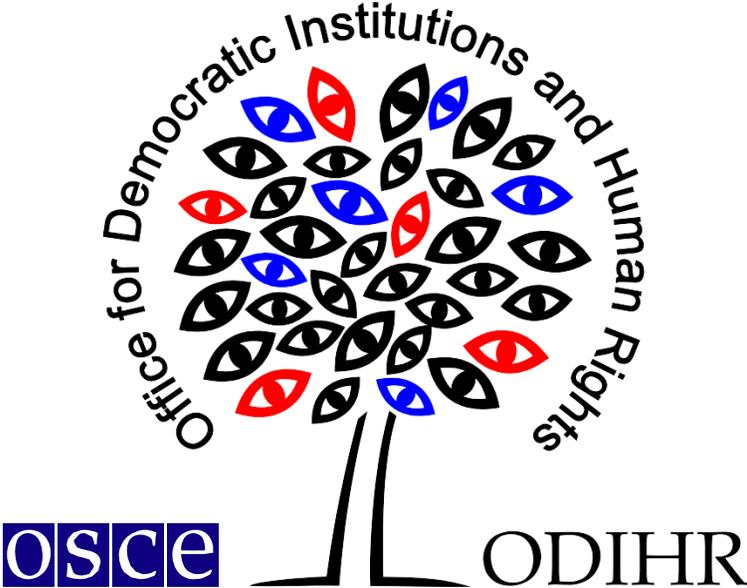


**Fifth Interim Report on reported violations of international humanitarian law and international human rights law in Ukraine**



22 July 2024

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

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## Foreword

It is with a deep sense of sorrow that we release today this Fifth Interim Report as part of ODIHR's Ukraine Monitoring Initiative, aiming to monitor and document the most serious violations of international humanitarian law (IHL) and international human rights law (IHRL) affecting the lives of civilians and prisoners of war, occurring as a result of the war in Ukraine.

Alongside the four previous interim reports published since the military attack launched by the Russian Federation in Ukraine on 24 February 2022, these documents are a stark and unique insight into the devastation this ongoing war continues to wreak on civilians, their human rights and their future, documented by ODIHR through over 400 in-depth interviews with survivors and witnesses of violations collected during 19 missions in and outside Ukraine.

After almost two and a half years, the impact of the conflict on the human rights of civilians continues to be grim. Presenting new accounts and direct testimonies, this Fifth Interim Report further confirms the credible evidence that the conduct of the Russian Federation forces is marked by a general disregard for the basic principles set out in IHL. The result is a multiplication of rights violations, some of which may amount to war crimes or crimes against humanity. This has inflicted tremendous and widespread suffering over the course of the conflict, with episodes of discrimination, humiliation, torture, arbitrary detention, violence and loss of innocent life, including against children and other vulnerable groups. During the reporting period, there have also been indications, although far more limited in scope but still of concern, of IHL violations by the Ukrainian armed forces.

As ODIHR will continue to monitor these violations and new reports will be published, we continue to strive to inform the wider public of the human rights situation in Ukraine, to present evidence-based recommendations to States, and ultimately to contribute to ensuring accountability for violations of IHL and IHRL by remaining in close dialogue with the other international actors, so that the victims of such violations can obtain justice.

As never before, reading through this latest report, it is clear to me how our common security can only be achieved, preserved and reinforced through our shared commitment to strengthen democratic institutions, uphold the rule of law and promote human rights.

In conclusion, I wish to renew my thanks to the all the survivors and witnesses who agreed to be interviewed and share their — often painful — testimonies with us, all the civil society organizations and human rights defenders who helped and continue to help ODIHR with fulfilling its important mandate, as well as all ODIHR staff for all their dedication behind these reports.

Matteo Mecacci, ODIHR Director

## **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 Fifth 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 four previous Interim Reports.
2. The Report includes a short overview of developments in the context of the armed conflict from 1 December 2023 to 31 May 2024, while the main body of the report focuses on specific issues reported to ODIHR by 87 witnesses during four monitoring deployments conducted by ODIHR in the first half of 2024. 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, which is referenced throughout the report.
3. ODIHR's monitoring recorded significant developments in the conflict since 1 December 2023, including in the conduct of hostilities. ODIHR noted an intensification of coordinated large-scale attacks by Russian Federation forces on Ukrainian cities, including those far from the front lines. These attacks resulted in increased civilian casualties and increased damage to civilian infrastructure, including critical energy infrastructure. The situation was especially grave in the Kharkiv region, following the Russian Federation forces' ground offensive in May. The Russian Federation forces' use of explosive weapons with wide area effects in densely populated areas further showed a continued disregard for the principles of distinction and proportionality.
4. ODIHR observed instances of Ukrainian forces shelling populated areas of Russian-occupied territories of Ukraine, albeit to a far lesser extent, resulting in civilian casualties. Ukrainian forces increased their attacks on regions of the Russian Federation bordering Ukraine, some of which targeted military objects, resulting in civilian casualties.
5. Patterns of arbitrary detention and enforced disappearances of civilians in Russian Federation-occupied areas documented by ODIHR remained similar, with detainees apparently targeted for their perceived support for Ukraine and denied the most basic protections applicable to persons deprived of their liberty. ODIHR learned of cases of civilians prosecuted following prolonged arbitrary detention; in many cases, where such individuals had been detained soon after 24 February 2022. ODIHR collected further evidence of widespread and systematic torture, including sexual torture against civilian detainees. In many cases, survivors told ODIHR that they continued to suffer long term physical injuries and psychological trauma.

6. Prisoners of war (POWs) were mainly held separately from civilians, yet both Ukrainian civilians and former POWs described similar experiences of widespread torture and poor conditions of detention. Concerns remained regarding abuses, including summary executions of POWs by both sides at point of capture, and the exposure of POWs to public curiosity via social media channels. Independent access to Ukrainian POWs remained a serious challenge.
7. ODIHR received further information from witnesses and survivors regarding conflict-related sexual violence against men and women, including instances of rape, threats of rape and other types of sexual violence. Some of the reported abuse had homophobic elements. Most of the cases were reported to have taken place while in detention sites under the control of the Russian Federation, while others were reported as occurring in the victims' own homes in Russian-occupied areas.
8. ODIHR continued to receive information regarding intensified efforts by the Russian authorities to alter the status and character of the occupied territories in violation of IHL. Witnesses provided accounts of coercion of residents in the occupied territories to acquire Russian citizenship, as well as of the imposition of the Russian Federation curriculum in schools and of military-patriotic education for school-aged children.
9. Information received by ODIHR from witnesses indicated that residents of Russian-occupied areas were routinely coerced to work for the occupying power in ways that may violate IHL. Coercion was reported to ODIHR to include threats, detention and the laying of criminal charges. Witnesses also expressed concern regarding the prosecution of collaborators under Ukrainian law following coerced cooperation, due to a lack of clarity in what constitutes collaboration in fact and law.
10. 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

11. Nearly two and a half years after the military attack initiated by the Russian Federation on 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).
12. The OSCE human dimension commitments emphasize that it is of vital importance that participating States adhere to and implement their binding IHL and IHRL obligations under international treaties,<sup>1</sup> including the Geneva Conventions.<sup>2</sup>
13. In line with its core mandate to assist OSCE participating States in the implementation of human dimension commitments,<sup>3</sup> ODIHR established the Ukraine Monitoring Initiative (UMI) immediately after 24 February 2022 and began monitoring and documenting reported violations, focusing on the most pressing issues affecting the lives of civilians and prisoners of war (POWs). This has included monitoring the use of means and methods of warfare prohibited under IHL; instances of wilful killings, torture and other inhumane and degrading treatment, and conflict-related sexual violence (CRSV); the unlawful displacement of civilians, including children; the denial of humanitarian aid; the situation of prisoners of war; and the situation in occupied territories and violations of the rules of occupation under IHL.
14. 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. ODIHR reiterates that the so-called 'annexation' of territories under occupation by the Russian Federation remains illegal, and such territories remain Ukrainian territory under international law. More information about the legal framework is available on ODIHR's website.<sup>4</sup>
15. The methodology employed by the UMI was both informed by and developed for the circumstances on the ground in Ukraine. ODIHR adopts a trauma-informed approach, guided

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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](#), Chapter IV, Code of conduct on politico-military aspects of security, 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; [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; [Fourth Interim Report on violations of international humanitarian law and human rights law in Ukraine](#), (Fourth Interim Report), OSCE/ODIHR, 12 December 2023, for additional detail on ODIHR's mandate.

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

by the ‘do no harm’ principle, informed consent, and with consideration to the risks of re-traumatization. More information about the methodology is available on ODIHR’s website.<sup>5</sup>

16. This Fifth Interim Report builds upon the findings and recommendations of the four previous interim reports on reported violations of IHL and IHRL in Ukraine published in July 2022 (First Interim Report), December 2022 (Second Interim Report), July 2023 (Third Interim Report), and December 2023 (Fourth Interim Report) respectively.<sup>6</sup> ODIHR’s public reporting aims to contribute further to ensuring accountability for violations of IHL and IHRL committed in the context of the armed conflict in Ukraine.
17. The report begins with an overview of conflict-related issues and important developments which occurred in the context of the armed conflict in Ukraine between 1 December 2023 and 31 May 2024, and then turns to specific issues which were detailed during in-person interviews with survivors and witnesses conducted by ODIHR in the first half of 2024, giving prominence to their voices.<sup>7</sup> ODIHR conducted four monitoring deployments during this period, with two visits to Ukraine, one visit to Estonia and one visit to Finland. During these monitoring visits, in 82 in-person interviews, ODIHR interviewed a total of 87 survivors of, or witnesses to, alleged violations of IHL and IHRL (42 women and 45 men).<sup>8</sup> ODIHR interviewees came from various regions of Ukraine, including Donetsk, Dnipropetrovsk, Kharkiv, Kherson, Kyiv, Luhansk and Zaporizhzhia. ODIHR wishes to convey its deepest gratitude to each witness and survivor who provided their testimony. Additionally, ODIHR received information from the authorities of Ukraine and the Russian Federation, relevant intergovernmental organizations (IGOs) and civil society organizations, which is referenced throughout the report.

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

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

<sup>7</sup> In this respect, certain information included in Chapter IV may relate to events that occurred prior to 1 December 2023.

<sup>8</sup> These included five interviews with two people who specifically requested to be interviewed together. As of June 2024, the UMI has carried out 19 missions in and outside Ukraine, during which it conducted 402 interviews with a total of 425 survivors of, or witnesses to alleged violations of IHL and IHRL (222 women and 203 men).

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

#### a. Violations of IHL during the conduct of hostilities

18. ODIHR has continued to monitor reported violations of IHL committed during the conduct of hostilities in territory under Ukrainian government control and in Russian Federation-occupied territories of Ukraine, as well as attacks within the Russian Federation.<sup>9</sup> The period examined in the overview of this report — from 1 December 2023 until 31 May 2024 — was marked by an intensification of coordinated large-scale attacks by Russian armed forces on major Ukrainian cities, including those far from the frontline, which resulted in increased conflict-related civilian casualties and significant damage to civilian objects, including critical energy infrastructure. Shelling and multiple-launch rocket system (MLRS) attacks continued to impact communities on both sides of the frontline, with the situation being particularly dire in the northeastern parts of Kharkiv region following the ground offensive launched by Russian forces on 10 May 2024.
19. ODIHR's monitoring shows<sup>10</sup> that, during the period, the Russian armed forces continued to use explosive weapons with wide area effects in attacks on densely populated urban areas of Ukraine, leading to numerous civilian casualties and extensive damage to, or destruction of civilian infrastructure.<sup>11</sup> While shelling and MLRS attacks primarily affected residents located close to heavy fighting,<sup>12</sup> missile, loitering munition and airstrikes often hit civilian

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<sup>9</sup> This includes reports of attacks on oil refineries and on bordering cities and regions such as Belgorod. ODIHR has not yet been able to verify these reports sufficiently in line with its methodology for remote monitoring and standards of verification.

<sup>10</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, including through open-source investigation techniques to verify digital evidence. As ODIHR is not able to conduct detailed assessments of violations of IHL norms in relation to individual attacks, its findings are based on certain patterns observed during its monitoring activities, which allow for provisional conclusions regarding the degree of compliance with IHL. For more information see [ODIHR's methodology](#).

<sup>11</sup> These weapons are designed for open battlefields. Given their inherent inaccuracy, their use in densely populated areas is very likely to cause indiscriminate and disproportionate harm to civilians and civilian infrastructure. According to updated figures made available by the Office of the United Nations High Commissioner for Human rights (UN OHCHR), 97 per cent of civilian deaths and injuries in Ukraine recorded between 1 December 2023 and 31 May 2024 were caused by explosive weapons with a wide impact area, including shelling from heavy artillery and multi-launch rocket systems, missiles and air strikes. See [Report on the Human Rights Situation in Ukraine: 1 December 2023 to 29 February 2024](#), UN OHCHR, 26 March 2024, para. 18; [Report on the Human Rights Situation in Ukraine: 1 March to 31 May 2024](#), UN OHCHR, 3 July 2024, para. 15. See also Information from the Permanent Mission of Ukraine to the International Organizations in Vienna; Information from the Office of the Prosecutor General of Ukraine; Information from the National Police of Ukraine; Information from the Ministry of Defense of Ukraine; Information from the Ministry of Education and Science of Ukraine.

<sup>12</sup> See [Report on the Human Rights Situation in Ukraine: 1 December 2023 to 29 February 2024](#), UN OHCHR, 26 March 2024, para. 28; [Report on the Human Rights Situation in Ukraine: 1 March to 31 May 2024](#), UN OHCHR, 3 July 2024, para. 26.

objects far from the frontline.<sup>13</sup> Such attacks show the Russian authorities' continued disregard for the IHL principles of distinction and proportionality.<sup>14</sup>

20. In December and January, ODIHR observed a significant increase in the number of large-scale coordinated missile and loitering munitions attacks on government-controlled territory of Ukraine. On 29 December 2023, Russian forces initiated one of the largest attacks since 24 February 2022, launching more than 160 drones and missiles on the cities of Kyiv, Kharkiv, Dnipro, Zaporizhzhia, Odesa, Lviv and other towns and villages in the Dnipropetrovsk, Sumy, Cherkasy and Kyiv regions.<sup>15</sup> Regarding the attack, a witness from Kharkiv told ODIHR: *“On my birthday [...] there were 23 strikes. The previous year there were six.”*<sup>16</sup> The attack lasted over 18 hours and resulted in at least 21 civilian casualties and 85 injured (including five children), according to data verified by the UN OHCHR.<sup>17</sup> The Russian Federation claimed that Ukrainian military facilities and infrastructure were the primary targets and blamed Ukraine's air defence system for civilian casualties following the attack.<sup>18</sup> Similar attacks continued throughout January 2024,<sup>19</sup> with the UN OHCHR recording a significant increase in conflict-related civilian casualties, including children, compared to previous months.<sup>20</sup> Attacks caused damage to civilian objects, including medical facilities, educational institutions and residential buildings.<sup>21</sup> ODIHR spoke with one survivor of the 2 January attack who explained: *“You can't get ready for things like that,*

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<sup>13</sup> For instance, on the night of 1–2 March, a loitering munition struck a nine-storey residential building in Odesa (Odesa region), killing 12 civilians (including five children aged between four months and nine years old) and injuring eight (including one child), according to information from the Ukrainian authorities corroborated by ODIHR. See Oleh Kiper/Odeska ODA (OVA), Telegram [post](#), 3 March 2024, in Ukrainian; Prosecutor General's office, Telegram [post](#), 3 March 2024, in Ukrainian; Volodymyr Zelenskyy, Telegram [post](#), 2 March 2024, in Ukrainian. See also [Drone attack collapses Odesa residential building](#), Human Rights Watch, 21 March 2024.

<sup>14</sup> The principles of distinction and proportionality require attacks to be directed at legitimate military targets and only carried out where the attack would not cause excessive incidental effects to civilian life in relation to the anticipated direct military advantage to be gained. In evaluating proportionality, States must consider possible reverberating effects.

<sup>15</sup> General Staff of the Armed Forces of Ukraine, Facebook [post](#), 29 December 2023, in Ukrainian; Information from the Permanent Mission of Ukraine to the International Organizations in Vienna.

<sup>16</sup> ODIHR Witness Interview UKR.WS.389, para. 27.

<sup>17</sup> Some of the casualties were caused by falling debris from intercepted missiles. [Ukraine: protection of civilians in armed conflict. December 2023 update](#), UN OHCHR, 15 January 2024, p. 2. According to Ukrainian President Zelenskyy, 39 people were killed and 159 were injured in that attack, see Volodymyr Zelenskyy, Telegram [post](#), 30 December 2023, in Ukrainian.

