC Rome Statute](#), art. 8(2)(a)(vii); see also art. 8(2)(b)(viii) which specifically criminalize the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory. If committed as part of a “widespread or systematic attack against any civilian population” it also amounts to a crime against humanity, [ICC Rome Statute](#), art. 7(2)(d). As the only exception to the prohibition of deportations, the occupying power may forcibly evacuate a given area for the “security of the population or imperative military reasons”. However, such evacuations must not involve the displacement of protected persons outside occupied territory except when, for material reasons, it is impossible to do otherwise. [GC IV](#), art. 49(2). It is important to note that forced evacuations of civilians from occupied territories cannot be justified and considered as lawful if the reasons causing the displacement in the first-place result from the occupying

76. Some of the details provided to ODIHR continue to raise concerns surrounding the treatment and invasive procedures many civilians were subjected to at border points after having fled their homes seeking safety and protection. In addition to physical mistreatment — including sexual violence in the form of forced nudity and stripping — and threats of mistreatment, the conduct of forces stationed at checkpoints and border crossing points also continues to raise concerns regarding violations of the right of freedom of movement and of the right to privacy.<sup>216</sup>

### ***Evacuations and unlawful displacement***

77. ODIHR interviewed 46 witnesses who organized their own departure from Russian Federation-occupied areas. It is important to note that, while the individuals organized their own departures, such displacements can still be ‘forcible’ and thus unlawful under IHL. A displacement can be considered ‘forcible’ even in the absence of physical force, through the creation by the occupying power of a coercive environment, leaving residents with no other choice but to leave.<sup>217</sup>
78. In this respect, witnesses interviewed by ODIHR who had left their homes listed a myriad of reasons for their departure, including the imposition of rules, regulations and restrictions by the occupying authorities,<sup>218</sup> the encroaching hostilities and proximity to shelling,<sup>219</sup> a fear of forced conscription into the Russian Federation armed forces or coercion to collaborate with the occupying authorities,<sup>220</sup> the safety of their family (particularly children),<sup>221</sup> the threat/fear of and experience of detention and torture<sup>222</sup> and the consequences of the Kakhovka dam’s destruction.<sup>223</sup> Others mentioned the lack of

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power’s own unlawful conduct. ICTY, *Prosecutor v. Milomir Stakic* (Appeal Judgement), IT-97-24-A, 22 March 2006, paras. 284-287.

<sup>216</sup> Enshrined in articles 12 and 17 of the ICCPR.

<sup>217</sup> In a situation of coercion and violence, such as the one experienced by civilians in the besieged city of Mariupol for example, a consent to escape shelling, violence and hunger can hardly be considered as a free, genuine choice to leave one’s house and belongings to relocate elsewhere. See, among others, International Tribunal for the Former Yugoslavia (ICTY), *Prosecutor v. Krajisnik*, Case number IT-00-39-T, ICTY Trial Chamber, Judgment, 27 Sep 2006, paras. 724, 729; *Prosecutor v. Popović*, Case No. IT-05-88-T, ICTY Trial Chamber, Judgment, 10 June 2010, paras. 896-97 and 900; *Prosecutor v. Krnojelac et al.*, Case No. IT-97-25, ICTY Appeal Chamber, Judgement, 17 September 2003, para. 229.

<sup>218</sup> ODIHR Witness Interviews UKR.WS.234 at paras 55-56, 58-59; UKR.WS.241 at paras 27-32, 34; UKR.WS.246 at para. 59; UKR.WS.263 at para. 129; UKR.WS.264 at para. 38; UKR.WS.275 at para. 53; UKR.WS.291 at para. 14.

<sup>219</sup> ODIHR Witness Interviews UKR.WS.260 at paras 49-52; UKR.WS.266 at para. 32; UKR.WS.267 at paras 25-27; UKR.WS.272 at paras 27-28; UKR.WS.287 at paras 16-18; UKR.WS.288 at para. 23; UKR.WS.301 at paras 31-35, 39; UKR.WS.305 at paras 22-24; UKR.WS.306 at para. 31; UKR.WS.309 at paras 10-12; UKR.WS.317 at paras 14-16; UKR.WS.319 at paras 6-7; UKR.WS.320 at paras 35-36.

<sup>220</sup> ODIHR Witness Interviews UKR.WS.252 at paras 16-17; UKR.WS.263 at para. 129; UKR.WS.299 at paras 29-31; UKR.WS.311 at para. 54.

<sup>221</sup> ODIHR Witness Interviews UKR.WS.261 at para. 45; UKR.WS.291 at para. 14; UKR.WS.305 at paras 22-24; UKR.WS.316 at paras 12-13; UKR.WS.317 at paras 82-85; UKR.WS.318 at paras 14-16.

<sup>222</sup> ODIHR Witness Interviews UKR.WS.234 at para. 58; UKR.WS.235 at paras 41-42; UKR.WS.237 at paras 46-47; UKR.WS.239 at paras 46-47; UKR.WS.241 at paras 27-32, 34-36; UKR.WS.263 at para. 129; UKR.WS.267 at paras 32, 64-65; UKR.WS.273 at para. 47; UKR.WS.275 at paras 50-53; UKR.WS.279. at para. 37; UKR.WS.288 at para. 23; UKR.WS.293 at paras 76-77; UKR.WS.303 at para. 26.

<sup>223</sup> ODIHR Witness Interviews UKR.WS.236 at paras 36-40; UKR.WS.297 at paras 21-22, 24-26, 28. See also UKR.WS.260 at para. 49.

access to critical infrastructure, including medical care and functioning medical facilities,<sup>224</sup> as well as lack of access to amenities, such as electricity, heating and water.<sup>225</sup>

79. Civilians who were able to reach Ukrainian government-controlled territory, notably via the crossing point in Vasylivka (Zaporizhzhia region), often encountered long queues and delays before being able to leave Russian Federation-controlled territory.<sup>226</sup> Some civilians had to wait several days before being permitted to cross, all whilst being directly exposed to shelling and, in some cases, the intense summer heat.<sup>227</sup> Several witnesses reported to ODIHR that, due to the heat and lack of supplies (food, water, medication), some civilians fell ill and died.<sup>228</sup>
80. Witnesses also reported to ODIHR mistreatment during their journey and when crossing checkpoints controlled by Russian Federation armed forces and representatives of the occupied Donetsk and Luhansk regions. They described invasive searches of their property and their persons,<sup>229</sup> including forced nudity and forced public stripping during body searches,<sup>230</sup> threats and intimidating practices, including being questioned as to their allegiance to Ukraine and opinion on the conflict, as well as the location and/or occupation of relatives.<sup>231</sup>
81. Witnesses recounted to ODIHR instances of being fired upon by Russian Federation forces and having to traverse mined roads.<sup>232</sup> One witness, who left in the summer 2022, recounted their experience of being deliberately targeted by occupying forces with both shelling and small arms fire. After having crossed the Vasylivka crossing point (Zaporizhzhia region) on a bus full of evacuating civilians, the witness explained, *“Russian [soldiers] in uniform, fully equipped with weapons, were driving around looking at people in the line, filming us with their phones and laughing at us. When we got to the grey zone, [the area separating government-controlled Ukrainian territory and*

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<sup>224</sup> ODIHR Witness Interviews UKR.WS.267 at paras 100-101; UKR.WS.281 at para. 14. See also UKR.WS.273 at paras 47-48.

<sup>225</sup> ODIHR Witness Interviews UKR.WS.234 at para. 27; UKR.WS.237 at para. 29.

<sup>226</sup> ODIHR Witness Interviews UKR.WS.252 at paras. 18-19; UKR.WS.266 at paras 33-34; UKR.WS.282 at para. 19; UKR.WS.291 at paras 19-20, 22-23; UKR.WS.305 at paras 24, 26-27; UKR.WS.317 at paras 106-115. See also UKR.WS.235 at paras. 42; UKR.WS.260 at para. 48; UKR.WS.263 at paras 125, 127-128; UKR.WS.267 at paras 64-65, 83-84; UKR.WS.273 at para. 48; UKR.WS.277 at para. 65; UKR.WS.288 at paras 8, 28; [The Human Rights Situation of older persons in Ukraine in the context of the armed attack by the Russian Federation](#), UN Office of the High Commissioner for Human Rights, May 2023, para. 26.

<sup>227</sup> ODIHR Witness Interviews UKR.WS.252 at para 17-19; UKR.WS.266 at paras 35-38; UKR.WS.282 at para. 19; UKR.WS.317 at paras 111-115. See also UKR.WS.288 at para. 8.

<sup>228</sup> ODIHR Witness Interviews UKR.WS.252 at para. 18; UKR.WS.282 at para. 22. See also UKR.WS.288 at para. 8; UN OHCHR, [The Human Rights Situation of older persons in Ukraine in the context of the armed attack by the Russian Federation](#), para. 26.

<sup>229</sup> ODIHR Witness Interviews UKR.WS.241 at para. 34; UKR.WS.284 at paras 27-29; UKR.WS.299 at paras 42-43.

<sup>230</sup> ODIHR Witness Interviews UKR.WS.241 at para. 34; UKR.WS.291 at paras 29-30; UKR.WS.305 at para. 24.

<sup>231</sup> ODIHR Witness Interviews UKR.WS.234 at para. 66; UKR.WS.282 at para. 22.

<sup>232</sup> ODIHR Witness Interviews UKR.WS.236 at paras 42, 44-45, 47-48; UKR.WS.252 at para. 19; UKR.WS.277 at paras 65-66; UKR.WS.282 at para. 19; UKR.WS.284 at para. 31; UKR.WS.287 at paras 20-30; UKR.WS.301 at paras 43-44, 46-47; UKR.WS.305 at para. 28; UKR.WS.309 at para. 11. See also UKR.WS.236 at paras 29-30; UKR.WS.266 at paras 39-41.

*areas controlled by the Russian Federation, which neither side has full control over] they started to shell us. It was a conscious choice; our bus was a target. We felt the blast-wave. When they let us go, they said, 'on the way, you will still receive presents from us.' Then, when we were driving, we heard bullets, then these powerful explosions. It was coming from behind, from our back.*"<sup>233</sup>

82. Some witnesses told ODIHR that, when it was not possible to evacuate to government-controlled Ukrainian territory, they left via the Russian Federation, on occasion travelling as far as 4,000 km to reach their final destination.<sup>234</sup> Civilians also encountered long queues and delays at border crossing points, often lasting as long as three days with many underprepared to wait for so long.<sup>235</sup> Witnesses also recounted their treatment at the crossing points, reporting that border guards often intimidated and ridiculed civilians in flight,<sup>236</sup> performed invasive searches of their property and persons, which included forced nudity and strip searches,<sup>237</sup> interrogated them and asked invasive and/or provocative questions<sup>238</sup> and recorded personal details in a database.<sup>239</sup>
83. Some witnesses noted that, during evacuation attempts, family members and other civilians travelling with them were denied entry into bordering countries by authorities at the Russian border crossing points and were forced to separate from the group.<sup>240</sup>

### ***Filtration processes***

84. Some witnesses referred to having undergone filtration procedures to enable them to leave Russian Federation-controlled territory or during the journey itself. Several witnesses told

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<sup>233</sup> ODIHR Witness Interview UKR.WS.305 at paras 27-28. See also UKR.WS.252 at para. 19.