<sup>18</sup> Russian Ministry of Defence, Telegram [post](#), 29 December 2023, in Russian; [Выступление Постоянного представителя В.А.Небензи на заседании СБ ООН по Украине](#) [Statement by Permanent Representative V.A. Nebenzia at the UN Security Council meeting on Ukraine], Permanent Mission of the Russian Federation to the United Nations, 29 December 2023.

<sup>19</sup> Another series of coordinated missile and loitering munitions attacks took place on 2, 8 and 23 January, particularly affecting the capital, Kyiv, and Kharkiv city. According to the UN OHCHR, at least 26 civilians (including one child) were killed and 190 (including 17 children) were injured in these attacks, see [Ukraine: protection of civilians in armed conflict. January 2024 update](#), UN OHCHR, 7 February 2024, p.2; See also Volodymyr Zelenskyy, Telegram [post](#), 2 January 2024, in Ukrainian; Volodymyr Zelenskyy, Telegram [post](#), 8 January 2024, in Ukrainian; Volodymyr Zelenskyy, Telegram [post](#), 23 January 2024, in Ukrainian.

<sup>20</sup> [Ukraine: protection of civilians in armed conflict. January 2024 update](#), UN OHCHR, 7 February 2024, p. 1.

<sup>21</sup> Information from the Permanent Mission of Ukraine to the International Organizations in Vienna.

*especially early in the morning... There were no walls, glass everywhere. [...] Some people from the apartment building were killed. We were lucky.*”<sup>22</sup>

21. From late March 2024, the Russian armed forces initiated a new wave of attacks on energy-related infrastructure across Ukraine,<sup>23</sup> causing major damage and destruction to power generation facilities and electricity substations. For instance, on 22 March, Russian forces conducted one of the largest attacks to date on Ukraine’s energy sector, damaging 20 substations and eight power plants, including Dnipro power plant.<sup>24</sup> From 22 March to 8 May, Russian forces conducted five waves of large-scale coordinated attacks on major thermal and hydroelectric power plants in the country, which resulted in their damage and significantly reduced their ability to generate power.<sup>25</sup> The attacks caused civilian casualties and temporarily disrupted access to electricity, gas and water for millions of Ukrainians. Rolling power cuts were additionally implemented in all areas of the country, and the Ukrainian authorities fear the electricity supply during cold months of 2024-2025 will be particularly difficult.<sup>26</sup> Reports of repeated attacks on the Dnipro Dam also raise concerns of possible ecological and humanitarian disasters.<sup>27</sup> Since April 2024, Russian armed forces have increased attacks on the Ukrainian railway system,<sup>28</sup> exacerbating risks to the civilian population.
22. During the period, the city of Kharkiv was particularly impacted by recurrent missile attacks, loitering munitions and airstrikes by the Russian armed forces. A Kharkiv resident described the situation to ODIHR: “... *This is just about survival. The missile strikes intensified during December and January and now there is never one day without an attack. There could be ten, 20, 30 strikes a day from missiles, drones and aviation bombs. You could hear seven explosions before the air raid siren was activated.*”<sup>29</sup> Although the Russian authorities stated that the attacks were aimed at military targets,<sup>30</sup> residential areas were struck, resulting in

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<sup>22</sup> ODIHR Witness Interview UKR.WS.378, para. 6.

<sup>23</sup> For more information see OSCE/ODIHR, [Second Interim Report](#), paras. 49-52; OSCE/ODIHR, [Third Interim Report](#), para. 18; [Fourth Interim Report](#), para. 24.

<sup>24</sup> Information provided to ODIHR by the Permanent Mission of Ukraine to the International Organizations in Vienna.

<sup>25</sup> Ukrenergo, Telegram [post](#), 31 May 2024, in Ukrainian.

<sup>26</sup> Information from the Permanent Mission of Ukraine to the International Organizations in Vienna.

<sup>27</sup> Volodymyr Zelenskyy, Telegram [post](#), 29 March 2024, in Ukrainian; [Ukraine’s largest hydroelectric dam in critical condition after Russian strikes, authorities say](#), CNN, 2 June 2024.

<sup>28</sup> On 18 April, one railway employee was killed and seven were injured in shelling of railway facilities in Synelkove (Dnipropetrovsk region), see Ukrzaliznytsia, Facebook [post](#), 19 April 2024, in Ukrainian. On 25 April, railway infrastructure was damaged and seven railway employees were killed and injured in Udachne (Donetsk region), see Ukrzaliznytsia, Facebook [post](#), 25 April 2024, in Ukrainian. On the same day, 11 civilians were injured in a missile attack on a railway station in Balakliia (Kharkiv region), see Oleh Syniehubov, Telegram [post](#), 26 April 2024, in Ukrainian.

<sup>29</sup> ODIHR Witness Interview UKR.WS.392, para. 11.

<sup>30</sup> See [В Харькове расположение наемников получило повреждения в результате ударов](#) [In Kharkiv, the location of mercenaries was damaged as a result of strikes], TASS Russian News Agency, 23 January 2024, in Russian; TASS Russian News Agency, Telegram [post](#), 25 May 2024, in Russian.

civilian deaths and injuries.<sup>31</sup> The humanitarian situation in the city has also deteriorated significantly. Several witnesses reported frequent power outages and interruptions in water and heat supply, mobile communications, and public transport.<sup>32</sup> Furthermore, on several occasions, the Russian authorities linked these attacks to shelling and loitering munitions strikes on Belgorod region by Ukrainian armed forces,<sup>33</sup> thereby suggesting the strikes were retaliatory in nature. IHL strictly prohibits reprisals against the civilian population and civilian objects.<sup>34</sup>

23. The situation in Kharkiv region worsened considerably following the ground offensive launched by the Russian armed forces on 10 May 2024, resulting in a significant increase in civilian casualties, destruction of civilian property and facilities<sup>35</sup> and triggering a new wave of displacement.<sup>36</sup> In addition, there were reports of attacks against civilians trying to evacuate, including on volunteers and medical personnel.<sup>37</sup>
24. ODIHR also recorded at least five ‘double-tap’ strikes carried out by Russian armed forces. Such strikes target one location in two separate attacks: the first hits the target, causing initial destruction, while the second hits emergency responders, medical personnel, journalists and passers-by who attend the site. For instance, ‘double-tap’ strikes on the cities of Kharkiv and Zaporizhzhia in early April 2024 killed eight civilians (including three first responders) and injured dozens (including an emergency worker, a paramedic and two journalists), according to information from local authorities corroborated by ODIHR.<sup>38</sup> On 19 May, two consecutive strikes on a recreational centre in Cherkaska Lozova (Kharkiv region) killed seven civilians

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<sup>31</sup> For instance, on 23 January, 11 civilians were killed and dozens were injured in a missile attack on residential area of Kyivskiy district (Kharkiv region). Multiple residential buildings and a boarding school were damaged in the attack, see Kharkiv regional prosecutor’s office, Telegram [post](#), 26 January 2024, in Ukrainian. On 23 May, seven workers (including five women) were killed and 21 people were injured following a missile strike on the “Factor Druk” printing house in Kharkiv, according to local authorities, see Oleh Syniehubov, Telegram [post](#), 23 May 2024, in Ukrainian. In the afternoon of 25 May, Russian armed forces dropped two aerial bombs on the city of Kharkiv, hitting the “Epicentre” construction hypermarket. According to local authorities, 18 civilians were killed and were 48 injured in the attack, including several store employees, see Oleh Syniehubov, Telegram [post](#), 27 May 2024, in Ukrainian. On the night of 30-31 May, eight civilians were killed and dozens were injured when multiple missiles hit a residential area in the city of Kharkiv including a multi-story building, see Emergency service of Ukraine, Telegram [post](#), 1 June 2024, in Ukrainian.

<sup>32</sup> ODIHR Witness Interviews UKR.WS.378; UKR.WS.389; UKR.WS.390; UKR.WS.392.

<sup>33</sup> Russian Ministry of Defense, Telegram [post](#), 31 December 2023, in Russian. See also Russian Ministry of Defense, Telegram [post](#), 22 March 2024, in Russian.

<sup>34</sup> [GC IV](#), arts. 28 and 33; [API](#), art. 51(6), 52(1) and 54(4); CIHL, Rules 145 and 146.

<sup>35</sup> 53 percent of overall civilian casualties in May were reported as occurring in Kharkiv region, see [Ukraine: Protection of Civilians in Armed Conflict. May 2024 update](#), UN OHCHR, 7 June 2024, p. 1.

<sup>36</sup> [UN Geneva Press briefing](#), The United Nations Office at Geneva, 21 May 2024.

<sup>37</sup> [Ukraine: Displaced civilians describe terrifying Russian attacks in north-eastern border areas](#), UN OHCHR, 24 May 2024; Office of the Prosecutor General of Ukraine, Telegram [post](#), 18 May 2024; See also [У Вовчанську росіяни застрелили жінку з інвалідністю](#) [In Vovchansk, Russians shot dead a woman with a disability], Kharkiv human rights protection group, 22 May 2024.

<sup>38</sup> Ihor Terekhov, Telegram [post](#), 4 April 2024, in Ukrainian; State Emergency service of Ukraine, Telegram [post](#), 4 April 2024, in Ukrainian; Ivan Fedorov Zaporizhzhia region/Zaporizhzhia, Telegram [post](#), 6 April 2024, in Ukrainian.

and injured dozens, including two medical workers.<sup>39</sup> Such strikes violate IHL, which prohibits attacks on civilians and attacks on medical personnel, hospitals and humanitarian workers.<sup>40</sup> Their repeated use may also deter first responders from assisting strike victims due to fear of a second strike.

25. ODIHR has also recorded instances of Ukrainian armed forces shelling populated areas in the Russian-occupied territories of Ukraine, albeit to a far lesser extent, resulting in civilian casualties and damage to civilian objects.<sup>41</sup> According to occupying authorities, on 21 January, 27 people were killed and at least 25 were injured (including two children) by the shelling of a market and residential area in Donetsk (Donetsk region),<sup>42</sup> likely the deadliest attack on the city since 24 February 2022, while on 3 February, 29 people were killed and nine were injured during an attack on a café in Lysychansk (Luhansk region).<sup>43</sup> Information from the UN OHCHR corroborates civilian deaths and injuries resulting from these attacks. Meanwhile, the occupying authorities reported that, on 12 April, 16 people were killed and 28 were injured in Tokmak (Zaporizhzhia region), although ODIHR has not yet been able to verify the number of casualties.<sup>44</sup>
26. During the period, ODIHR observed an intensification in shelling and loitering munition strikes on border regions of the Russian Federation, particularly on the Belgorod and Bryansk regions. While some of these attacks targeted military objectives,<sup>45</sup> they also resulted in civilian casualties and damage to civilian objects.<sup>46</sup> They included the deadliest

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<sup>39</sup> Information from the National Police of Ukraine, corroborated by ODIHR.

<sup>40</sup> See e.g., ICC Rome Statute, arts 8(2)(b)(ix) and (e)(iv); [GC IV](#), art. 18, CIHL Rules 25, 28-30.

<sup>41</sup> For instance, between 24 February 2022 and 31 May 2023, UN OHCHR recorded 6,138 casualties (2,512 killed and 3,626 injured) in non-government-controlled areas of Ukraine. See [Ukraine: Protection of Civilians in Armed Conflict. May 2024 update](#), UN OHCHR, 7 June 2024, p. 3. See also [Report on the Human Rights Situation in Ukraine: 1 December 2023 – 29 February 2024](#), UN OHCHR, 26 March 2024,, para. 18; 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; Information from the Delegation of the Russian Federation to the Vienna Negotiations on Military Security and Arms Control.

<sup>42</sup> Pushilin D.V., Telegram [post](#), 21 January 2024, in Russian. UN OHCHR verified that at least 24 civilians were among those killed and at least 11 among those injured, see also [Ukraine: protection of civilians in armed conflict. January 2024 update](#), UN OHCHR, 7 February 2024, p. 2.

<sup>43</sup> Leonid Pasechnik, Telegram [post](#), 4 February 2024. According to the UN OHCHR, at least 13 individuals among those killed and injured were civilians, see [Ukraine: Protection of Civilians in Armed Conflict. February 2024 update](#), UN OHCHR, p. 2. Separately, ODIHR found that several of the casualties held official positions in the civilian administration in the occupied territory. Under IHL, members of the enemy political leadership may be attacked if they serve in the armed forces and thus become combatants. Civilian members of the political leadership are not considered combatants and cannot be lawfully targeted.

<sup>44</sup> Balitskyi Yevgeny, Telegram [post](#), 15 April 2024, in Russian.

<sup>45</sup> For instance, on the night of 9 March, Ukrainian forces targeted the Beriev Aviation Plant near Taganrog (Rostov region) with loitering munitions. The plant is known for the repair, modernization and, according to some reports, production of A-50 drones. ODIHR verified satellite images that showed the aftermath of the strike (damage on the roof of the hangar of the plant). On 27 March, the Ministry of Internal Affairs in Belgorod was reportedly targeted with loitering munitions.

<sup>46</sup> Information from the Commissioner for Human Rights in the Russian Federation; Information from the Delegation of the Russian Federation to the Vienna Negotiations on Military Security and Arms Control.

strike on Russian territory since 24 February 2022 — the 30 December attack on the city centre of Belgorod city, during which 25 people (including five children) were reportedly killed and 109 were injured.<sup>47</sup> In addition, since March, Ukrainian forces have repeatedly attacked Russian fuel infrastructure using long-range munitions,<sup>48</sup> leading to a temporary suspension of fuel production. Although ‘dual-use objects’, which serve both military and civilian purposes, may be legitimate military targets,<sup>49</sup> any attack on such objects may be rendered unlawful for failure to adhere to the fundamental principle of proportionality, which includes an analysis of possible reverberating effects from the attack.<sup>50</sup>

## **b. Other significant developments**

27. From 15 to 17 March 2024, voting for the Russian presidential elections took place in most of the occupied territories of Ukraine (the Zaporizhzhia, Kherson, Donetsk and Luhansk regions, Autonomous Republic of Crimea and the city of Sevastopol.)<sup>51</sup> The Russian Federation’s attempts to organize Russian presidential elections in occupied areas within the internationally recognized territory of Ukraine, without the consent of the latter, have no legal validity.<sup>52</sup>
28. On 24 January 2024, a Russian military transport plane crashed in the southern Belgorod region of the Russian Federation. There were, according to the Russian authorities, 65 Ukrainian POWs on board, all of whom died in the crash. Following the incident, the Russian authorities claimed that the plane was targeted and downed by Ukrainian armed forces. Both Ukraine and the Russian Federation have opened investigations into the incident, while President Zelenskyy also called for an international investigation.

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<sup>47</sup> The real Gladkov, Telegram [post](#), 1 January 2024, in Russian. It should be noted that ODIHR has not yet been able to substantially verify the reports from the Russian Federation in accordance with its [Methodology](#).

<sup>48</sup> See e.g., [Ukraine says Russian oil refineries are legitimate targets](#), Reuters, 22 March 2024; [Ukraine takes the war to Russian oil refineries](#), Foreign Policy, 27 March 2024; [Ukraine drones target two refineries, airfield in Russia's Krasnodar region, Kyiv source says](#), Reuters, 27 April 2024; [Ukraine Strikes More Russian Oil Facilities in a Bid to Disrupt Military Logistics](#), The New York Times, 9 May 2024.

<sup>49</sup> [API](#), art. 52(2).

<sup>50</sup> IHL stipulates that “works or installations containing dangerous forces” shall not be attacked, even where such objects are military objectives, if the attacks may cause the release of dangerous forces and severe loss of life among the civilian population. See [API](#), art. 51(5)(b), art. 52(2); [CIHL, Rules 7, 8, 54](#).

<sup>51</sup> Early voting was also recorded in different settlements of the occupied regions from 25 February until early March.

<sup>52</sup> Fundamentally, occupation is required by IHL to be a transitional and temporary regime: the occupying power does not acquire sovereignty over the occupied territory and is required to preserve, as far as possible, the status quo ante in the occupied territory. IHL presumes that the local population lacks the necessary free choice during occupation to agree to changes in the status of the occupied territory, and thus, the occupying power must refrain from bringing about irreversible changes which would fundamentally alter the status of such territories. See also [The holding of illegal ‘elections’ in occupied areas of Ukraine condemned by OSCE leaders](#), OSCE CiO press release, 7 September 2023.