<sup>234</sup> ODIHR Witness Interviews UKR.WS.234 at paras 64-74; UKR.WS.237 at para. 47; UKR.WS.241 at paras 36-38; UKR.WS.246 at paras 60-67; UKR.WS.260 at paras 57-67; UKR.WS.261 at paras 46-50; UKR.WS.263 at paras 128, 131-138; UKR.WS.264 at para. 40; UKR.WS.267 at paras 64-65; UKR.WS.268 at paras 113-114, 116; UKR.WS.271 at para. 14; UKR.WS.272 at para. 15; UKR.WS.273 at paras 50-52; UKR.WS.275 at paras 57-58; UKR.WS.279 at paras 51-53; UKR.WS.281 at para. 18; UKR.WS.288 at paras 29-30; UKR.WS.293 at paras 78-80; UKR.WS.303 at para. 27; UKR.WS.308 at paras 50-51; UKR.WS.309 at paras 12-13; UKR.WS.311 at paras 55-57; UKR.WS.313 at paras 20-23; UKR.WS.314 at paras 12, 17-22; UKR.WS.315 at para. 39; UKR.WS.316 at paras 15-20; UKR.WS.317 at paras 16-22, 25-29; UKR.WS.319 at paras 6-9, 11; UKR.WS.320 at paras 35-36, 71-75.

<sup>235</sup> ODIHR Witness Interviews UKR.WS.241 at para. 38; UKR.WS.261 at paras 47-49; UKR.WS.267 at paras 64-66; UKR.WS.268 at paras 114-116; UKR.WS.273 at paras 50-53; UKR.WS.275 at paras 62, 70; UKR.WS.279 at paras 51-53; UKR.WS.288 at paras 29-30; UKR.WS.289 at paras 49, 67-68; UKR.WS.302 at paras 57-58; UKR.WS.303 at para. 27; UKR.WS.309 at paras 12-13; UKR.WS.314 at paras 2-22; UKR.WS.315 at paras 43, 45-48, 64-65; UKR.WS.317 at paras 17-22, 25-30; UKR.WS.320 at paras 38-39.

<sup>236</sup> ODIHR Witness Interviews UKR.WS.246 at para. 65; UKR.WS.273 at para. 64; UKR.WS.279 at para. 53; UKR.WS.315 at paras 42, 47.

<sup>237</sup> ODIHR Witness Interviews UKR.WS.237 at para. 47; UKR.WS.261 at para. 48; UKR.WS.267 at paras 71-72; UKR.WS.273 at paras 54-57, 59; UKR.WS.308 at paras 52-55; UKR.WS.309 at paras 13-15; UKR.WS.311 at paras 55-57; UKR.WS.314 at paras 15-16.

<sup>238</sup> ODIHR Witness Interviews UKR.WS.260 at paras 61, 64; UKR.WS.263 at para. 133; UKR.WS.264 at para. 45; UKR.WS.267 at para. 70, 72-74, 121; UKR.WS.271 at para. 18; UKR.WS.273 at paras 54-57; UKR.WS.309 at paras 12-13, 65-66, 68-69; UKR.WS.315 at paras 41-43; UKR.WS.320 at paras 38-40, 71-74. See also UKR.WS.302 at para. 55; UKR.WS.317 at para. 30.

<sup>239</sup> ODIHR Witness Interviews UKR.WS.260 at para. 67; UKR.WS.263 at para. 132; UKR.WS.264 at para. 45; UKR.WS.311 at paras 55-57; UKR.WS.314 at paras 15-16, 20-21,35; UKR.WS.317 at paras 17-22.

<sup>240</sup> ODIHR Witness Interviews UKR.WS.288 at paras 29-30; UKR.WS.308 at paras 52-55. See also UKR.WS.267 at paras 121-123.



ODIHR of their experience in having to obtain filtration documentation.<sup>241</sup> Similar to the treatment at checkpoints and border crossing points described above, witnesses described mistreatment at filtration centres and having to endure processing times of up to two weeks, in poor conditions.<sup>242</sup> Witnesses also described harsh and intimidating interrogations with provocative and difficult questioning intended to confuse,<sup>243</sup> invasive searches of persons and property,<sup>244</sup> arbitrary detention and/or physical mistreatment,<sup>245</sup> and taking personal details and biographical data recorded in a database.<sup>246</sup>

85. One survivor interviewed by ODIHR recounted his experience of being abducted by occupying forces on his way to collect water from a well and taken to a filtration centre in Novoazovsk (Donetsk region) in the spring 2022. The witness was held at the centre for 10 days whilst being processed for filtration, explaining, *“It was an individual process. Some just went through a few questions; others went through beating and crying in a different room. It was quite terrible. (...) When they started, it usually lasted one week. I was there for 10 days, but I am not sure of the day when I was taken or when I was released. Every day it was the same. We woke up on the mattress in the gym, then we went through questioning, every day. Every day they would put around 50 people in a cage and take two or three people at a time into the room for individual interrogation.”*<sup>247</sup> After the filtration process, the witness explained that he received a filtration document before being released. However, since he had no documents or phone with him when he was abducted, he was forced to walk home from the filtration centre, which took three days.<sup>248</sup>

### ***So-called ‘deportation’ of civilians***

86. Two witnesses interviewed by ODIHR reflected on their experience of being forcibly ‘deported’ from their homes and separated from their family, by being brought to the grey zone between the occupied areas where they resided and the government-controlled area of Ukraine.<sup>249</sup>

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<sup>241</sup> ODIHR Witness Interviews UKR.WS.237 at paras 34-38, 40-43; UKR.WS.267 at paras 32-33, 36, 59, 62-64; UKR.WS.271 at para. 15; UKR.WS.281 at paras 12-16; UKR.WS.302 at paras 37-41, 49; UKR.WS.308 at paras 30, 34-35; UKR.WS.310 at paras 14-15; UKR.WS.313 at para. 20; UKR.WS.314 at paras 12-14; UKR.WS.315 at paras 25-31; UKR.WS.317 at paras 84-90; UKR.WS.319 at paras 7-9. See further UKR.WS.239 at paras 47-48; UKR.WS.275 at paras 59, 63-67.