29. During the reporting period, authorities reported a total of four POW exchanges, making a total of 52 exchanges thus far, with the most recent on 31 May 2024.<sup>53</sup>
30. In February 2024, the mandate of the Coordination Headquarters for the treatment of Prisoners of War was formally extended to include Ukrainian civilian detainees.<sup>54</sup> An electronic register of Ukrainian civilians detained by the Russian Federation has since been created to facilitate communication with families and verify the accuracy of information received, and the Headquarters has been tasked with negotiating for the unconditional release of these civilians. Although the exact number of Ukrainian civilians arbitrarily deprived of their liberty by the Russian Federation is unknown, NGOs estimate it to be in the thousands,<sup>55</sup> and, between 24 February 2022 and 31 May 2024, the Office of the Prosecutor General of Ukraine has recorded 14,798 cases of arbitrarily detained civilians by the Russian authorities.<sup>56</sup>
31. On 16 May 2024, President Zelenskyy vetoed Bill № 7731,<sup>57</sup> which proposed a new provision in the Ukrainian Labour Code that may have resulted in further negative impacts against Ukrainian citizens for perceived ‘collaboration’ with the occupying authorities — an issue which remains problematic due to the lack of clarity regarding what constitutes ‘collaboration’, both in the criminal context and other venues. Under the vetoed iteration of the bill, the failure of certain types of employees to provide their employer with information about ‘all relations’ with residents of the occupied territories could result in termination of

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<sup>53</sup> Information from the Permanent Mission of Ukraine to the International Organizations in Vienna; Information provided to ODIHR by an NGO representing the families of POWs; Ombudsman Tatyana Moskalkova, Telegram [post](#), 3 January 2024, in Russian; Volodymyr Zelenskyy, Telegram [post](#), 3 January 2024, in Ukrainian; Coordination Headquarters for the Treatment of Prisoners of War, Telegram [post](#), 31 January 2023, in Ukrainian; Ombudsman Tatyana Moskalkova, Telegram [post](#), 31 January 2024, in Russian; Ombudsman Dmytro Lubinets, Telegram [post](#), 8 February 2024, in Ukrainian; Russian Ministry of Defence, Telegram [post](#), 8 February 2024, in Russian; Coordination Headquarters for the Treatment of Prisoners of War, Telegram [post](#), 31 May 2024, in Ukrainian; Russian Ministry of Defence, Telegram [post](#), 31 May 2024, in Russian.

<sup>54</sup> [Постанова Кабінету Міністрів України від 27 лютого 2024 р. № 208 “Деякі питання поводження з військовополоненими”](#) [Decree of the Cabinet of Ministers of Ukraine of February 27, 2024, No. 208 “Some Issues of Treatment of Prisoners of War”], in Ukrainian.

<sup>55</sup> Six NGOs working on the issue of arbitrary detention told ODIHR that it was difficult to establish precise figures, due to both the ongoing armed conflict and lack of information from the Russian authorities. Ukrainian civilians are held in pre-trial detention centres, temporary isolation cells, penitentiary institutions and colonies, and unofficial detention sites in the occupied territories of Ukraine, the territory of the Russian Federation and Belarus. A coalition of Ukrainian NGOs identified more than 150 such places. For more details, see Section IV. a. *Arbitrary deprivation of liberty and enforced disappearances in areas under the control of the Russian authorities*, below.

<sup>56</sup> Information provided by the Office of the Prosecutor General of Ukraine. According to the National Information Bureau, there were over 14,000 “unconfirmed cases”, while 1743 cases have been confirmed as of 11 June 2024 (915 of them were confirmed through the International Committee of the Red Cross).

<sup>57</sup> [Пропозиції Президента України до Закону про внесення змін до Кодексу законів про працю України щодо встановлення додаткових підстав розірвання трудового договору з ініціативи роботодавця та деяких інших питань](#) [Proposals of the President of Ukraine to the Law on Amendments to the Labour Code of Ukraine on the Establishment of Additional Grounds for Termination of Employment Agreement at the Initiative of the Employer and Some Other Issues], Верховна Рада [Supreme Council], 16 May 2024.

employment.<sup>58</sup> Certain terms in the bill were overly broad and left undefined, including ‘all relations’, which raised concerns that, had the bill been passed without clarification, it may have reinforced existing negative narratives about Ukrainians living under occupation,<sup>59</sup> which ODIHR has previously reported on relating to broad accusations of ‘collaboration’.<sup>60</sup> ODIHR thus views the veto as a positive step.

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

32. This, the main body of the report, focuses on specific issues described by witnesses and survivors during interviews conducted by ODIHR during the first six months of 2024. While some of the information relates to events taking place in 2024, other information relates to incidents taking place earlier on in the conflict. These statements nevertheless assist in providing a more complete description and analysis of the reported violations, adding to ODIHR’s understanding of these earlier events and patterns of violations. Witnesses and survivors may have provided their testimony later for many reasons, including an initial hesitancy to come forward, due to trauma or other reasons, or an inability to do so while in occupied territories. One part of Section IV. e. i. *Attempts to alter the status and character of the Occupied Territories* — namely, that regarding *Grave and systematic changes related to education* is additionally based on witness statements provided to ODIHR earlier than 2024. ODIHR has only recently concluded its analysis of this issue and, therefore, did not include the information in earlier interim reports. All the sections in Chapter IV have additionally benefited from information provided by civil society organizations during interviews with ODIHR.

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

33. ODIHR continued to document cases of arbitrary deprivation of liberty, including enforced disappearances, that occurred in the territories of Ukraine under Russian occupation. Between 1 December 2023 and 31 May 2024,<sup>61</sup> ODIHR interviewed 17 survivors of arbitrary

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<sup>58</sup> [Зеленський ветовав закон, що дозволяв звільняти з роботи за неповідомлення про контакти в окупації](#) [Zelenskyy vetoes law allowing dismissal for failure to report contacts under occupation], ZMINA, 16 May 2024.

<sup>59</sup> Information provided to ODIHR by NGOs working on a wide range of issues in Ukraine, including justice for victims of war crimes, the rights of the Crimean Tatar people, and internally displaced people and victims of human rights violations in Crimea.

<sup>60</sup> OSCE/ODIHR, [Fourth Interim Report](#), paras. 38-40. See further Section IV. f. *Coerced cooperation with the occupying power and accusations of collaboration*, below.

<sup>61</sup> While the majority of cases documented by ODIHR took place outside the reporting period, one of the survivors was released at the end of March 2024 following prolonged detention, and three other victims remained ‘disappeared’ or arbitrarily deprived of their liberty at the time of interviews with their relatives.

detention, including 13 men and four women.<sup>62</sup> In addition, ODIHR collected six testimonies from direct witnesses to arbitrary detentions<sup>63</sup> and received credible allegations of such violations from nine more individuals.<sup>64</sup>

34. Consistent with previously reported patterns,<sup>65</sup> new evidence collected by ODIHR indicates that victims of arbitrary detention appear to have been targeted by the Russian authorities based on perceived support for, or affiliation with the Ukrainian armed forces,<sup>66</sup> for refusing to cooperate with the Russian authorities<sup>67</sup> or based on their alleged pro-Ukrainian or anti-Russian views.<sup>68</sup> Detention was reportedly grounded on this perceived affiliation in cases where individuals owned military-style clothing or a firearms license and possessed Ukrainian symbols, literature or tattoos perceived as ‘nationalist’. According to ODIHR interviews, three civilians were detained because they had a relative or friend who served in the Ukrainian armed forces.<sup>69</sup>
35. Victims were detained at their homes following house raids and searches,<sup>70</sup> on the street,<sup>71</sup> and at checkpoints or border control points.<sup>72</sup> Three survivors reported being threatened and/or physically abused at the time of their arrest.<sup>73</sup> Survivors and witnesses identified perpetrators to be representatives of the Federal Security Service of the Russian Federation (FSB)<sup>74</sup> and members of the Russian armed forces.<sup>75</sup>

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<sup>62</sup> ODIHR Witness Interviews UKR.WS.324; UKR.WS.331; UKR.WS.335; UKR.WS.336; UKR.WS.338; UKR.WS.340; UKR.WS.341; UKR.WS.344; UKR.WS.348; UKR.WS.356; UKR.WS.362; UKR.WS.377; UKR.WS.384; UKR.WS.385; UKR.WS.386; UKR.WS.396; UKR.WS.402.

<sup>63</sup> ODIHR Witness Interviews UKR.WS.325; UKR.WS.327; UKR.WS.343; UKR.WS.345; UKR.WS.368; UKR.WS.376.

<sup>64</sup> ODIHR Witness Interviews UKR.WS.321; UKR.WS.332; UKR.WS.358; UKR.WS.361; UKR.WS.365; UKR.WS.375; UKR.WS.379; UKR.WS.391; UKR.WS.397.

<sup>65</sup> For more information see OSCE/ODIHR, [Third Interim Report](#), para. 42; [Fourth Interim Report](#), para. 43.

<sup>66</sup> ODIHR Witness Interviews UKR.WS.326, para. 50; UKR.WS.336, para. 12; UKR.WS.340, paras. 71, 75; UKR.WS.344, paras. 15, 20; UKR.WS.345, paras. 24-25; UKR.WS.348, paras. 22, 32; UKR.WS.356, para. 13; UKR.WS.368, para. 36; UKR.WS.384, para. 24; UKR.WS.402, paras. 9, 13.

<sup>67</sup> ODIHR Witness Interviews UKR.WS.327, paras. 6-12; UKR.WS.335, paras. 20-23; UKR.WS.338, paras. 58, 66.

<sup>68</sup> ODIHR Witness Interviews UKR.WS.332, para. 28; UKR.WS.341, para. 15; UKR.WS.362, paras. 29-30; UKR.WS.385, paras. 8, 11; UKR.WS.386, para. 16.

<sup>69</sup> ODIHR Witness Interviews UKR.WS.326, para. 50; UKR.WS.344, paras. 15, 20; UKR.WS.376, para. 20. See also UKR.WS.396, paras. 14-16.

<sup>70</sup> ODIHR Witness Interviews UKR.WS.326, paras. 46-48; UKR.WS.336, paras. 9-10; UKR.WS.343, paras. 9-12; UKR.WS.348, paras. 26, 35; UKR.WS.356, paras. 5, 10; UKR.WS.362, para. 10; UKR.WS.376, para. 18; UKR.WS.384, paras. 23-25.

<sup>71</sup> ODIHR Witness Interviews UKR.WS.338, paras. 40-42; UKR.WS.341, para. 15; UKR.WS.375, paras. 28-29; UKR.WS.402, para. 9.

<sup>72</sup> ODIHR Witness Interviews UKR.WS.324, para. 35; UKR.WS.325, paras. 28-31; UKR.WS.331, para. 16; UKR.WS.344, para. 16; UKR.WS.345, para. 17; UKR.WS.368, paras. 35-36; UKR.WS.385, para. 9.

<sup>73</sup> ODIHR Witness Interviews UKR.WS.331, para. 16; UKR.WS.344, para. 16; UKR.WS.335, para. 12; UKR.WS.396, para. 15.

<sup>74</sup> ODIHR Witness Interviews UKR.WS.324, paras. 34-35; UKR.WS.326, paras. 46, 52; UKR.WS.340, para. 113; UKR.WS.348, paras. 26-28; UKR.WS.386, paras. 21, 78; UKR.WS.402, para. 8.

<sup>75</sup> ODIHR Witness Interviews UKR.WS.336, paras. 10-11; UKR.WS.338, para. 42; UKR.WS.340, paras. 46, 51; UKR.WS.341, para. 15; UKR.WS.356, para. 5; UKR.WS.396, para. 13.

36. Witnesses told ODIHR that the Russian armed forces and law enforcement officials held civilians in both unofficial detention sites,<sup>76</sup> as well as at police stations, pre-trial detention centres and prisons.<sup>77</sup> Several witnesses reported that civilians were sometimes co-located with POWs.<sup>78</sup> ODIHR documented seven cases of civilian detainees being transferred between different facilities within occupied areas of Ukraine and to the Russian Federation.<sup>79</sup>
37. The length of detention described to ODIHR by survivors varied considerably, ranging from several hours to 17 months. In addition, ODIHR spoke to the relatives of three civilians who remain detained or ‘disappeared’ by the Russian authorities since their arbitrary arrest soon after the occupation of their areas in February 2022.<sup>80</sup> In one case beginning in March 2022,<sup>81</sup> the Russian armed forces detained a civilian in Kyiv region and took him to an improvised detention facility. According to information available to his parents, he was transferred via Belarus to a pre-trial detention centre in the Russian Federation. In August 2022, the parents received a call from the International Committee of the Red Cross (ICRC) advising that he had been moved to an occupied territory and, in September 2022, they learned that he had been transferred back to the Russian Federation. The parents last received information regarding their son’s whereabouts in January 2024 from an exchanged POW. As far as they were aware, their son had been detained without charges and had not had access to a lawyer during the entire period. The parents told ODIHR that all their attempts to obtain information from the Russian authorities about their son's whereabouts and status had been unsuccessful.
38. In line with previously reported detention conditions, most civilian survivors of arbitrary detention noted overcrowded cells, lack of proper ventilation and light, lack of basic sanitation, insufficient food and water, inability to walk or exercise for prolonged periods, and a lack of access to adequate medical care.<sup>82</sup> Two witnesses reported that detainees were engaged in labour, without specifying whether they were forced to do so or whether they were provided with compensation.<sup>83</sup>

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<sup>76</sup> ODIHR Witness Interviews UKR.WS.326, para. 53; UKR.WS.331, para. 17; UKR.WS.343, para. 18; UKR.WS.356, para. 11; UKR.WS.375, para. 30; UKR.WS.376, para. 18; UKR.WS.385, paras. 9-10; UKR.WS.402, para. 9.

<sup>77</sup> ODIHR Witness Interviews UKR.WS.335, paras. 13, 26, 37; UKR.WS.336, paras. 19, 22, 24-25; UKR.WS.340, paras. 49, 152; UKR.WS.341, para. 15; UKR.WS.344, paras. 33, 46, 52; UKR.WS.362, para. 10; UKR.WS.375, para. 30; UKR.WS.384, para. 25; UKR.WS.386, paras. 14, 23, 31, 33; UKR.WS.396, paras. 14-15.

<sup>78</sup> ODIHR Witness Interviews UKR.WS.336; UKR.WS.344. See also UKR.WS.353; UKR.WS.355; UKR.WS.382; UKR.WS.383; UKR.WS.387; UKR.WS.395. See further: Section IV.c. *The situation of prisoners of war* below.

<sup>79</sup> ODIHR Witness Interviews UKR.WS.327; UKR.WS.335; UKR.WS.336; UKR.WS.340; UKR.WS.343; UKR.WS.345; UKR.WS.368; UKR.WS.386.

<sup>80</sup> ODIHR Witness Interviews UKR.WS.343; UKR.WS.345; UKR.WS.356; UKR.WS.368.

<sup>81</sup> ODIHR Witness Interviews UKR.WS.343; UKR.WS.356.

<sup>82</sup> ODIHR Witness Interviews UKR.WS.335, paras. 16-18, 27-28, 46, 70-71, 95; UKR.WS.336, paras. 26-27; UKR.WS.338, paras. 49, 54, 57, 79, 86; UKR.WS.340, paras. 72-73, 92, 95-96, 109-112, 116-117, 121-123; UKR.WS.341, paras. 26, 29, 33, 36, 40; UKR.WS.344, paras. 67-68, 74, 82; UKR.WS.348, paras. 49-52; UKR.WS.384, paras. 54, 62; UKR.WS.386, paras. 15, 17, 22, 34-35.

<sup>83</sup> ODIHR Witness Interviews UKR.WS.335, para. 18; UKR.WS.340, paras. 115, 117.

39. According to information received by ODIHR, victims were frequently prohibited from contacting anyone or receiving visits, including by relatives and lawyers.<sup>84</sup> The Russian authorities often refused to either acknowledge their detention or disclose information about the detainees' fate or whereabouts to people concerned, including in cases when detainees were transferred between facilities.<sup>85</sup> A survivor of a three-month arbitrary detention told ODIHR: "... from the first to the last day of my detention, my family did not know where I was, whether I was alive or not, or why I was missing... My sister tried to find me. [She] went to different places in Kherson where people were detained or tortured. She prepared a package and asked someone to give it to me. They said that they don't have that person."<sup>86</sup>
40. Of the 17 survivors of arbitrary detention interviewed by ODIHR, 15 said that they were not formally told the grounds for their detention, nor did they have an opportunity to challenge the legality of their detention at any stage.<sup>87</sup> Only two interviewees reported being presented with official charges.<sup>88</sup> In five instances documented by ODIHR, detainees were left in a legal limbo for months.<sup>89</sup> For example, an elderly woman from Russian-occupied Zaporizhzhia region explained to ODIHR that she was detained in July 2023, and her phone, which contained messages from early 2022 discussing the number of Russian tanks in the area, was searched. Three days later, her house was searched and her electronic devices were seized. She was told she would be detained while her devices were searched, but was ultimately held for eight months without being criminally charged. To justify the deprivation of liberty, the witness reported that, during her detention, she was sentenced to administrative detention nine times for "violating the curfew", with sentences ranging from four to 30 days: "... since they did not have a real reason to take me to trial, every time I was taken to the court, I would be sentenced for violating the curfew. The Russian judges had been previously instructed who to sentence for violation of the curfew."<sup>90</sup> The woman's relative hired a lawyer to represent her, but she was not able to contact the lawyer while detained and only saw her once at a court hearing in November 2023. In late March 2024, the woman was released from detention and brought to the Georgian border, after being given a 20-year 'deportation order' from the region.