<sup>242</sup> ODIHR Witness Interview UKR.WS.237 at paras 35-38; UKR.WS.271 at para. 15; UKR.WS.281 at paras 14-16; UKR.WS.314 at paras 13-14; UKR.WS.315 at paras 26-28.

<sup>243</sup> ODIHR Witness Interviews UKR.WS.237 at para. 37; UKR.WS.281 at paras 14-16; UKR.WS.310 at paras 16-17; UKR.WS.314 at paras 15-16; UKR.WS.317 at paras 90-99.

<sup>244</sup> ODIHR Witness Interviews UKR.WS.237 at para. 40; UKR.WS.302 at para. 41; UKR.WS.310 at paras 16-17; UKR.WS.313 at para. 20; UKR.WS.314 at paras 15-16; UKR.WS.315 at paras 31-33.

<sup>245</sup> ODIHR Witness Interviews UKR.WS.237 at para. 36; UKR.WS.267 at paras 36-40, 50-51; UKR.WS.317 at para. 101.

<sup>246</sup> ODIHR Witness Interviews UKR.WS.237 at para. 37; UKR.WS.281 at paras 14-16; UKR.WS.310 at para. 15; UKR.WS.313 at para. 20; UKR.WS.315 at paras 31-33; UKR.WS.316 at paras 15-19; UKR.WS.317 at paras 93-98.

<sup>247</sup> ODIHR Witness Interview UKR.WS.237 at para. 38.

<sup>248</sup> *Ibid.*, paras 34-41.

<sup>249</sup> ODIHR Witness Interviews UKR.WS.248; UKR.WS.289. See also UKR.WS.246 at para. 11.

87. A survivor explained how, starting in May 2022, she and her family were repeatedly visited and intimidated by occupying Russian Federation armed forces based on their connection to relatives having previously been in the Ukrainian armed forces and their refusal to vote in the Russian-organized ‘referendum’.<sup>250</sup> She recalled that later, in September 2022, Russian Federation soldiers visited her at her home at 06:00 hours, demanded she take her passport and forcibly took her away by car under the pretence that “*someone wanted to speak with [her]*”.<sup>251</sup> She told ODIHR that she was brought to the road between Melitopol and Zaporizhzhia and was met by an individual representing the FSB, who then transported her to Vasylivka.<sup>252</sup> Upon arrival, she was instructed to stand under a Russian flag. Standing in front of the FSB representative and ten soldiers, she had to read a statement aloud while being filmed, explaining that she was being deported for “*discrediting the Russian Federation*” and “*engaging in terrorism*”.<sup>253</sup> Afterwards, she was directed towards a checkpoint and made to walk for five hours to Ukrainian government-controlled territory<sup>254</sup> in the summer heat with no provisions or adequate clothing, avoiding mines that had been placed across the road and along the roadside.<sup>255</sup>
88. In addition, a second survivor, who had been twice detained for his pro-Ukrainian views, recounted to ODIHR that, in October 2022 while still in detention, he was informed that he would be taken to Ukrainian government-controlled territory.<sup>256</sup> The next day, he was forcibly transported to a checkpoint he recognized from being featured in numerous ‘deportation’ videos that had been published online.<sup>257</sup> The survivor recounted that he had been officially banished from Zaporizhzhia region and labelled as an “*unwanted person*” who had “*disrupted security*”. As with the ‘deportation’ case described above, the witness reported being filmed at the scene. There his sentence, which had been “*sanctioned by [Yevgeny] Balitsky*”, the Russian Federation-appointed governor, was read to him.<sup>258</sup> Following this, the witness was made to walk through several checkpoints where he faced death threats, before reaching the grey zone after five kilometres.<sup>259</sup> He finally reached Ukrainian government-controlled territory after walking a further 40 kilometres.<sup>260</sup>

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<sup>250</sup> ODIHR Witness Interview UKR.WS.289 at paras 11, 13, 16, 18. For further information concerning the Russian-organised ‘referenda’ and ODIHR’s related monitoring, see OSCE/ODIHR, [Second Interim Report](#), paras 61-63, 67; OSCE/ODIHR, [Third Interim Report](#), para. 75.

<sup>251</sup> ODIHR Witness Interview UKR.WS.289 at paras 23-24, 31.

<sup>252</sup> *Ibid.*, paras 12, 23-24.

<sup>253</sup> *Ibid.*, para. 29.

<sup>254</sup> *Ibid.*, para. 35.

<sup>255</sup> *Ibid.*, paras 30-34.

<sup>256</sup> ODIHR Witness Interview UKR.WS.248 at para. 19.

<sup>257</sup> *Ibid.*, para. 19. ODIHR has reviewed several videos on social media, including VKontakte and others, similar to those which were referenced by the witness, which purport to show Ukrainian civilians being ‘deported’ from non-government-controlled to government-controlled areas of Zaporizhzhia. In each of the videos, the civilian is publicly filmed, whilst an individual announced their name and the grounds for their ‘deportation’.