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<sup>84</sup> ODIHR Witness Interviews UKR.WS.327, paras. 35, 79; UKR.WS.340, paras. 88-91; UKR.WS.341, paras. 36, 47, 57; UKR.WS.386, paras. 42, 45. See also UKR.WS.338, para. 59.

<sup>85</sup> ODIHR Witness Interviews UKR.WS.325, paras. 34-36; UKR.WS.327, para. 20; UKR.WS.340, paras. 57-58, 88; UKR.WS.343, para. 33; UKR.WS.368, para. 49.

<sup>86</sup> ODIHR Witness Interview UKR.WS.340, paras. 58, 88.

<sup>87</sup> In addition, ODIHR documented two cases in which individuals were interned as POWs despite being civilians who had not participated in hostilities. See ODIHR Witness Interviews UKR.WS.336, paras. 37, 59; UKR.WS.345, paras. 17, 25, 144-146.

<sup>88</sup> ODIHR Witness Interviews UKR.WS.335, paras. 22, 54; UKR.WS.336, para. 57.

<sup>89</sup> ODIHR Witness Interviews UKR.WS.335; UKR.WS.336; UKR.WS.340; UKR.WS.348; UKR.WS.386. See also UKR.WS.343; UKR.WS.356; UKR.WS.368.

<sup>90</sup> ODIHR Witness Interview UKR.WS.386, para. 23.

41. According to information received from NGOs and lawyers,<sup>91</sup> many civilians who remain deprived of their liberty were detained as early as February/March 2022.<sup>92</sup> Official responses from the Russian authorities indicated that civilians were detained for “resisting a special military operation”, although formal charges were not common. In certain instances, Article 5 of GC III was invoked to justify detention, based on a purported uncertainty regarding their civilian status.<sup>93</sup> NGOs and lawyers also reported to ODIHR that the Russian Federation has prosecuted and convicted some civilians following prolonged arbitrary detention,<sup>94</sup> and one NGO working on this issue told ODIHR that at least 93 such criminal proceedings were initiated in 2024. ODIHR also received information on instances of torture, intimidation and coercion, to self-incrimination of civilians who were charged with crimes.

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

42. ODIHR received further evidence of widespread and systematic use of torture against civilians in detention by Russian armed forces and law enforcement officials of the Russian authorities.<sup>95</sup> Of the 17 survivors of arbitrary detention interviewed by ODIHR, 15 reported suffering torture or other forms of ill-treatment.<sup>96</sup> ODIHR also received seven credible allegations of torture and ill-treatment from relatives of individuals who were, or remain arbitrarily detained by the Russian authorities.<sup>97</sup> Separately, ODIHR documented four cases of torture and ill-treatment of civilians in non-custodial settings, including in civilian homes.<sup>98</sup>

43. ODIHR received information on the use of torture and ill-treatment in both official and improvised places of detention in occupied territories of Ukraine (the Donetsk, Kherson and Zaporizhzhia regions and the Autonomous Republic of Crimea). According to survivors

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<sup>91</sup> ODIHR relies on information obtained during 12 in-person and online interviews conducted in May 2024 with representatives of NGOs and lawyers dealing with the issue of arbitrarily detained Ukrainian civilians.

<sup>92</sup> According to Ukrainian NGOs working on this issue, 160 civilians were released during POW exchanges as of January 2024. A small number of civilians have been released under other circumstances.

<sup>93</sup> NGOs and lawyers told ODIHR that it is extremely difficult to obtain information on the fate of Ukrainian citizens who they believe to be detained by the Russian Federation and believe information is intentionally concealed. In most instances, the Russian authorities reportedly provide either contradictory answers or no information at all. In some cases, detention is acknowledged without information on circumstances of detention. The information is sometimes obtained through POWs or, seldom, other civilians when the latter are exchanged or released, or during trial proceedings.

<sup>94</sup> Criminal prosecutions are initiated for charges of, inter alia, ‘espionage’, ‘terrorism’, ‘extremism’, and ‘treason’.

<sup>95</sup> For more information, see OSCE/ODIHR, [Third Interim Report](#), paras. 55-64; OSCE/ODIHR, [Fourth Interim Report](#), paras. 56-66.

<sup>96</sup> ODIHR Witness Interviews UKR.WS.324; UKR.WS.331; UKR.WS.335; UKR.WS.336; UKR.WS.338; UKR.WS.340; UKR.WS.341; UKR.WS.344; UKR.WS.348; UKR.WS.362; UKR.WS.384; UKR.WS.385; UKR.WS.386; UKR.WS.396; UKR.WS.402. Of these 15 individuals, 11 are men and four are women.

<sup>97</sup> ODIHR Witness Interviews UKR.WS.325; UKR.WS.327; UKR.WS.330; UKR.WS.345; UKR.WS.356; UKR.WS.365; UKR.WS.368; UKR.WS.375; UKR.WS.376.

<sup>98</sup> ODIHR Witness Interviews UKR.WS.342; UKR.WS.354; UKR.WS.369; UKR.WS.377.

interviewed by ODIHR, perpetrators of torture were members of the Russian armed forces, including the FSB,<sup>99</sup> Russian Federation-affiliated armed groups<sup>100</sup> and the National Guard of Russia (Rosgvardiya) and its subordinate units.<sup>101</sup>

44. In line with previously documented practices,<sup>102</sup> torture was often reported as used during interrogation with the aim of extracting information or confessions,<sup>103</sup> to force victims to cooperate with the occupying authorities<sup>104</sup> or to punish or humiliate.<sup>105</sup> As described by one male survivor from Kherson region: *“There were always three people beating me. They all repeated the same questions and they were not asking normally. They yelled really loud, asking questions and beating at the same time.”*<sup>106</sup> A male survivor from Zaporizhzhia region told ODIHR he was beaten for having photos of Ukrainian symbols on his phone: *“They said ‘we came to liberate you’ and ‘what are you doing with a fascist flag behind you?’ They also said ‘there is no such country as Ukraine’ while hitting me on the back, buttocks and legs while I was still on the ground.”*<sup>107</sup>
45. Survivors of arbitrary detention held in different locations reported the use of similar ‘training and punishment rituals’ outside interrogations. For instance, three witnesses told ODIHR that they were forced to memorize and recite the Russian anthem and shout slogans glorifying Russia. Those prisoners who did not perform these ‘rituals’ were severely beaten.<sup>108</sup> A survivor from Donetsk region told ODIHR: *“... Each night before bedtime, the Russian anthem had to be sung and, when the guard looked into the cell, inmates had to yell ‘Glory to Russia’. Failure to comply led to beatings, usually with rubber sticks.”*<sup>109</sup>

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<sup>99</sup> ODIHR Witness Interviews UKR.WS.324, para. 35; UKR.WS.326, paras. 46, 52; UKR.WS.331, para. 20; UKR.WS.340, para. 34; UKR.WS.341, paras. 23, 41; UKR.WS.348, para. 61; UKR.WS.362, paras. 10, 30-31; UKR.WS.377, para. 14; UKR.WS.384, para. 31; UKR.WS.402, para. 10.

<sup>100</sup> ODIHR Witness Interviews UKR.WS.335, paras. 43-44; UKR.WS.338, paras. 47, 58, 63; UKR.WS.341, paras. 25, 32, 45; UKR.WS.354, para. 17; UKR.WS.369, paras. 136, 140; UKR.WS.377, para. 14; UKR.WS.384, paras. 25-26.

<sup>101</sup> ODIHR Witness Interviews UKR.WS.335, para. 35; UKR.WS.336, para. 39; UKR.WS.362, para. 10.

<sup>102</sup> See OSCE/ODIHR, [Third Interim Report](#), para. 56; OSCE/ODIHR, [Fourth Interim Report](#), para. 58.

<sup>103</sup> ODIHR Witness Interviews UKR.WS.324, para. 35; UKR.WS.331, para. 50; UKR.WS.335, para. 19; UKR.WS.336, para. 19; UKR.WS.340, paras. 126, 142; UKR.WS.341, paras. 19, 41-43; UKR.WS.342, para. 80; UKR.WS.344, para. 20; UKR.WS.348, paras. 64-70, 97, 99, 113, 178; UKR.WS.354, para. 17; UKR.WS.362, para. 30; UKR.WS.369, paras. 126, 129-136; UKR.WS.377, paras. 14, 16; UKR.WS.384, para. 30; UKR.WS.402, paras. 9-10.

<sup>104</sup> ODIHR Witness Interview UKR.WS.384, paras. 32-33.

<sup>105</sup> ODIHR Witness Interviews UKR.WS.341, para. 25; UKR.WS.369, paras. 121-125; UKR.WS.384, paras. 26, 61.

<sup>106</sup> ODIHR Witness Interview UKR.WS.341, para. 43.

<sup>107</sup> ODIHR Witness Interview UKR.WS.384, para. 26.

<sup>108</sup> ODIHR Witness Interviews UKR.WS.335, paras. 31, 79; UKR.WS.336, para. 35; UKR.WS.348, paras. 183-184.

<sup>109</sup> ODIHR Witness Interview UKR.WS.336, para. 35. Another witness from Kherson region also recalled the same practice: *“Once there was a case when one inmate didn't say out loud ‘Glory to Russia, glory to Putin and glory to Shoigu’ and this guard came in and hit him in the chest. I actually learned the Russian anthem in 20 minutes”*. See UKR.WS.348, para. 183.

46. Perpetrators used torture methods described in previous ODIHR interim reports,<sup>110</sup> including beatings with various tools,<sup>111</sup> electrocutions,<sup>112</sup> stabbing,<sup>113</sup> suffocation,<sup>114</sup> stress positions,<sup>115</sup> mutilation,<sup>116</sup> mock executions,<sup>117</sup> prolonged use of handcuffs and hooding,<sup>118</sup> threats of death, mutilation or other physical violence<sup>119</sup> and threats of harm to family members.<sup>120</sup> Witnesses also described some torture methods and devices with commonly used names, such as the administration of electric shocks using a military phone ‘tapik’, which is referred to, among other terms, as “*calling Zelensky*”.<sup>121</sup>
47. Many survivors of arbitrary detention and torture reported that other detainees were also physically abused.<sup>122</sup> As one man from Kherson region told ODIHR: “*My cell mates were blue like octopuses or one of them was even blue with some purple*”.<sup>123</sup> Another female witness from Donetsk region recounted: “*In the other cells next to us were men who were often beaten severely, even for the smallest requests like going to the toilet. [...] We could hear it, the noises, it was terrible.*”<sup>124</sup>
48. One survivor of arbitrary detention and torture from Kherson saw another male detainee shot dead: “*They took me outside and told me to get on my knees. I heard another person... They ordered the same to him, and he was next to me. I heard a shot and felt some warm liquid spraying on me from the side where this other man was kneeling. They shot him dead. Then they put the gun to my head. I heard a tick, but it did not shoot. They said: ‘Oh God, today*

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<sup>110</sup> See OSCE/ODIHR, [Third Interim Report](#), para. 57; OSCE/ODIHR, [Fourth Interim Report](#), para. 60.

<sup>111</sup> ODIHR Witness Interviews UKR.WS.324, para. 35; UKR.WS.326, paras. 48, 54; UKR.WS.335, paras. 34, 98; UKR.WS.336, paras. 19, 22; UKR.WS.338, paras. 60, 62, 78, 99; UKR.WS.340, paras. 59, 66; UKR.WS.341, paras. 17, 22-25; 42-44; 56; UKR.WS.342, paras. 80, 86; UKR.WS.348, para. 57; UKR.WS.354, para. 17; UKR.WS.356, para. 13; UKR.WS.362, para. 12; UKR.WS.369, para. 144; UKR.WS.375, para. 30; UKR.WS.377, paras. 13-14; UKR.WS.384, paras. 25-26; 35. See also UKR.WS.385, paras. 12, 31.

<sup>112</sup> ODIHR Witness Interviews UKR.WS.326, paras. 48, 54; UKR.WS.327, para. 9; UKR.WS.348, paras. 95, 98, 114; UKR.WS.362, para. 11; UKR.WS.384, paras. 31, 37, 61; UKR.WS.396, para.16.

<sup>113</sup> ODIHR Witness Interview UKR.WS.341, para. 27.

<sup>114</sup> ODIHR Witness Interviews UKR.WS.324, para. 35; UKR.WS.348, para. 77.

<sup>115</sup> ODIHR Witness Interviews UKR.WS.335, paras. 25, 39-40; UKR.WS.340, para. 66; UKR.WS.341, paras. 26, 39.

<sup>116</sup> ODIHR Witness Interviews UKR.WS.348, paras. 58, 75; UKR.WS.360, para. 16.

<sup>117</sup> ODIHR Witness Interviews UKR.WS.331, para. 17; UKR.WS.341, paras. 46, 48, 60-61.

<sup>118</sup> ODIHR Witness Interviews UKR.WS.348, paras. 63, 97, 112, 192, 206; UKR.WS.377, paras. 13-14; UKR.WS.384, paras. 28-29; 36; UKR.WS.396, para. 16.

<sup>119</sup> ODIHR Witness Interviews UKR.WS.326, para. 54; UKR.WS.331, para. 18; UKR.WS.342, paras. 79, 86; UKR.WS.354, para. 17; UKR.WS.369, para. 144; UKR.WS.377, paras. 13-14; UKR.WS.384, paras. 26, 31; UKR.WS.386, paras. 23, 33-34.

<sup>120</sup> ODIHR Witness Interview UKR.WS.362, para. 13.

<sup>121</sup> ODIHR Witness Interviews UKR.WS.362, para. 11; UKR.WS.402, para. 13. See further OSCE/ODIHR, [Third Interim Report](#), para. 57.

<sup>122</sup> ODIHR Witness Interviews UKR.WS.324, para. 36; UKR.WS.335, paras. 17, 32, 65-66, 79; UKR.WS.336, paras. 22-23; UKR.WS.340, paras. 81-83; UKR.WS.341, paras. 25, 38; UKR.WS.344, paras. 73, 86; UKR.WS.348, paras. 57-58, 75, 77; UKR.WS.354, para. 17; UKR.WS.356, para. 13; UKR.WS.384, paras. 28, 60; UKR.WS.386, paras. 38-39, 78.

<sup>123</sup> ODIHR Witness Interview UKR.WS.348, para. 57.

<sup>124</sup> ODIHR Witness Interview UKR.WS.344, para. 73.

*you are lucky', then they took me down again.*"<sup>125</sup> ODIHR also received credible witness testimonies of deaths in custody resulting from torture.<sup>126</sup> For instance, a witness told ODIHR that she suspected her relative died of torture while in detention at an unknown location in Donetsk (Donetsk region). According to the witness, her relative's official death certificate stated that he died in detention due to an acute stomach ulcer, although he had no such medical history and, when the witness saw his body, she stated: "*He looked like he had been severely beaten. There were many bruises on his body*".<sup>127</sup>

49. ODIHR also documented a case where a detainee's wife was tortured in his presence, to exert additional pressure to extract a confession. A survivor from Zaporizhzhia region told ODIHR: "*... In 15 minutes someone entered the room, and I heard the voice of my wife. They tied her to a chair, took the cables they used for electrocution and placed it on her. They told me that if I don't respond to questions, they would use the stream on her. They started electrocuting her. I could hear her screaming. I told them, now I will talk, but I didn't do it and she was also screaming that I do not do it. They kept using the stream on my wife and I fell down off the chair and one of the men was beating me with a pistol on my head.*"<sup>128</sup> His wife, also interviewed by ODIHR, recalled: "*Each time he denied the accusation I was electrocuted. It was more than ten times. I could hear them winding up the machine like a clock. Sometimes it would take a few seconds, other times longer.*"<sup>129</sup>
50. Several survivors also reported to ODIHR suffering sexual violence,<sup>130</sup> or threats of sexual violence against themselves and their families.<sup>131</sup> ODIHR also received additional credible allegations of the use of sexual violence as a form of torture in detention.<sup>132</sup>
51. Nine survivors interviewed by ODIHR sustained various short-term and long-term physical injuries and psychological trauma as a result of torture in detention. Reported injuries included bruising, broken ribs and fingers, concussions, nosebleeds, heart conditions and lost or damaged teeth.<sup>133</sup> Two survivors also indicated that they lost dangerous amounts of weight due to poor nutrition in detention.<sup>134</sup> Many reported being in a suppressed psychological state, feeling anxious, exhausted and having trouble sleeping.

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<sup>125</sup> ODIHR Witness Interview UKR.WS.341, para. 48.

<sup>126</sup> ODIHR Witness Interviews UKR.WS.325, paras. 37, 39; UKR.WS.340, paras. 92-93; UKR.WS.348, paras. 143-152; 158; UKR.WS.384, paras. 63-64. See also UKR.WS.341, paras. 52-54.