<sup>258</sup> ODIHR Witness Interview UKR.WS.248 at para. 19.

<sup>259</sup> *Ibid.*, paras 20-21.

<sup>260</sup> *Ibid.*, paras 22-23.

#### d. Forced adoption of Russian citizenship

89. ODIHR has continued to monitor the sustained and systematic efforts by the Russian Federation to force residents of occupied areas of Ukraine to acquire Russian Federation citizenship. As noted in previous reports, any attempts to alter the demographic composition of the territory, such as by pressuring the civilian population to change their nationality to that of the occupying power, runs counter to the cornerstone principle according to which occupation is presumed to be a transitional and temporary regime.
90. Many witness testimonies collected by ODIHR, describe the various measures and pressures in place designed to coerce them into becoming Russian citizens. The regulations and restrictions on, and intimidation of Ukrainian citizens to compel them to change nationality constitute serious violations of IHL, including the prohibition on discrimination against people living under occupation based on nationality<sup>261</sup> and forcing people to declare allegiance to an occupying power.<sup>262</sup> The forcible imposition of Russian citizenship on citizens of occupied territories may also lead to forced conscription, which is explicitly prohibited by IHL.<sup>263</sup>
91. Witnesses interviewed by ODIHR explained how access to employment, whether in the public or private sector, is often conditional upon the possession of a Russian passport.<sup>264</sup> Some witnesses also explained that employees without a Russian passport would receive lower salaries,<sup>265</sup> with two witnesses from different regions specifying that the salaries were 30 per cent lower.<sup>266</sup> In contrast, a witness from Luhansk region told ODIHR that, despite the pressure to get Russian passports, some employees considered critical staff were allowed to continue working without a Russian passport and retained the same level of salary.<sup>267</sup>

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<sup>261</sup> See [GC IV](#) art. 27(3); and UN [Protocol 1](#), arts. 69-70.

<sup>262</sup> [Hague Regulations](#), art. 45.

<sup>263</sup> See *Ibid.*; [GC IV](#), art. 51. The conscription of citizens of an occupied territory to the armed forces of the occupying authority constitutes a war crime. See [GC IV](#), art. 147 and [ICC Rome Statute](#), art. 8(2)(a)(v).

<sup>264</sup> ODIHR Witness Interviews UKR.WS.237 at para. 49; UKR.WS.238 at para. 13; UKR.WS.246 at para. 70; UKR.WS.262 at para. 54; UKR.WS.264 at para. 34; UKR.WS.265 at para. 85; UKR.WS.267 at para. 88; UKR.WS.269 at para. 5; UKR.WS.271 at para. 29; UKR.WS.275 at para. 35; UKR.WS.281 at para. 16; UKR.WS.282 at para. 26; UKR.WS.294 at para. 27; UKR.WS.306 at para. 22; UKR.WS.308 at para. 43; UKR.WS.312 at para. 12; UKR.WS.315 at para. 67.

<sup>265</sup> ODIHR Witness Interviews UKR.WS.294 at para. 27; UKR.WS.300 at para. 32.

<sup>266</sup> ODIHR Witness Interviews UKR.WS.269 at para 7; UKR.WS.302 at para. 56.

<sup>267</sup> ODIHR Witness Interview UKR.WS.275 at para. 34.

92. Witnesses also recounted their challenges in accessing health<sup>268</sup> and social services, including pensions,<sup>269</sup> maternity<sup>270</sup> and child support benefits<sup>271</sup> as well as humanitarian assistance<sup>272</sup> without a Russian passport. Five witnesses<sup>273</sup> referred to the need to have a Russian passport in order to obtain medicine, with one witness from Donetsk region stating that *“insulin was only made available upon buying medical insurance, and to get that, you needed a Russian passport”*.<sup>274</sup> Three witnesses<sup>275</sup> explained that parents had to obtain Russian citizenship in order for their children to be able to attend classes, with one of the witnesses specifying that, *“if children do not go to school, then social services can take them away from you.”*<sup>276</sup>
93. Importantly, the interviews collected by ODIHR in the second half of 2023 have also shone more light on the link between the forced imposition of Russian citizenship and property rights. Eight witnesses<sup>277</sup> mentioned threats of appropriation of private property if the owners failed to obtain Russian Federation citizenship, with one witness from Zaporizhzhia region recounting, *“Soldiers came (...and) asked us if we had Russian passports and gave us ten days to apply for passports and to bring them the confirmation that we had done so. We were told that our apartment would be taken away if we didn't get Russian passports”*.<sup>278</sup> According to a witness from Luhansk region, residents were given until 1 September 2023 to re-register their properties under Russian law,<sup>279</sup> for which, as explained by two witnesses<sup>280</sup> from Kherson and Donetsk regions, you needed Russian Federation citizenship. If not, their property would be taken away. In addition,

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<sup>268</sup> ODIHR Witness Interviews UKR.WS.235 at para. 49, UKR.WS.238 at para. 28, UKR.WS.241 at para. 49, UKR.WS.246 at para. 70, UKR.WS.265 at para. 82, UKR.WS.269 at para. 31; UKR.WS.286 at paras 22, 28; UKR.WS.288 at para. 20, UKR.WS.291 at para. 40, UKR.WS.294 at para. 27; UKR.WS.300 at para. 40 UKR.WS.305 at para. 36, UKR.WS.308 at para. 43; UKR.WS.315 at para. 67. Contrastingly, one witness from Kherson region told ODIHR that she was not required to present a Russian passport when getting an emergency medical treatment.

<sup>269</sup> ODIHR Witness Interviews UKR.WS.235 at para. 49; UKR.WS.237 at para. 51; UKR.WS.238 at para. 28; UKR.WS.241 at para. 50; UKR.WS.261 at para. 34; UKR.WS.263 at para. 124; UKR.WS.269 at para. 51; UKR.WS.275 at para. 39; UKR.WS.281 at para. 16; UKR.WS.291 at para. 40; UKR.WS.308 at para. 43; UKR.WS.311 at para. 58; UKR.WS.314 at para. 28; UKR.WS.315 at para. 67. In addition, three witnesses (UKR.WS.262 at para. 14, UKR.WS.271 at para. 32 and UKR.WS.274 at para. 46) explained to ODIHR that while there were cases when pensioners without Russian passports continued to receive their pensions, they were allegedly informed by the occupation authorities that this will no longer be possible by the end of 2023 or beginning of 2024.

<sup>270</sup> ODIHR Witness Interview UKR.WS.312 at para. 12.

<sup>271</sup> ODIHR Witness Interview UKR.WS.314 at para. 28.

<sup>272</sup> ODIHR Witness Interviews UKR.WS.246 at para. 70, UKR.WS.269 at para. 51; UKR.WS.295 at para. 37.

<sup>273</sup> ODIHR Witness Interviews UKR.WS.267 at para. 103, UKR.WS.282 at para. 25, UKR.WS.289 at para. 45, UKR.WS.309 at para. 17; UKR.WS.319 at para. 15.

<sup>274</sup> ODIHR Witness Interview UKR.WS.267 at para 103.

<sup>275</sup> ODIHR Witness Interviews UKR.WS.267 at para. 95, UKR.WS. 269 at para. 51; UKR.WS.289 at paras 45 and 53.

<sup>276</sup> ODIHR Witness Interview UKR.WS.289 at para. 45.

<sup>277</sup> ODIHR Witness Interviews UKR.WS.234 at paras 55-56, UKR.WS.241 at para. 53, UKR.WS.265 at paras 81, 84-85, UKR.WS.288 at para. 20, UKR.WS.291 at para. 42, UKR.WS.293 at para. 84, UKR.WS.302 at para. 61; UKR.WS.308 at para. 47.

<sup>278</sup> ODIHR Witness Interview UKR.WS.288 at para. 20.

<sup>279</sup> ODIHR Witness Interview UKR.WS.265 at paras 81, 84.

<sup>280</sup> ODIHR Witness Interviews UKR.WS.241 at para. 53; UKR.WS.302 at para. 61.

three witnesses<sup>281</sup> from Donetsk region stated that a Russian passport was also needed in order to apply for compensation for damages to property, while two witnesses from Luhansk region shared that a Russian passport is also needed to be able to sell your property.<sup>282</sup>

94. Several witnesses interviewed by ODIHR stated that the freedom of movement of residents in the occupied territories was also affected, with two witnesses<sup>283</sup> stating that a Russian passport was needed to travel to the Autonomous Republic of Crimea or to the Russian Federation. Three other witnesses<sup>284</sup> stated that residents without a Russian passport experienced issues when going through checkpoints. One witness from Zaporizhzhia region explained a situation he witnessed whereby “a man who did not choose to get a Russian passport was passing through a checkpoint. He was asked why he did not get a Russian passport. His Ukrainian passport was then torn into pieces (...)”,<sup>285</sup> while his car, driving licence and documents for the car were taken. “[H]e was told he would receive the documents and the car upon presenting a Russian passport”.<sup>286</sup> Another witness from Zaporizhzhia region shared with ODIHR that “you couldn’t get a driving licence without a (Russian) passport”.<sup>287</sup>
95. Witnesses also reported the different kinds of pressure, including ill-treatment, they faced for refusing to acquire Russian Federation citizenship. A witness from Zaporizhzhia region recounted his experience while being detained. “They asked me why I did not get a Russian passport. I said I already had a passport, Ukrainian, and then they hit me (...). I was asked if I wanted to go home and if I was ready to sign a document stating that I wanted a Russian passport. I remember it said I would agree to get the passport before 1 May 2023”.<sup>288</sup> Six witnesses<sup>289</sup> interviewed by ODIHR also reported threats of so-called ‘deportation’ for failure to acquire Russian Federation citizenship, with one witness from Luhansk region explaining, “They [Russian soldiers] warned us that if we didn’t take the passports, we would be deported, though we didn’t know where we would be sent”.<sup>290</sup>

#### **e. Unlawful restrictions to the right to freedom of peaceful assembly**

96. Witnesses interviewed by ODIHR confirmed earlier accounts presented in previous Interim Reports that in the first weeks of the conflict, several rallies and demonstrations were able to take place in occupied territories in order to protest against the Russian

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<sup>281</sup> ODIHR Witness Interviews UKR.WS.267 at para. 96, UKR.WS.314 at para. 28; UKR.WS.315 at para. 67.

<sup>282</sup> ODIHR Witness Interviews UKR.WS.265 at para. 85; UKR.WS.275 at para. 48.

<sup>283</sup> ODIHR Witness Interviews UKR.WS.238 at para. 29; UKR.WS.286 at para. 22.

<sup>284</sup> ODIHR Witness Interviews UKR.WS.235 at para. 49, UKR.WS.263 at para. 119 and UKR.WS.266 at para. 64.

<sup>285</sup> ODIHR Witness Interview UKR.WS.263 at para. 119.

<sup>286</sup> *Ibid.*

<sup>287</sup> ODIHR Witness Interview UKR.WS.312 at para. 12.

<sup>288</sup> ODIHR Witness interview UKR.WS.300 at paras 19-20.