<sup>127</sup> ODIHR Witness Interview UKR.WS.325, paras. 38-41.

<sup>128</sup> ODIHR Witness Interview UKR.WS.384, para. 37.

<sup>129</sup> ODIHR Witness Interview UKR.WS.396, para. 16.

<sup>130</sup> ODIHR Witness Interviews UKR.WS.335, paras. 34, 90; UKR.WS.348, para. 66; UKR.WS.377, para. 16; UKR.WS.384, para. 25.

<sup>131</sup> ODIHR Witness Interviews UKR.WS.348, paras. 140, 181, 202; UKR.WS.384, para. 31; UKR.WS.396, para. 17.

<sup>132</sup> For more details, see Section IV.d. *Conflict-related sexual violence* below.

<sup>133</sup> ODIHR Witness Interviews UKR.WS.336, para. 56; UKR.WS.338, para. 62; UKR.WS.340, para. 154; UKR.WS.341, paras. 30, 66, 68; UKR.WS.342, para. 80; UKR.WS.348, para. 116; UKR.WS.354, para. 17; UKR.WS.384, para. 38; UKR.WS.385, para. 38.

<sup>134</sup> ODIHR Witness Interviews UKR.WS.340, para. 67; UKR.WS.344, para. 123.

### c. The situation of prisoners of war

52. ODIHR's monitoring activities continued to identify trends of alleged IHL and IHRL violations relating to the treatment of Ukrainian POWs,<sup>135</sup> based on interviews with 14 POWs (12 men and two women) and five interviews with former civilian detainees that provided credible information concerning the topic.<sup>136</sup> Of the 14 former POWs interviewed, seven were released in 2024 while the others described their release in 2022 and 2023. The length of captivity ranged from five to 22 months, and individuals were held in multiple detention facilities in the occupied territories and in the Russian Federation.<sup>137</sup> Information received through interviews with witnesses and survivors indicates a continuation of torture and other IHL and IHRL violations committed against Ukrainian POWs in the first half of 2024.<sup>138</sup>
53. ODIHR's analysis of videos purporting to show violence against POWs circulated online in 2024 also supports this conclusion. Of the videos, one depicted Russian forces abusing a Ukrainian POW, seven depicted the killing/execution (or immediate aftermath) of Ukrainian POWs and individuals *hors de combat*, and one depicted Russian forces using Ukrainian soldiers as human shields.<sup>139</sup> Following the circulation of the videos, the Ukrainian authorities initiated investigations into the events depicted therein, as well as into other incidents that are not contained in the videos.<sup>140</sup>
54. ODIHR monitors identified more than 20 locations where POWs were detained, from point of capture until release. These locations included makeshift detention sites used to interrogate and filter POWs before transfer, pre-trial detention centres, large penal colonies and barracks that housed hundreds of detainees. Many of the interviewees indicated that men and women

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<sup>135</sup> See OSCE/ODIHR, [Third Interim Report](#); Information from the Permanent Mission of Ukraine to the International Organizations in Vienna; Information provided to ODIHR by NGOs working on the issue of POWs.

<sup>136</sup> The civilians interviewed by ODIHR included civilians whose family members had been captured as POWs and civilians who had been detained with POWs at detention sites.

<sup>137</sup> All 14 ODIHR witness interviews mentioned being detained in temporarily occupied territories of Ukraine and on the territory of the Russian Federation. One interviewee, UKR.WS.355, also recalled a brief hold in Belarus.

<sup>138</sup> Information from the Permanent Mission of Ukraine to the International Organizations in Vienna; Information provided to ODIHR by NGOs working on the issue of POWs; [Report on the Human Rights Situation in Ukraine: 1 December 2023 to 29 February 2024](#), UN OHCHR, 26 March 2024.

<sup>139</sup> As part of its monitoring activities, ODIHR regularly consults social media channels and platforms affiliated with, or supportive of parties to the conflict. Through this, ODIHR monitors viewed and analysed relevant materials and verified the sources according to its methodology. See also Information from the Permanent Mission of Ukraine to the International Organizations in Vienna.

<sup>140</sup> See Office of the Prosecutor General, Telegram [post](#), 20 February 2024, in Ukrainian; Office of the Prosecutor General, Telegram [post](#), 9 April 2024, in Ukrainian.

POWs were held separately,<sup>141</sup> and POWs were largely separated from civilian detainees,<sup>142</sup> although, in some instances, civilians were held in the same cells or barracks as POWs.<sup>143</sup>

55. All 14 Ukrainian POWs interviewed by ODIHR reported that they had experienced and witnessed various methods of torture and ill-treatment routinely throughout their captivity.<sup>144</sup> Likewise, all five interviews ODIHR conducted with former civilian detainees on this subject described the torture and ill-treatment of POWs.<sup>145</sup>
56. Seven of the former POWs interviewed by ODIHR recounted being subjected to searches and seizures of personal belongings,<sup>146</sup> humiliation, death threats, torture and ill-treatment (both psychological pressure and physical beatings, including electric shocks) during their initial capture and processing.<sup>147</sup> Interviewees also noted that, during initial captivity, they were subjected to interrogations with intent to extract military information, with one report of a filmed interrogation.<sup>148</sup> One witness recounted that, during his interrogation, several Russian soldiers fired a weapon beside his head and beat him to the point that he suffered a broken leg and arm, before being detained in the basement of a private house.<sup>149</sup>
57. After their initial capture and filtration, and upon arrival and/or transfer to a more permanent detention site, POWs interviewed by ODIHR reported undergoing routine initiation procedures, known as ‘*Priyomka*’ [Приёмка]. Specifically, POWs sustained verbal abuse, humiliation and brutal beatings by prison staff.<sup>150</sup> Four of those interviewed clarified that the

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<sup>141</sup> ODIHR Witness Interviews UKR.WS.345, para. 55; UKR.WS.346, para. 73; UKR.WS.351, paras. 8, 10; UKR.WS.355, para. 44; UKR.WS.382, paras. 15, 57; UKR.WS.387, para. 42; UKR.WS.394, para. 12; UKR.WS.395, para. 25; UKR.WS.401, paras. 41, 77.

<sup>142</sup> ODIHR Witness Interviews UKR.WS.345, para. 49; UKR.WS.351, para. 13; UKR.WS.353, para. 11; UKR.WS.355, paras. 9, 44, 48; UKR.WS.380, para. 61; UKR.WS.382, paras. 16, 56; UKR.WS.383, paras. 27-28, 99-101, 105; UKR.WS.394, para. 13; UKR.WS.400, para. 18; UKR.WS.401, para. 76. See also UKR.WS.336, paras. 24-25; UKR.WS.346, paras. 75-76; UKR.WS.387, para. 34; Information provided to ODIHR by NGOs working on the issue of POWs.

<sup>143</sup> ODIHR Witness Interview UKR.WS.353, paras. 12, 21; UKR.WS.355, para. 16; UKR.WS.382, para. 16; UKR.WS.383, paras. 27-28, 52-53, 105; UKR.WS.387, para. 47; UKR.WS.395, para. 25. See also UKR.WS.336; UKR.WS.344.

<sup>144</sup> ODIHR Witness Interviews UKR.WS.345; UKR.WS.346; UKR.WS.351; UKR.WS.353; UKR.WS.355; UKR.WS.380; UKR.WS.382; UKR.WS.383; UKR.WS.387; UKR.WS.393; UKR.WS.394; UKR.WS.395; UKR.WS.400; UKR.WS.401.

<sup>145</sup> ODIHR Witness Interviews UKR.WS.325; UKR.WS.336; UKR.WS.343; UKR.WS.344; UKR.WS.349.

<sup>146</sup> ODIHR Witness Interviews UKR.WS.345, para. 33; UKR.WS.346, para. 32; UKR.WS.380, paras. 10, 28; UKR.WS.393, paras. 25-27; UKR.WS.394, paras. 8, 13; UKR.WS.395, para. 6; UKR.WS.400, para. 6.

<sup>147</sup> ODIHR Witness Interviews UKR.WS.345, para. 23; UKR.WS.346, paras. 24, 32; UKR.WS.351, para. 10; UKR.WS.353, paras. 7-10; UKR.WS.355, para. 6; UKR.WS.380, paras. 13, 17, 19, 57; UKR.WS.383, paras. 6, 10; UKR.WS.400, paras. 7-8.

<sup>148</sup> ODIHR Witness Interviews UKR.WS.345, paras. 31, 34-35, 38, 40-42; UKR.WS.346, para 32; UKR.WS.380, paras. 18-19, 57; UKR.WS.394, para. 8. See also Information provided to ODIHR by an NGO representing the families of POWs.

<sup>149</sup> ODIHR Witness Interview UKR.WS.400, para. 7.

<sup>150</sup> ODIHR Witness Interviews UKR.WS.345, paras. 64-66, 69, 75, 107; UKR.WS.346, paras. 10, 27, 54; UKR.WS.353, paras. 22, 25; UKR.WS.355, para. 10; UKR.WS.380, para. 67; UKR.WS.382, paras. 6, 10, 24, 30; UKR.WS.383, paras. 14-15, 17, 55, 61; UKR.WS.387, paras. 8, 19; UKR.WS.394, paras. 11, 14, 20; UKR.WS.395,

beatings followed a medical examination whereby POWs were forced to fully undress and pose for photos, to demonstrate a lack of injuries before a beating.<sup>151</sup> During the beatings, prison staff reportedly targeted areas where traces of physical abuse wouldn't be as prominent and used electrical devices.<sup>152</sup> One witness told ODIHR he saw another detainee with an abdominal scar, who told the witness that, during 'priyomka' at a detention site in Belgorod region, Russia, he suffered an injury which led to kidney failure, requiring surgery and an eight-day hospitalization.<sup>153</sup>

58. Those interviewed by ODIHR also described the various forms of humiliation, torture and ill-treatment they endured throughout of their detention. Such treatment included routine and intense physical beatings using a wide array of methods (fists, kicks, blunt instruments), electrocution, waterboarding, dog bites, being forced to endure intense physical activities, being forced into stress positions, being subjected to mock executions with the use of firearms, and threats of mutilation and sexual violence.<sup>154</sup> Interviewees recalled that each of these abuses were conducted both as part of interrogations by the Russian authorities (see below) and as part of the daily routine employed by prison staff while detained. One survivor interviewed by ODIHR described being waterboarded before having a 'tapik' attached to his body and being electrocuted.<sup>155</sup>
59. In addition, four of those interviewed stated that, on at least four separate occasions, captive POWs died as a result of their torture and ill-treatment during captivity.<sup>156</sup> In one instance, a witness explained that, during the night, the prison manager beat one POW to death as a form of retribution, as the manager had allegedly learnt a family member had died on the

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para. 12; UKR.WS.400, paras. 11, 13; UKR.WS.401, para. 46. See also UKR.WS.336, paras. 25, 31, 33, 36-37, 40, 42; UKR.WS.343, paras. 37, 73, 86; UKR.WS.349, paras. 81-82, 104-105; Information provided to ODIHR by NGOs working on the issue of POWs.

<sup>151</sup> ODIHR Witness Interviews UKR.WS.346, para. 10; UKR.WS.351, para. 15; UKR.WS.383, paras. 15, 41; UKR.WS.387, para. 19.

<sup>152</sup> See e.g., ODIHR Witness Interview UKR.WS.383, paras. 41-42.

<sup>153</sup> ODIHR Witness Interview UKR.WS.383, paras. 17, 20-21.

<sup>154</sup> ODIHR Witness Interviews UKR.WS.345, paras. 85, 112; UKR.WS.351, paras. 17, 19; UKR.WS.353, paras. 14, 23, 27, 35; UKR.WS.355, paras. 10-12, 17-19, 22-23, 25, 31-36, 41; UKR.WS.380, paras. 30-32, 35-36, 62, 64-66; UKR.WS.382, paras. 6, 14, 30-33, 44, 53; UKR.WS.383, paras. 15, 18, 26, 38-39, 42, 65, 77-78, 84, 86-89, 115; UKR.WS.387, paras. 8, 11-12, 24, 45, 51; UKR.WS.393, paras. 32, 46, 65; UKR.WS.394, paras. 14-17; UKR.WS.395, paras. 8, 10, 12-13, 15, 19; UKR.WS.400, paras. 11, 16, 18; UKR.WS.401, paras. 49-52, 53, 77. See also UKR.WS.325, paras. 61, 64; UKR.WS.336, paras. 33, 36-37; UKR.WS.351, para. 10; Information provided to ODIHR by an NGO representing the families of POWs. See further Section IV. d. *Conflict-related Sexual Violence (CRSV)* below.

<sup>155</sup> ODIHR Witness Interview UKR.WS.380, paras. 64-66.

<sup>156</sup> ODIHR Witness Interviews UKR.WS.355, para. 29; UKR.WS.380, para. 30; UKR.WS.383, para. 77; UKR.WS.387, para. 24. See also UKR.WS.355, para. 21. See further Information provided to ODIHR by NGO working on the issue of POWs; Information from the Ministry of Internal Affairs of Ukraine.

frontline.<sup>157</sup> Two POWs further noted that, due to the ongoing torture and ill-treatment endured whilst in detention, three POWs considered or attempted suicide.<sup>158</sup>

60. Witnesses also explained aspects of daily life while detained. Many stated that they were forced to learn and recite Russian poems, songs, the national anthem and the prison rules, and failure to do so led to collective punishments of the POWs.<sup>159</sup> POWs who spoke Ukrainian were immediately punished.<sup>160</sup> Nine POWs recalled being made to stand for the duration of the day (06:00 till 22:00 hours),<sup>161</sup> with noncompliance resulting in both individual and collective punishment in the form of physical beatings.<sup>162</sup> Interviewees also recalled being subjected to forced labour<sup>163</sup> and exposed to public curiosity by being made to conduct recorded interviews with Russian journalists and television crews.<sup>164</sup> ODIHR's monitoring demonstrates that both Russian and Ukrainian POWs were exposed to public curiosity,<sup>165</sup> with significantly higher documented exposure of Ukrainian POWs.<sup>166</sup>
61. Witnesses further described being subjected to physical and psychological abuse through routine interrogations. Interrogations were conducted by numerous actors, such as local

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<sup>157</sup> ODIHR Witness Interview UKR.WS.380, para. 30.

<sup>158</sup> ODIHR Witness Interviews UKR.WS.380, paras. 38, 65; UKR.WS.387, para. 24. See further Information provided to ODIHR by NGO working on the issue of POWs.

<sup>159</sup> ODIHR Witness Interviews UKR.WS.345, paras. 78, 116; UKR.WS.346, para. 11; UKR.WS.351, paras. 9, 16; UKR.WS.353, para. 27; UKR.WS.355, paras. 22, 31; UKR.WS.380, para. 32; UKR.WS.382, paras. 6, 35; UKR.WS.383, paras. 81, 90-91; UKR.WS.387, paras. 13, 21-22; UKR.WS.395, para. 18; UKR.WS.400, para. 16; UKR.WS.401, paras. 52, 54-55. See also UKR.WS.336, paras. 35, 43; UKR.WS.349, para. 83. See also Information provided to ODIHR by an NGO representing the families of POWs.

<sup>160</sup> ODIHR Witness Interviews UKR.WS.345, para. 110; UKR.WS.346, para. 11; UKR.WS.355, para. 22; UKR.WS.401, para. 62.

<sup>161</sup> ODIHR Witness Interviews UKR.WS.345, para. 76; UKR.WS.353, para. 27; UKR.WS.382, para. 7; UKR.WS.383, para. 81; UKR.WS.387, paras. 16, 23; UKR.WS.394, para. 14; UKR.WS.395, para. 11; UKR.WS.400, para. 14. See also UKR.WS.336, paras. 33, 35; UKR.WS.351, para. 16. See also Information provided to ODIHR by an NGO representing the families of POWs.

<sup>162</sup> ODIHR Witness Interviews UKR.WS.345, para. 76; UKR.WS.353, para. 27; UKR.WS.382, para. 34; UKR.WS.383, para. 81; UKR.WS.387, paras. 16, 23; UKR.WS.394, para. 14; UKR.WS.400, para. 14. See also UKR.WS.336, paras. 33, 35.

<sup>163</sup> ODIHR Witness Interviews UKR.WS.346, paras. 39, 57-66; UKR.WS.382, para. 12.

<sup>164</sup> ODIHR Witness Interviews UKR.WS.345, paras. 108, 116; UKR.WS.353, para. 16; UKR.WS.380, para. 72; UKR.WS.383, paras. 11, 43-45, 92. See also UKR.WS.336, paras. 44-45; UKR.WS.387, para. 50; UKR.WS.393, para. 47.

<sup>165</sup> Both the Ukrainian and Russian authorities have shared materials which expose POWs to public curiosity in violation of IHL. 'Exposure to public curiosity' can take many forms, such as the disclosure of photographic and video images of POWs, including the remains of deceased POWs. The 'public' refers to anyone who is not directly involved in handling the POWs. This protection preserves the dignity of POWs and protects them and their families from being identified and possibly targeted for reprisals after their release. See [GC III](#), art. 13(2).

<sup>166</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. This is exemplified in one pro-Russian Telegram channel dedicated to sharing videos of Ukrainian POWs, which had shared more than 785 videos by 31 May 2024, 184 of them being posted in May 2024. See also Information from the Ministry of Internal Affairs of Ukraine.

investigators or prison staff,<sup>167</sup> local prosecutors,<sup>168</sup> FSB members<sup>169</sup> or members of the Russian Investigative Committee.<sup>170</sup> Interrogators often sought general and military information from POWs<sup>171</sup> and, in some cases, sought to extract confessions to crimes through torture.<sup>172</sup> One interviewee recalled that some POWs, after being tortured, admitted to false criminal charges; one such individual was subsequently sentenced to 20 years in prison on the basis of their false confession.<sup>173</sup> ODIHR notes that acts which may otherwise amount to the war crime of ill-treatment will rise to the war crime of torture where the abuses in question are undertaken to attain a certain result or purpose, such as obtaining information or a confession.<sup>174</sup>

62. Witnesses told ODIHR they were promised benefits during interrogations (including being included in a POW exchange, or reduced beatings) if they became a spy/informant for Russia, both within detention sites or if they joined the Russian armed forces.<sup>175</sup> Two POWs also described being forced to sign documentation they could not read or understand, with no option to refuse.<sup>176</sup> Interviewees who reported that they could understand the contents of the documents said they falsely stated that the witnesses had committed or witnessed war crimes or terrorist acts.<sup>177</sup>
63. All former POWs interviewed by ODIHR gave detailed accounts of the conditions of their detention. They described overcrowded cells/barracks,<sup>178</sup> with POWs forced to either sleep in shifts, share beds or sleep on the floor.<sup>179</sup> In certain detention sites, former POWs reported

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<sup>167</sup> ODIHR Witness Interview UKR.WS.383, paras. 31, 33.

<sup>168</sup> ODIHR Witness Interviews UKR.WS.345, para. 47; UKR.WS.382, para. 43; UKR.WS.401, para. 33.

<sup>169</sup> ODIHR Witness Interviews UKR.WS.351, paras. 8, 17; UKR.WS.355, paras. 15, 47; UKR.WS.382, paras. 41-42; UKR.WS.387, para. 51; UKR.WS.401, para. 33.

<sup>170</sup> ODIHR Witness Interviews UKR.WS.345, para. 87; UKR.WS.346, para. 48; UKR.WS.353, paras. 18-19, 30-31; UKR.WS.355, paras. 14, 47; UKR.WS.380, para. 25; UKR.WS.382, paras. 41-42; UKR.WS.383, paras. 32-34; UKR.WS.387, para. 45. See also UKR.WS.336, para. 37.

<sup>171</sup> ODIHR Witness Interviews UKR.WS.346, paras. 15, 51; UKR.WS.400, para. 12.

<sup>172</sup> ODIHR Witness Interviews UKR.WS.380, para. 35; UKR.WS.383, paras. 37-38; UKR.WS.394, para. 15. See also Information provided to ODIHR by NGO working on the issue of POWs.

<sup>173</sup> ODIHR Witness Interview UKR.WS.380, para. 35.

<sup>174</sup> [ICC Elements of Crimes](#), arts 8(2)(a)(ii)-1 and 8(2)(a)(ii)-2.

<sup>175</sup> ODIHR Witness Interview UKR.WS.380, paras. 39-40; UKR.WS.383, para. 36.

<sup>176</sup> ODIHR Witness Interviews UKR.WS.380, para. 25; UKR.WS.400, para. 12. See also UKR.WS.336, para. 37.

<sup>177</sup> ODIHR Witness Interviews UKR.WS.345, para. 52; UKR.WS.380, paras. 35-36; UKR.WS.382, para. 42; UKR.WS.387, para. 51; UKR.WS.394, paras. 15, 19; UKR.WS.395, para. 31. See also Information provided to ODIHR by NGO working on the issue of POWs.

<sup>178</sup> ODIHR Witness Interviews UKR.WS.345, para. 74; UKR.WS.353, para. 18; UKR.WS.355, para. 16; UKR.WS.380, para. 26; UKR.WS.382, para. 11; UKR.WS.387, paras. 16, 21; UKR.WS.393, para. 28; UKR.WS.394, paras. 14, 19; UKR.WS.395, para. 7. See also UKR.WS.325, para. 63; UKR.WS.336, paras. 26, 30, 33; Information provided to ODIHR by NGO working on the issue of POWs.

<sup>179</sup> ODIHR Witness Interviews UKR.WS.345, paras. 50-51, 54, 74; UKR.WS.346, para. 13; UKR.WS.351, para. 8; UKR.WS.353, para. 13; UKR.WS.382, para.13. See also UKR.WS.336, paras. 26, 30; UKR.WS.343, paras. 67-68; UKR.WS.349, para. 88; Information provided to ODIHR by NGO working on the issue of POWs.

being denied adequate clothing or heating in colder seasons and ventilation during the summer.<sup>180</sup>

64. The witnesses universally noted that the food was of poor quality and insufficient quantity, which occasionally led to instances of food poisoning or malnutrition.<sup>181</sup> One POW described the amount of food as “*just enough not to die*”.<sup>182</sup> Many of those interviewed suffered extreme weight loss during their detention, with three former POWs specifically stating they had lost between 40 to 45 kg in body weight.<sup>183</sup> Likewise, the amount and quality of water provided to POWs was also reported to be lacking, with POWs forced to drink contaminated and/or technical water, often leading to illness.<sup>184</sup>
65. Witnesses also described being given limited, or no access to shower and toilet facilities.<sup>185</sup> When access was permitted, those interviewed stated that the time given was insufficient and was often accompanied by beatings (including electric shocks) as well as being subject to humiliation by prison staff.<sup>186</sup>
66. All former POWs interviewed by ODIHR noted that, due to the lack of hygiene and overcrowding of cells/barracks, there were insect infestations and outbreaks of infectious diseases, such as tuberculosis and hepatitis, which caused additional illnesses among detainees.<sup>187</sup> Nevertheless, the majority of those interviewed indicated that medical aid was

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<sup>180</sup> ODIHR Witness Interviews UKR.WS.353, para. 28; UKR.WS.355, para. 27; UKR.WS.395, para. 14. See also UKR.WS.380, para. 45 who did state that one barracks had heating in winter. See further Information provided to ODIHR by an NGO representing the families of POWs.

<sup>181</sup> ODIHR Witness Interviews UKR.WS.325, para. 63; UKR.WS.345, para. 50; UKR.WS.351, para. 9; UKR.WS.353, paras. 18, 23, 27; UKR.WS.355, para. 20; UKR.WS.380, para. 27; UKR.WS.382, paras. 11, 51; UKR.WS.383, para. 64; UKR.WS.393, paras. 32, 37; UKR.WS.394, paras. 11, 14; UKR.WS.395, para. 7; UKR.WS.400, para. 10; UKR.WS.401, para. 31. See also UKR.WS.325, para. 63; UKR.WS.336, paras. 30, 33; UKR.WS.343, paras. 35, 70; UKR.WS.349, paras. 79-80. See also UKR.WS.325, para. 63. See further Information provided to ODIHR by NGO working on the issue of POWs.

<sup>182</sup> ODIHR Witness Interview UKR.WS.394, para. 14.

<sup>183</sup> ODIHR Witness Interviews UKR.WS.345, paras. 135, 138; UKR.WS.353, para. 27; UKR.WS.355, para. 20; UKR.WS.380, para. 27; UKR.WS.382, para. 51; UKR.WS.383, para. 64; UKR.WS.393, paras. 41, 49-50; UKR.WS.401, para. 69. See also UKR.WS.343, para. 35; UKR.WS.349, para. 68. See also Information provided to ODIHR by NGO representing the families of POWs.

<sup>184</sup> ODIHR Witness Interviews UKR.WS.345, para. 81; UKR.WS.346, paras. 12, 44; UKR.WS.382, para. 11; UKR.WS.393, para. 30; UKR.WS.394, para. 11; UKR.WS.401, paras. 37, 69. See also UKR.WS.336, para. 30; UKR.WS.344, paras. 67-68; Information provided to ODIHR by an NGO representing the families of POWs.

<sup>185</sup> ODIHR Witness Interviews UKR.WS.345, paras. 56-58; UKR.WS.351, para. 9; UKR.WS.353, para. 35; UKR.WS.355, para. 23; UKR.WS.380, paras. 14, 16, 33; UKR.WS.382, paras. 11, 21; UKR.WS.383, para. 81; UKR.WS.387, paras. 29-30; UKR.WS.393, paras. 28-29. See also UKR.WS.336, para. 30; UKR.WS.343, paras. 35; UKR.WS.344, para. 74; UKR.WS.349, para. 96. See also Information provided to ODIHR by NGO representing the families of POWs.

<sup>186</sup> ODIHR Witness Interviews UKR.WS.345, paras. 95-96; UKR.WS.346, para. 70; UKR.WS.355, para. 23; UKR.WS.383, paras. 15, 39, 46; UKR.WS.387, paras. 24, 29-30; UKR.WS.401, para. 64. See also UKR.WS.349, para. 96; UKR.WS.382, para. 39.

<sup>187</sup> ODIHR Witness Interviews UKR.WS.345, para. 130; UKR.WS.346, para. 14; UKR.WS.380, para. 29; UKR.WS.382, para. 37; UKR.WS.383, para. 102; UKR.WS.387, para. 23; UKR.WS.401, paras. 40-41, 56, 59, 69. See further Information provided to ODIHR by NGOs working on the issue of POWs.

usually denied and/or delayed,<sup>188</sup> and that those who requested aid were often subjected to beatings and other punishments (including electric shocks) by prison and medical staff.<sup>189</sup> One interviewee recalled that a fellow POW died after contracting a fever and being denied medical assistance.<sup>190</sup>

67. Six witnesses also recounted that exercise was often limited or completely denied and, when it was permitted, was often accompanied by beatings conducted by prison staff.<sup>191</sup> As noted above, POWs stated that, during their detention, prison staff often used intense physical exercise as a form of torture and ill-treatment, employing for example, excessive squats.
68. Nine POWs interviewed by ODIHR stated that, during their detention, they had no interaction with any international or humanitarian organizations, specifically, the ICRC,<sup>192</sup> with the remaining five recalling brief interactions/visits by representatives of the 'Red Cross' during their detention,<sup>193</sup> although it was unclear whether it was the ICRC or the Russian Red Cross.
69. Likewise, some former POWs reported that their family members had no knowledge of their status or whereabouts and were denied contact with them.<sup>194</sup> Often, relatives only learnt of their status following an incident in which a POW was exposed to public curiosity via videos circulating on social media.<sup>195</sup> Many of those who were permitted to contact relatives during their detention stated that they did not receive replies, and the lone witness who did receive a package from relatives stated that it was clear the prison staff had taken the contents.<sup>196</sup>

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<sup>188</sup> ODIHR Witness Interviews UKR.WS.345, paras. 62, 130; UKR.WS.346, paras. 12, 25, 27; UKR.WS.353, para. 34; UKR.WS.355, para. 28; UKR.WS.380, para. 29; UKR.WS.382, para. 54; UKR.WS.383, para. 22; UKR.WS.387, paras. 18, 26-27; UKR.WS.394, para. 13; UKR.WS.400, para. 9; UKR.WS.401, paras. 39, 56. See also UKR.WS.325, para. 63; UKR.WS.336, paras. 27, 35, 42; UKR.WS.349, para. 78. See further Information provided to ODIHR by NGO working on the issue of POWs.

<sup>189</sup> ODIHR Witness Interviews UKR.WS.353, para. 34; UKR.WS.355, para. 28; UKR.WS.382, para. 36; UKR.WS.383, paras. 24, 80; UKR.WS.387, paras. 26-27; UKR.WS.393, paras. 33-36; UKR.WS.401, para. 56.

<sup>190</sup> ODIHR Witness Interview UKR.WS.380, para. 29. See further Information provided to ODIHR by NGO working on the issue of POWs.

<sup>191</sup> ODIHR Witness Interviews UKR.WS.351, para. 9; UKR.WS.355, para. 21; UKR.WS.380, para. 34; UKR.WS.383, para. 25; UKR.WS.394, para. 17; UKR.WS.400, para. 12. See further Information provided to ODIHR by NGO working on the issue of POWs.

<sup>192</sup> ODIHR Witness Interviews UKR.WS.345, paras. 63, 102; UKR.WS.346, para. 77; UKR.WS.351, para. 22; UKR.WS.353, paras. 17, 37; UKR.WS.380, para. 72; UKR.WS.382, para. 55; UKR.WS.387, para. 49; UKR.WS.394, para. 13; UKR.WS.400, para. 23. See also UKR.WS.325, para. 62. See further Information provided to ODIHR by NGO working on the issue of POWs.

<sup>193</sup> ODIHR Witness Interviews UKR.WS.382, para. 49; UKR.WS.383, paras. 74-75, 93; UKR.WS.394, paras. 21, 25; UKR.WS.395, para. 34; UKR.WS.401, para. 28. See also UKR.WS.393, para. 58.

<sup>194</sup> ODIHR Witness Interviews UKR.WS.345, paras. 63, 101; UKR.WS.353, para. 17; UKR.WS.380, para. 70; UKR.WS.382, para. 55; UKR.WS.383, para. 92. See also Information provided to ODIHR by NGO representing the families of POWs.

<sup>195</sup> ODIHR Witness Interviews UKR.WS.380, para. 72; UKR.WS.383, para. 11. See also UKR.WS.349, paras. 67-69.

<sup>196</sup> ODIHR Witness Interviews UKR.WS.353, para. 32; UKR.WS.383, para. 93; UKR.WS.387, para. 49; UKR.WS.395, para. 16. See also Information provided to ODIHR by NGO representing the families of POWs.

70. Several interviewees stated that some conditions of detention improved slightly, particularly in the time immediately preceding their exchange, but clarified that they still regularly suffered ill-treatment through intense exercise regimes and verbal abuse.<sup>197</sup> Prior to release, four interviewees recalled being forced to sign documentation stating they had no complaints against the facility or regarding their treatment during detention/ detention, or that they were not subjected to physical or psychological abuse on the territory of the Russian Federation.<sup>198</sup>
71. Several former POWs explicitly stated that they suffer from ongoing physical injuries and/or psychological trauma caused by their time in detention.<sup>199</sup>
72. ODIHR notes the ongoing challenges in accessing Ukrainian POWs to assess conditions of detention and treatment. The Ukrainian authorities have publicly stated that many Ukrainian POWs did not see ICRC representatives while in detention, and discussions regarding access for mediating states and/or ombudsmen continue without resolution.<sup>200</sup> This is in contrast to the situation in Ukrainian detention sites housing Russian POWs, where Russian POWs are allowed to communicate with relatives, and the authorities provide access to civil society representatives and international organisations to assess conditions of detention and treatment of prisoners, as well as conduct interviews.<sup>201</sup> ODIHR does, however, note concerns regarding the publication of images/videos of Russian POWs by both the media and the Ukrainian authorities, which expose them to public curiosity.<sup>202</sup>
73. Despite the positive information received regarding Ukraine's adherence to IHL and the humane treatment of Russian POWs held in detention, ODIHR nevertheless remains concerned regarding the reports of torture, ill-treatment and summary executions of Russian POWs at the point of capture and in transit places, as noted by the UN OHCHR and in credible media reports.<sup>203</sup>

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<sup>197</sup> ODIHR Witness Interviews UKR.WS.353, para. 33; UKR.WS.355, paras. 17, 26; UKR.WS.380, para 41, 44-45; UKR.WS.387, paras. 9, 17, 31; UKR.WS.394, para. 20; UKR.WS.395, para. 18.

<sup>198</sup> ODIHR Witness Interviews UKR.WS.345, para. 117; UKR.WS.351, paras. 18-19; UKR.WS.382, para. 63; UKR.WS.383, para. 71. See also UKR.WS.336, para. 46.

<sup>199</sup> ODIHR Witness Interviews UKR.WS.346, paras. 27-28; UKR.WS.355, para. 21; UKR.WS.380, paras. 51, 64; UKR.WS.383, paras. 102-103; UKR.WS.387, paras. 52-53; UKR.WS.393, para. 24. See further Information provided to ODIHR by NGO working on the issue of POWs.

<sup>200</sup> Information from the Permanent Mission of Ukraine to the International Organizations in Vienna; Information provided to ODIHR by NGOs working on the issue of POWs. See e.g., Ombudsman Dmytro Lubinets, Telegram [post](#), 31 May 2024, in Ukrainian.