<sup>289</sup> ODIHR Witness Interviews UKR.WS.241 at para. 51, UKR.WS.291 at para. 42, UKR.WS.246 at para. 71, UKR.WS.269 at para. 8; UKR.WS.274 at para. 45; UKR.WS.275 at para. 46.

<sup>290</sup> ODIHR Witness Interview UKR.WS.274 at para. 45.

military attack.<sup>291</sup> At the beginning of the conflict, peaceful assemblies were tolerated to a certain degree. Later, however, the protests started to be severely restricted and violently suppressed, with assembly participants being subjected to threats, intimidation and detention, in violation of the right to freedom of peaceful assembly guaranteed by IHRL which continues to apply during armed conflict, including in occupied territories.<sup>292</sup>

97. A witness from Enerhodar (Zaporizhzhia region), stated that, after March 2022, the Russian armed forces used stun grenades to disperse protestors after previously allowing assemblies to take place.<sup>293</sup> Another witness from the same city recounted to ODIHR that, after March 2022, gatherings of more than two or three people were forbidden.<sup>294</sup> A witness from Berdiansk (Zaporizhzhia region) told ODIHR that the tolerance of demonstrations ended after the first month of occupation, stating, “*they started shooting at the demonstrators in the leg and that was the end of the demonstrations*”.<sup>295</sup>
98. Several witnesses interviewed by ODIHR described the use of force employed by occupation authorities to disperse peaceful assemblies, such as firing warning shots,<sup>296</sup> using tear gas,<sup>297</sup> stun grenades,<sup>298</sup> smoke grenades<sup>299</sup> and firing rubber bullets at peaceful protesters.<sup>300</sup> A witness from Nova Kakhovka (Kherson region) recalled a protest he attended in early March 2022. “*We protested for about three hours and then some people tried to enter the administration building, climbing over the fences. Russian soldiers used artillery weapons to fire warning shots and disperse the crowd. (...) Then they started to use stun grenades and rubber bullets to disperse the crowd.*”<sup>301</sup> A witness from Kalanchak (Kherson region) also recalled his experience participating in a local protest. “*They [Russian military] started shooting in the air and throwing smoke grenades. We decided to disperse, and also armoured vehicles started to arrive.*”<sup>302</sup> The witness added that two people suffered from the effects of tear gas, but that the occupation authorities did not detain anyone.<sup>303</sup> The witness further explained, “*We planned to have another*

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<sup>291</sup> OSCE/ODIHR, [First Interim Report](#), at paras 106-111; OSCE/ODIHR, [Second Interim Report](#), paras 146-150; OSCE/ODIHR, [Third Interim Report](#), paras 87-89.

<sup>292</sup> ICCPR, art. 21.

<sup>293</sup> ODIHR Witness Interview UKR.WS.299 at para. 8.

<sup>294</sup> ODIHR Witness Interview UKR.WS.286 at para. 17.

<sup>295</sup> ODIHR Witness Interview UKR.WS.239 at para. 14.

<sup>296</sup> ODIHR Witness Interviews UKR.WS.240 at para. 36; UKR.WS.241 at paras 17, 19; UKR.WS.268 at para. 15; UKR.WS.273 at para. 23; UKR.WS.282 at paras 5, 8; UKR.WS.316 at para. 2. See also UKR.WS.305 at para. 35.

<sup>297</sup> ODIHR Witness Interviews UKR.WS.240 at para. 36; UKR.WS.241 at para. 17; UKR.WS.273 at para. 23. See also UKR.WS.306 at para. 7.

<sup>298</sup> ODIHR Witness Interviews UKR.WS.268 at para. 15; UKR.WS.299 at para. 9. See also UKR.WS.284 at para. 12.

<sup>299</sup> ODIHR Witness Interviews UKR.WS.240 at para. 36; UKR.WS.241 at para 19. See also UKR.WS.284 at para. 12; UKR.WS.305 at para. 35; UKR.WS.306 at para. 7.

<sup>300</sup> ODIHR Witness Interview UKR.WS.268 at para. 15.

<sup>301</sup> *Ibid.*

<sup>302</sup> ODIHR Witness Interview UKR.WS.241 at para. 19.

<sup>303</sup> *Ibid.*, para. 17.

*demonstration on the following day, but since the first one was violently dispersed, to avoid victims, we decided to cancel the protest”.*<sup>304</sup>

99. Witnesses also recalled that the use of force for the dispersal of peaceful protests by the Russian military resulted in the injury<sup>305</sup> and death<sup>306</sup> of some assembly participants. A witness from Enerhodar (Zaporizhzhia region) described how, in February 2022, people gathered at a checkpoint at the entrance of the city to protest the arrival of the Russian Federation troops, during which three peaceful protesters were allegedly killed and several others injured when soldiers used rifles to disperse the crowd. *“Several people were injured and three Ukrainian young men of up to 35 years of age were killed. Local people organized a ceremony to honour their deaths. The shooting was loud and created a sense of fear and panic in the crowd. The people then started dispersing”.*<sup>307</sup>
100. Witnesses also recalled how the occupation authorities intimidated, harassed and detained assembly participants<sup>308</sup> as well as abducted assembly organizers<sup>309</sup> as a means to suppress peaceful protests. In this regard, a witness from Nova Kakhovka (Kherson region) recalled the aftermath of a protest on 6 March that she attended. *“After that [the protest], they started cruel actions against people who participated in the demonstration, trying to find them based on pictures they took that day. A journalist, whom I know personally, was detained for one week. They broke his ribs and then he left to government-controlled area”.*<sup>310</sup> The witness added that several other people that she knew were also detained following the protest. Similarly, a witness from Berdiansk (Zaporizhzhia region) recalled, *“The [occupation authorities] were looking for those who took part in the demonstrations. At that time [June/July 2022] there were no demonstrations anymore but they were still looking for those who joined in the early phase [referring to the March 2022 protests].”*<sup>311</sup> A witness from Skadovsk (Kherson region) explained, *“in the beginning of the occupation, people were brave and went to rallies, but then the cases of abduction started, and when those who initiated the protests were abducted, people started to be afraid as they realised the consequences that demonstrating could have”.*<sup>312</sup>

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<sup>304</sup> *Ibid.*, para. 17.