<sup>201</sup> Information from the Permanent Mission of Ukraine to the International Organizations in Vienna. See also [Report on the Human Rights Situation in Ukraine: 1 December 2023 to 29 February 2024](#), UN OHCHR, 26 March 2024.

<sup>202</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.

<sup>203</sup> See [Report on the Human Rights Situation in Ukraine: 1 December 2023 to 29 February 2024](#), UN OHCHR, 26 March 2024; [Report on the Human Rights Situation in Ukraine: 1 March to 31 May 2024](#), UN OHCHR, 3 July

**d. Conflict-related sexual violence (CRSV)**

74. ODIHR has continued to gather testimonies from witnesses and survivors concerning allegations of CRSV. According to the Ukrainian Prosecutor General's Office, as of 5 June 2024, 298 cases of CRSV have been recorded in Ukraine.<sup>204</sup> In 109 cases, the victims were men (one of them a boy), and in the other 189 cases, the victims were women (14 of them girls).
75. ODIHR received information regarding 30 separate incidents of CRSV from 21 witnesses.<sup>205</sup> The alleged incidents reflect trends previously reported by ODIHR<sup>206</sup> and expand on information regarding sexual violence in detention, including abuse with homophobic elements and a significant number of male victims.
76. In seven of the 30 reported incidents, the witnesses were direct victims of the violence.<sup>207</sup> The majority of the alleged abuses took place in detention sites on the territories that are, or were then occupied by the Russian Federation (26 instances), with 13 recorded cases perpetrated against POWs or individuals who were given POW status by the Russian authorities. Of the 30 total incidents, seven were directed towards girls and women, and 23 were against men. Three cases were reported to have occurred during a house search or a house visit; in all three, the victims were women and girls.
77. Witnesses recounted different types of CRSV: alleged incidents of rape,<sup>208</sup> threats of rape and sexual violence,<sup>209</sup> including threats to rape the detainee's family members,<sup>210</sup> electrocution of genitals (and threats of such electrocution),<sup>211</sup> striking of genitals,<sup>212</sup> threats of

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2024. See also [In Ukraine, Killings of Surrendering Russians Divide an American-Led Unit](#), New York Times, 6 July 2024.

<sup>204</sup> Information from the Prosecutor General's Office of Ukraine, provided by the Permanent Mission of Ukraine to the International Organizations in Vienna. Statistics on cases of CRSV have been recorded since 2014, with the overwhelming majority having been registered after 2022.

<sup>205</sup> ODIHR Witness Interviews UKR.WS.321; UKR.WS.322; UKR.WS.327; UKR.WS.335; UKR.WS.340; UKR.WS.344; UKR.WS.345; UKR.WS.346; UKR.WS.348; UKR.WS.349; UKR.WS.351; UKR.WS.353; UKR.WS.354; UKR.WS.358; UKR.WS.371; UKR.WS.380; UKR.WS.383; UKR.WS.384; UKR.WS.396; UKR.WS.400; UKR.WS.401.

<sup>206</sup> See OSCE/ODIHR, [Second Interim Report](#), paras. 116-122; OSCE/ODIHR, [Third Interim Report](#), paras. 65-71.

<sup>207</sup> Allegations included forced nudity (ODIHR Witness Interview UKR.WS.345, paras. 23, 35), taking photos and videotaping naked detainees (UKR.WS.346, para. 48, UKR.WS.348, para. 66), striking of genitals (UKR.WS.346, paras. 43, 45), threats of electrocution of genitalia (ODIHR Witness Interview UKR.WS.380, para. 64), threats of castration (UKR.WS.401, para. 35), rape threats (UKR.WS.396, para. 17; UKR.WS.400, para. 17; UKR.WS.401, para. 49), threats of group rape of family member in front of the detainee (UKR.WS.384, para. 31; UKR.WS.396, para. 17).

<sup>208</sup> ODIHR Witness Interviews UKR.WS.321, para. 47; UKR.WS.358, para. 36; UKR.WS.371, para. 19. See further UKR.WS.322, para. 24.

<sup>209</sup> ODIHR Witness Interviews UKR.WS.335, para. 91; UKR.WS.383, para. 109; UKR.WS.396, para. 17; UKR.WS.400, para. 17; UKR.WS.401, para. 49. See also UKR.WS.358, para. 38.

<sup>210</sup> ODIHR Witness Interviews UKR.WS.384, para. 31; UKR.WS.396, para. 17.

<sup>211</sup> ODIHR Witness Interviews UKR.WS.340, paras. 82-84; UKR.WS.348, para. 182; UKR.WS.380, para. 64. See also UKR.WS.353, para. 14; UKR.WS.354, para. 16.

<sup>212</sup> ODIHR Witness Interview UKR.WS.346, paras. 43-45.

castration,<sup>213</sup> forced nudity,<sup>214</sup> sexual harassment,<sup>215</sup> coercion to perform sexual acts on detainees,<sup>216</sup> taking explicit photographs and videos of detainees,<sup>217</sup> and others.<sup>218</sup> A former male POW reported: “[T]here wasn’t one day I wasn’t threatened with my genitalia being cut off”,<sup>219</sup> while a detained woman recalled: “At one point they threatened to group rape me in front of my husband. They also said they would bring our daughter and give her to the Kadyrovites soldiers to do what they wanted in front of both of us. They said she would be group raped and we would be forced to watch”.<sup>220</sup>

78. Three witnesses told ODIHR of homophobic statements purportedly made by the Russian authorities in detention centres, as well as homophobic and transphobic treatment designed to humiliate men.<sup>221</sup> One witness described instances of sexual violence, recalling that prison staff referred to a special cell for gay detainees, and that detainees were threatened with being put in this cell, suggesting that they would be raped.<sup>222</sup> The same witness also described an incident whereby a gay detainee was forced to rape another detainee.<sup>223</sup>

**e. Administration of the occupied territories**

**i. Attempts to alter the status and character of the occupied territories**

79. Under IHL, occupation is presumed to be a transitional and temporary regime. The occupying power does not acquire sovereignty over the occupied territory and must refrain from bringing about irreversible changes which would fundamentally alter the status or character of such territories. The so-called 'annexation' of territories under occupation by the Russian Federation remains illegal, effects no change to their status as Ukrainian territory under international law and cannot deprive civilians of the protections afforded to them under IHL.<sup>224</sup> ODIHR has continued to receive accounts of coercion of residents in the occupied territories to acquire Russian citizenship, as well as on the imposition of Russian Federation curriculum in schools and of military-patriotic education for school-aged children, which

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<sup>213</sup> ODIHR Witness Interviews UKR.WS.345, paras. 85, 112; UKR.WS.401, para. 35.

<sup>214</sup> ODIHR Witness Interview UKR.WS.345, paras. 23, 35.

<sup>215</sup> ODIHR Witness Interviews UKR.WS.344, para. 101; UKR.WS.345, para. 113.

<sup>216</sup> ODIHR Witness Interviews UKR.WS.348, paras. 125-128; UKR.WS.383 at 109.

<sup>217</sup> ODIHR Witness Interviews UKR.WS.346, para. 48; UKR.WS.348, para. 66.

<sup>218</sup> Electrocution of several naked people standing in a row (ODIHR Witness Interview UKR.WS.349, para. 104), offer from one guard to another to rape the detainee (UKR.WS.327, para. 63), allegations of male POWs forced to wear women’s clothes for the entertainment of the guards (UKR.WS.351, para. 21), rape using foreign objects (UKR.WS.348, para. 125; UKR.WS.383, para. 109).

<sup>219</sup> ODIHR Witness Interview UKR.WS.401, para. 35.

<sup>220</sup> ODIHR Witness Interview UKR.WS.396, para. 17.

<sup>221</sup> ODIHR Witness Interviews UKR.WS.348, paras. 125-126, 140, 142; UKR.WS.383, paras. 56, 109; UKR.WS.351, para. 21.

<sup>222</sup> ODIHR Witness Interview UKR.WS.348, paras. 140, 142.

<sup>223</sup> ODIHR Witness Interview UKR.WS.348, paras. 125-126.

<sup>224</sup> [GC IV](#), art. 47.

suggests that the Russian authorities are intensifying efforts to alter the demographic composition of the territory and change the social status quo.

### *Forced Adoption of Russian Citizenship*

80. ODIHR has continued to monitor the sustained and systematic efforts by the Russian authorities to force the residents of occupied areas of Ukraine to acquire Russian citizenship.
81. Information provided to ODIHR,<sup>225</sup> along with witness testimonies,<sup>226</sup> confirmed previously reported information that Russian citizenship was required for residents to: access employment, education, and public healthcare; receive pensions, humanitarian assistance, and social benefits; and be able to move freely, including to leave the occupied territories.<sup>227</sup> In addition to violating the IHL framework on belligerent occupation, the regulations, restrictions and intimidation reportedly applied against Ukrainian citizens may violate the prohibition against discrimination based on nationality<sup>228</sup> and amount to forced declarations of allegiance to an occupying power.<sup>229</sup> The imposition of Russian citizenship may further lead to forced conscription, which is explicitly prohibited under IHL.<sup>230</sup>
82. Thirteen witnesses interviewed by ODIHR explained that access to employment, in both the public and private sectors, was often conditional on possession of a Russian passport.<sup>231</sup> Private businesses were required to re-register under Russian law, and business owners needed to hold Russian citizenship.<sup>232</sup> One witness from Kherson region stated: “*First, they*

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<sup>225</sup> Information provided to ODIHR by NGOs working on human rights and humanitarian law issues in the occupied territories; Information from the Permanent Mission of Ukraine to the International Organizations in Vienna. See further OSCE/ODIHR, [First Interim Report](#), para. 80; OSCE/ODIHR, [Second Interim Report](#), paras. 57-60; OSCE/ODIHR, [Third Interim Report](#), paras. 91-97; OSCE/ODIHR, [Fourth Interim Report](#), paras. 98-95.

<sup>226</sup> ODIHR Witness Interviews UKR.WS.321; UKR.WS.326; UKR.WS.327; UKR.WS.328; UKR.WS.331; UKR.WS.333; UKR.WS.334; UKR.WS.336; UKR.WS.338; UKR.WS.339; UKR.WS.341; UKR.WS.342; UKR.WS.344; UKR.WS.350; UKR.WS.352; UKR.WS.354; UKR.WS.357; UKR.WS.361; UKR.WS.362; UKR.WS.363; UKR.WS.365; UKR.WS.369; UKR.WS.370; UKR.WS.396; UKR.WS.372; UKR.WS.373; UKR.WS.374; UKR.WS.377; UKR.WS.379; UKR.WS.384; UKR.WS.386.

<sup>227</sup> Information provided to ODIHR by NGOs working on human rights and humanitarian law issues in the occupied territories; Information from the Permanent Mission of Ukraine to the International Organizations in Vienna. See further OSCE/ODIHR, [First Interim Report](#), para. 80; OSCE/ODIHR, [Second Interim Report](#), paras. 57-60; OSCE/ODIHR, [Third Interim Report](#), paras. 91-97; OSCE/ODIHR, [Fourth Interim Report](#), paras. 98-95.

<sup>228</sup> Particularly as it relates to the provision of essential services and humanitarian assistance, see [GC IV](#), art. 27(3); [API](#), arts 69-70.

<sup>229</sup> [Hague Regulations](#), art. 45.

<sup>230</sup> [Hague Regulations](#), art. 45; [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 Statute](#), art. 8(2)(a)(v). See also Section IV. e. ii. *Forced mobilization into the armed forces of the Russian Federation*.

<sup>231</sup> ODIHR Witness Interviews UKR.WS.321, para. 28; UKR.WS.326, para. 36; UKR.WS.328, para. 48; UKR.WS.333, para. 45; UKR.WS.342, paras. 57, 60; UKR.WS.350, para. 19; UKR.WS.354, para. 11; UKR.WS.357, para. 8; UKR.WS.362, para. 26; UKR.WS.396, para. 9; UKR.WS.372, paras. 38, 70; UKR.WS.373, para 69; UKR.WS.384, para. 67.

<sup>232</sup> ODIHR Witness Interviews UKR.WS.321, para. 29; UKR.WS.327, para. 56; UKR.WS.386, para. 60. This information was corroborated by NGOs who spoke with ODIHR, adding that these measures are problematic for

*started with the administration of the city, the local governments, people working for schools, kindergartens, etc. Then they moved to the private/commercial sectors, so you were not able to work anymore if you did not have a Russian passport.”*<sup>233</sup> Two witnesses added that employers were fined between 250,000 to 500,000 roubles for employing Ukrainians without Russian passports.<sup>234</sup>

83. Twelve witnesses interviewed by ODIHR also stated that Russian passports were required to access public medical services.<sup>235</sup> One witness from Kherson region stated: *“One of our neighbours had a heart attack during the occupation, and the local hospital refused to treat him because he didn't have a Russian passport. His relatives took him to another hospital. There they agreed to treat him illegally. The relatives had to pay for all the medication and a large amount of money because of that”*.<sup>236</sup> Likewise, 17 total witnesses reported that Russian citizenship was required for people in the occupied territories to receive various services, such as pensions,<sup>237</sup> humanitarian assistance,<sup>238</sup> social benefits payments,<sup>239</sup> access to utility services (water, electricity and gas),<sup>240</sup> education<sup>241</sup> and access to a bank account.<sup>242</sup>
84. Witness testimonies collected by ODIHR also showed the link between forced imposition of Russian citizenship and property rights, with five witnesses noting threats that private property would be appropriated if the owners failed to obtain Russian citizenship.<sup>243</sup>
85. Eighteen witnesses stated that not holding a Russian passport impacted the movement of residents in the occupied territories. Namely, five witnesses stated that, without a Russian

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Ukrainians residing in Ukrainian government-controlled territory, as they fear being detained, tortured or mistreated if they return to occupied territories, and thus face losing their properties and business.

<sup>233</sup> ODIHR Witness Interview UKR.WS.333, para. 45.

<sup>234</sup> ODIHR Witness Interviews UKR.WS.384, para. 67; UKR.WS.386, para. 60.

<sup>235</sup> ODIHR Witness Interviews UKR.WS.326, para. 33; UKR.WS.333, para. 70; UKR.WS.334, paras. 89-90; UKR.WS.336, para. 56; UKR.WS.338, paras. 113, 120; UKR.WS.341, paras. 67-97; UKR.WS.344, paras. 150, 154; UKR.WS.365, paras. 146-147, 164; UKR.WS.369, para. 82; UKR.WS.373, paras. 69, 74; UKR.WS.379, paras. 92-93; UKR.WS.384, para. 62.

<sup>236</sup> ODIHR Witness Interview UKR.WS.372, para. 72.

<sup>237</sup> ODIHR Witness Interviews UKR.WS.321, paras. 29-30; UKR.WS.326, para. 33; UKR.WS.328, para. 55; UKR.WS.338, para. 113; UKR.WS.339, para. 24; UKR.WS.372, para. 70; UKR.WS.373, paras. 68-69; UKR.WS.379, para. 22.

<sup>238</sup> ODIHR Witness Interviews UKR.WS.333, para. 70; UKR.WS.350, para. 12; UKR.WS.363, para. 15; UKR.WS.370, para. 87; UKR.WS.372, para. 38.

<sup>239</sup> ODIHR Witness Interviews UKR.WS.328, para. 51; UKR.WS.333, paras. 69-70; UKR.WS.365, para. 164; UKR.WS.374, para. 46.

<sup>240</sup> ODIHR Witness Interviews UKR.WS.338, para. 113, 120; UKR.WS.342, para. 129; UKR.WS.374, para. 46; UKR.WS.379, para. 22.

<sup>241</sup> ODIHR Witness Interviews UKR.WS.327, para. 66; UKR.WS.328, para. 87; UKR.WS.333, para. 70. For more information see Section IV. e. i. *Grave and systematic changes related to education*, below.

<sup>242</sup> ODIHR Witness Interview UKR.WS.386, para. 62.