<sup>305</sup> ODIHR Witness Interview UKR.WS.240 at para. 36; UKR.WS.282 at para. 8. See also UKR.WS.284 at para. 12; UKR.WS.305 at para 35.

<sup>306</sup> ODIHR Witness Interviews UKR.WS.273 at para. 23; UKR.WS.282 at para. 8.

<sup>307</sup> ODIHR Witness Interview UKR.WS.282 at para. 8.

<sup>308</sup> ODIHR Witness Interviews UKR.WS.239 at para. 19; UKR.WS.246 at para. 10; UKR.WS.266 at para. 100; UKR.WS.273 at paras 25-26.

<sup>309</sup> ODIHR Witness Interview UKR.WS.291 at para. 11.

<sup>310</sup> ODIHR Witness Interview UKR.WS.273 at paras 25-26.

<sup>311</sup> ODIHR Witness Interview UKR.WS.239 at para. 19.

<sup>312</sup> ODIHR Witness Interview UKR.WS.291 at para 11.

## **V. Updated interim recommendations**

### **ODIHR calls on the Russian Federation and Ukraine as parties to the conflict to:**

- respect and ensure respect for IHL and IHRL in territories under their control;
- take all feasible precautions to avoid, and in any event to minimize incidental loss of civilian life, injury to civilians and damage to civilian objects;
- ensure that humanitarian personnel, facilities and assets are protected, and immediately cease any direct or indiscriminate attacks on such targets;
- take the necessary steps to allow for a comprehensive and impartial investigation to determine the cause of the breach of the Kakhovka dam in accordance with international standards, hold those responsible to account and provide remedy and reparations;
- ensure that all POWs are held in places of internment that fully comply with the Geneva Convention (III) relative to the Treatment of Prisoners of War of 12 August 1949, ensure they are treated with the full respect afforded to them under the Convention, and investigate and prosecute all cases of serious violations of IHL in relation to their treatment;
- ensure freedom of movement and freedom of return to civilians evacuating or otherwise displaced;
- ensure that independent and impartial investigations are conducted into all allegations of serious violations of IHL and IHRL and that alleged perpetrators are brought to justice in fair trials in accordance with international law and standards; and
- ratify the Rome Statute and formally become members of the International Criminal Court.

### **ODIHR calls on the Russian Federation to:**

- cease the use of explosive weapons with wide-area effects in densely populated areas;
- respect POW status and immediately cease the prosecution of captured combatants for the mere fact of having directly participated in hostilities;
- establish, without delay, mixed medical commissions to facilitate the repatriation of wounded, seriously injured, sick and seriously sick POWs in line with the Geneva Convention (III) relative to the Treatment of Prisoners of War;
- halt the abduction, arbitrary detention and enforced disappearance of civilians in territories occupied by the Russian Federation and release those currently unlawfully detained;
- stop subjecting civilians in territories occupied by the Russian Federation to extrajudicial executions, torture and other forms of ill-treatment including sexual violence;
- halt the forcible transfer or deportation of civilians, including children, within Ukrainian territories that are occupied by the Russian Federation or to the territory of the Russian Federation and Belarus;
- release all Ukrainian civilians who have been deported to the Russian Federation and are detained there as a consequence of the armed conflict;
- respect the main tenets of the law of occupation and refrain from introducing irreversible changes to the status of Ukrainian territories under military occupation;



- immediately cease pressuring or coercing the civilian population to change their nationality and ensure that access to rights and services in occupied territories are not conditional upon the acquisition of Russian citizenship, including access to employment, pensions, social benefits, medical care, humanitarian aid, education, parental rights, property rights and freedom of movement;
- respect the rights to peaceful assembly for people living in Ukrainian territories under Russian Federation occupation, including when peacefully participating in unauthorized assemblies and demonstrations, and refrain from using excessive force in order to disperse peaceful protests;
- cease the practice of compelling Ukrainian nationals from occupied areas of Ukraine to serve in the armed forces of the Russian Federation;
- stop the practice of so-called ‘deportation’ of civilians from occupied territories to Ukrainian government-controlled territory; and
- eliminate the so-called ‘filtration’ process of civilians.

**ODIHR calls on Ukraine to:**

- respect, protect and ensure the full enjoyment of the rights to fair trial for all individuals charged with crimes in relation to the Russian Federation’s military attack on Ukraine, including war crimes;
- sign the Draft Law “On Amendments to Certain Legislative Acts of Ukraine on the Implementation of International Criminal and Humanitarian Law (No. 2689)” adopted by Parliament in May 2021 designed to harmonize the Criminal Code of Ukraine with international criminal law and IHL, enabling the Ukrainian authorities to investigate and prosecute breaches of IHL carried out on its territory effectively;
- amend its criminal legislation regarding ‘collaborative activity’ to dispel any legal uncertainty and make sure that the Law “On amending certain legal acts of Ukraine on introducing criminal responsibility for collaboration activity” is in line with international legal standards; and
- ensure that each individual case involving collaboration is thoroughly assessed, including whether and to what extent the accused individual cooperated with the occupying authorities under coercion or duress, and guarantee that internationally agreed standards of impartiality, independence and thoroughness as well as fair trial guarantees are respected at all times.