<sup>243</sup> ODIHR Witness Interviews UKR.WS.321, para. 33; UKR.WS.338, paras. 118, 122, 124-126; UKR.WS.365, para. 162; UKR.WS.369, para. 81; UKR.WS.379, para. 79.

passport, residents could not cross checkpoints,<sup>244</sup> while another seven witnesses reported issues when crossing checkpoints with Ukrainian documents, such as long waits, detailed questioning or damage to Ukrainian documents.<sup>245</sup> One witness from Kherson region added: “Driving a car with a Ukrainian licence plate is also problematic. You cannot go to another city. You need a Russian passport, then a Russian driving license to get Russian plates.”<sup>246</sup>

86. Commenting on Russian legislation adopted in April 2023, according to which Ukrainians in the occupied territories will be considered ‘foreigners’ if they do not acquire Russian citizenship by 1 July 2024,<sup>247</sup> a witness from Kherson region told ODIHR that many people without Russian passports in the occupied territories have already had to obtain a residency permit, for fear of arrest or detention for failure to produce a Russian migrant card, as, without it, they are considered ‘migrants’.<sup>248</sup>
87. In addition, five witnesses interviewed by ODIHR also stated that men from the occupied territories had to register with military registration offices after being forced to acquire Russian passports,<sup>249</sup> while three other witnesses expressed fear of conscription due to having been forced to obtain a Russian passport.<sup>250</sup>

#### *Grave and systematic changes related to education*

88. Over the course of its monitoring activities, ODIHR has continued to receive reports,<sup>251</sup> including through witness testimonies,<sup>252</sup> of grave and systematic changes related to the

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<sup>244</sup> ODIHR Witness Interviews UKR.WS.326, para. 33; UKR.WS.331, para. 52; UKR.WS.341, para. 71; UKR.WS.377, para. 8; UKR.WS.384, para. 67.

<sup>245</sup> ODIHR Witness Interviews UKR.WS.327, para. 43; UKR.WS.336, para. 52; UKR.WS.338, para. 112; UKR.WS.342, para. 128; UKR.WS.361, para. 7; UKR.WS.379, paras. 19, 22; UKR.WS.386, para. 62.

<sup>246</sup> ODIHR Witness Interview UKR.WS.333, para. 69.

<sup>247</sup> Указ Президента Российской Федерации от 27.04.2023 № 307 «Об особенностях правового положения отдельных категорий иностранных граждан и лиц без гражданства в Российской Федерации» [Decree of the President of the Russian Federation from 27.04.2023 № 307 “On the peculiarities of the legal status of certain categories of foreign citizens and stateless persons in the Russian Federation”. See further OSCE/ODIHR, [Third Interim Report](#), para. 97.

<sup>248</sup> ODIHR Witness Interview UKR.WS.333, para. 50.

<sup>249</sup> ODIHR Witness Interviews UKR.WS.341, para. 78; UKR.WS.377, paras. 8, 40; UKR.WS.379, para. 6; UKR.WS.386, para. 64. See also UKR.WS.331, para. 53.

<sup>250</sup> ODIHR Witness Interviews UKR.WS.352, para. 17; UKR.WS.369, paras. 83-84, 87. See also UKR.WS.354, para. 19.

<sup>251</sup> Information provided to ODIHR by NGOs working on education in the occupied territories, and NGOs working on human rights and humanitarian law issues broadly; Information from the Permanent Mission of Ukraine to the International Organizations in Vienna.

<sup>252</sup> This information is reflected in interviews collected by ODIHR from February 2023 to April 2024 and refers to developments witnessed throughout 2022 and 2023. See ODIHR Witness Interviews UKR.WS.122; UKR.WS.128; UKR.WS.133; UKR.WS.135; UKR.WS.136; UKR.WS.147; UKR.WS.185; UKR.WS.192; UKR.WS.205; UKR.WS.218; UKR.WS.226; UKR.WS.228; UKR.WS.229; UKR.WS.234; UKR.WS.256; UKR.WS.262; UKR.WS.263; UKR.WS.266; UKR.WS.267; UKR.WS.269; UKR.WS.270; UKR.WS.273; UKR.WS.283; UKR.WS.288; UKR.WS.289; UKR.WS.305; UKR.WS.306; UKR.WS.308; UKR.WS.318; UKR.WS.321; UKR.WS.327; UKR.WS.328; UKR.WS.333; UKR.WS.357; UKR.WS.374; UKR.WS.377; UKR.WS.379; UKR.WS.384; UKR.WS.386; UKR.WS.396; UKR.WS.399.

provision of education in the occupied territories of Ukraine, including the imposition of the Russian Federation curriculum in schools and military-patriotic education for school-aged children. An occupying power must respect institutions based on local legislation<sup>253</sup> and may only arrange children’s education where local institutions are inadequate. As far as possible, it must further ensure educators are of the same nationality, language and religion as the children.<sup>254</sup> The widespread replacement of the Ukrainian curriculum with that of the Russian Federation, along with the introduction of Russian military-patriotic education for children, appears to violate these principles and fundamentally alter the status quo ante.<sup>255</sup>

*Imposition of Russian Federation curriculum and pressure on parents and teachers*

89. Seven witnesses told ODIHR that, on the territories of Ukraine occupied by the Russian Federation, the occupying administration replaced the Ukrainian curriculum with the Russian Federation curriculum.<sup>256</sup> Five witnesses also reported financial incentives being offered to parents to send children to Russian curriculum schools.<sup>257</sup>
90. Witnesses explained that some educational staff in the occupied territories agreed to teach the Russian curriculum,<sup>258</sup> while others refused to cooperate and continued to teach the Ukrainian curriculum in online classes in secret.<sup>259</sup> ODIHR's monitoring shows that teachers faced backlash for refusing to teach the Russian Federation curriculum or if they were suspected of teaching the Ukrainian curriculum online; two witnesses recalled that teaching staff were told they would be fired or forced to resign if they refused to teach the Russian curriculum,<sup>260</sup> with one witness recalling that one teacher was threatened, detained and questioned for refusing to cooperate.<sup>261</sup>
91. One school principal from Zaporizhzhia region explained to ODIHR that she was interrogated by the FSB and that Russian military personnel came to her home due to her

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<sup>253</sup> [Hague Regulations](#), Art. 43; See further [GC IV](#), art. 64, which allows for derogation from local legislation only for security reasons or where such legislation is an obstacle to the application of IHL, or where it is “essential” to “maintain the orderly government in the territory”.

<sup>254</sup> [GC IV](#), art. 50(3).

<sup>255</sup> These measures could further disrupt the population’s loyalty to Ukraine, by compelling inhabitants of occupied territories to swear allegiance to the hostile power in violation of IHL, see [Hague Regulations](#), art. 45.

<sup>256</sup> ODIHR Witness Interviews UKR.WS.136, para. 48; UKR.WS.147, para. 59; UKR.WS.205, para. 19; UKR.WS.263, para. 113; UKR.WS.306, paras. 20-21; UKR.WS.321, para. 88; UKR.WS.399, para. 24.

<sup>257</sup> ODIHR Witness Interviews UKR.WS.122, para. 10; UKR.WS.128, para. 15; UKR.WS.228, para. 44; UKR.WS.234, para. 30; UKR.WS.357, para. 12.

<sup>258</sup> ODIHR Witness Interviews UKR.WS.133, para. 21; UKR.WS.192, para. 58; UKR.WS.218, para. 18; UKR.WS.226, para. 7; UKR.WS.267, para. 92; UKR.WS.263, para. 113; UKR.WS.266, para. 73; UKR.WS.377, para. 47.

<sup>259</sup> ODIHR Witness Interviews UKR.WS.133, para. 21; UKR.WS.205, para. 16; UKR.WS.256, para. 11; UKR.WS.273, para. 31; UKR.WS.283, para. 21; UKR.WS.305, para. 14; UKR.WS.333, para. 26; UKR.WS.384, para. 65; UKR.WS.386, para. 73; UKR.WS.396, para. 5; UKR.WS.399, para. 24.

<sup>260</sup> ODIHR Witness Interviews UKR.WS.228, paras. 14-18; UKR.WS.318, para. 36.

<sup>261</sup> ODIHR Witness Interviews UKR.WS.273, para. 31. See also UKR.WS.218, para. 25; UKR.WS.270, para. 22.

refusal to cooperate with the occupying administration,<sup>262</sup> while three other witnesses from the same region stated that the occupying authorities would search the homes of educators suspected of teaching the Ukrainian curriculum online.<sup>263</sup> One such witness described multiple interrogations over the course of several weeks and that, during one such occasion, the authorities searched her home for approximately ten hours, only stopping when she collapsed and had to be rushed to hospital due to the stress caused by the search.<sup>264</sup>

92. Witnesses informed ODIHR that the parents of children who were not attending Russian curriculum schools or who were suspected of following the Ukrainian curriculum online were also subject to home visits. A witness from Zaporizhzhia region explained that the local occupying authorities told parents that if they “*failed to make sure their children were at school on 1 September [2022] they would be visited by Russian soldiers*”,<sup>265</sup> while another witness from the same region confirmed that, since March 2023, in addition to the local authorities, police officers and armed military personnel visited parents in order to coerce them into sending their children to Russian schools.<sup>266</sup>
93. Likewise, witnesses told ODIHR that the occupying authorities threatened that children would be removed from their parents if they were not sent to a Russian curriculum school.<sup>267</sup> A witness from Zaporizhzhia region stated: “*They threatened me directly and said if you don't send the children to Russian school, we will take them away*”, while a witness from Kherson region explained that “*Parents were obliged to bring children to school because the Special Services would come and take the children away*”.<sup>268</sup> Moreover, one witness recalled being threatened with deportation to Ukrainian-held territory without their child if they didn't attend a Russian school.<sup>269</sup> In addition to witness testimonies, ODIHR received information from two NGOs working on education in the occupied territories and two NGOs working on human rights broadly, confirming threats against parents who refused to send their children to Russian curriculum schools.
94. Three witness testimonies also indicated that parents were required to hold a Russian passport for their children to attend school,<sup>270</sup> while two further witnesses added that students would

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<sup>262</sup> ODIHR Witness Interview UKR.WS.228, paras. 14-25, 29-37.

<sup>263</sup> ODIHR Witness Interviews UKR.WS.226, paras. 9-22; UKR.WS.288, para. 11; UKR.WS.379, para. 89.

<sup>264</sup> ODIHR Witness Interview UKR.WS.226, paras. 9-17.

<sup>265</sup> ODIHR Witness Interview UKR.WS.228, para. 44.

<sup>266</sup> ODIHR Witness Interview UKR.WS.229, paras. 47-49.

<sup>267</sup> ODIHR Witness Interviews UKR.WS.128, para. 15; UKR.WS.135, para. 27; UKR.WS.185, para. 71;

UKR.WS.228, para. 44; UKR.WS.229, paras. 48-49; UKR.WS.234, para. 30; UKR.WS.262, para. 61;

UKR.WS.288, para. 28; UKR.WS.289, paras. 45, 53; UKR.WS.377, para. 48; UKR.WS.384, para. 66. See also

UKR.WS.306, para. 19.

<sup>268</sup> ODIHR Witness Interviews UKR.WS.288, para. 28; UKR.WS.377, para. 48.

<sup>269</sup> ODIHR Witness Interview UKR.WS.229, paras. 48-49.

<sup>270</sup> ODIHR Witness Interviews UKR.WS.269, para. 51; UKR.WS.289, paras. 45, 53; UKR.WS.328, para. 87. See also UKR.WS.333, para. 70.

only receive graduation certificates if they held a Russian passport.<sup>271</sup> Finally, three witnesses stated that some parents chose to leave the occupied territories as they did not want their children to attend Russian curriculum schools.<sup>272</sup>

### *Military-patriotic education*

95. ODIHR also received information, including through nine witness testimonies,<sup>273</sup> on the imposition of Russian military-patriotic education for children living in the occupied territories, which included coercing children to join military-patriotic youth organizations, where they were instructed on use of weapons. There were also accounts of children being sent to ‘recreational’ camps where they received further military-patriotic education. The enforcement of military-patriotic education appears to be aimed at disrupting the population’s loyalty to Ukraine, in violation of IHL.<sup>274</sup> IHL also provides that children who are separated from their parents must be educated by persons of their own nationality and language where possible, to “exclude any religious or political propaganda designed to wean children from their natural milieu”.<sup>275</sup>
96. One witness, the parent of a school-aged pupil from Donetsk region, told ODIHR that different curriculums on military-patriotic education were developed for different ages, while one witness from Zaporizhzhia region explained that students attended military-patriotic classes at least twice weekly.<sup>276</sup> Meanwhile, a witness from Kherson region stated: “*Children in kindergarten are visited by Russian soldiers. They let children play on military vehicles and with military items. They are taught to perceive the Russian army as liberator*”.<sup>277</sup> Four witnesses also recalled that students were forced to sing the national anthem of the Russian Federation to start classes every morning.<sup>278</sup>

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<sup>271</sup> ODIHR Witness Interviews UKR.WS.267, para. 95; UKR.WS.327, para. 66.

<sup>272</sup> ODIHR Witness Interviews UKR.WS.308, para. 41; UKR.WS.374, para. 34; UKR.WS.386, para. 74. See also UKR.WS.357, para. 12.

<sup>273</sup> ODIHR Witness Interviews UKR.WS.186, paras. 32, 37, 42; UKR.WS.192, para. 64; UKR.WS.234, para. 80; UKR.WS.262, para. 65; UKR.WS.267, para. 109; UKR.WS.275, para. 23; UKR.WS.312, para. 10; UKR.WS.365, paras. 155-159; UKR.WS.377, para. 48. See also Information provided to ODIHR by NGOs working on education in the occupied territories and NGOs working on human rights and humanitarian law issues broadly; Information from the Permanent Mission of Ukraine to the International Organizations in Vienna. ODIHR notes that the witnesses described second-hand accounts of children being sent to these camps, while the information provided from other sources related to first-hand accounts of such events.

<sup>274</sup> See [Hague Regulations](#), art. 45, which prohibits compelling the inhabitants of occupied territory to swear allegiance to the hostile power.

<sup>275</sup> [GC IV](#), art. 24. See further Pictet Commentary to the Fourth Geneva Convention (1958), art. 24, p. 188.

<sup>276</sup> ODIHR Witness Interviews UKR.WS.186, paras. 32, 37, 42, UKR.WS.234, para. 41.

<sup>277</sup> ODIHR Witness Interview UKR.WS.365, para. 157.

<sup>278</sup> ODIHR Witness Interviews UKR.WS.135, para. 26; UKR.WS.205, para. 19; UKR.WS.377, para. 48; UKR.WS.384, para. 66.

## ii. Forced mobilization into the armed forces of the Russian Federation

97. ODIHR has continued to receive accounts, including through 13 witness testimonies,<sup>279</sup> on the forced conscription and mobilization of Ukrainian civilians into the Russian armed forces. There is a clear prohibition in IHL against compelling civilians to serve in the occupying power's armed or auxiliary forces, including by employing propaganda aimed at securing voluntary enlistment,<sup>280</sup> and forced conscription of civilians to an occupying power's armed forces constitutes a war crime.<sup>281</sup> While it remains the prerogative of States to conscript their own nationals, given the widespread reports of forced adoption of Russian citizenship,<sup>282</sup> instances in which Ukrainian men were forced to acquire Russian citizenship and then subsequently conscripted should properly be understood as forced conscription of Ukrainians.
98. According to ten NGOs working on human rights and humanitarian issues in the occupied territories, all 17-year-old boys had to register for military service and, to prevent young men from being conscripted, families tried to leave the occupied territories. NGOs also described propaganda aimed at securing voluntary enlistment, as well as pressure on conscripts to sign contracts to become professional soldiers. Moreover, people charged with a crime were reportedly offered the opportunity to sign a contract in exchange for dropping the charges, and there were widespread reports of prosecution for draft evasion. The information received by ODIHR indicates that conscripts were sent to active areas of hostilities only upon signing a contract to become professional soldiers.
99. In this regard, five witnesses interviewed by ODIHR described the link between forced conscription and acquiring a Russian passport.<sup>283</sup> One witness from Kherson region, referring to events in October 2023, stated: "*When I received the (Russian) passport, they also gave me a document with which I had to go to the (military) registration office within two weeks*".<sup>284</sup> Meanwhile, a witness from Zaporizhzhia region stated that, on 30 October 2023, the occupation administration advised that: "*men who get the [Russian] passport will, at the same time, be sent to the military registration office and get conscription notices*".<sup>285</sup> Three other witnesses expressed fear of being conscripted after receiving a Russian passport.<sup>286</sup> One

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<sup>279</sup> ODIHR Witness Interviews UKR.WS.321; UKR.WS.326; UKR.WS.328; UKR.WS.330; UKR.WS.331; UKR.WS.341; UKR.WS.352; UKR.WS.354; UKR.WS.369; UKR.WS.377; UKR.WS.379; UKR.WS.381; UKR.WS.386. See also Information provided to ODIHR by NGOs working on human rights and humanitarian law issues in the occupied territories; Information from the Permanent Mission of Ukraine to the International Organizations in Vienna.

<sup>280</sup> [GC IV](#), art. 51.

<sup>281</sup> [GC IV](#) art. 147; [ICC Statute](#) art. 8(2)(a)(v).

<sup>282</sup> For more details, see Section IV.e. i. *Forced adoption of Russian citizenship*.

<sup>283</sup> ODIHR Witness Interviews UKR.WS.341, para. 78; UKR.WS.377, paras. 8, 40; UKR.WS.379, para. 6; UKR.WS.386, para. 64. See also UKR.WS.331, para. 53.

<sup>284</sup> ODIHR Witness Interview UKR.WS.377, para. 40.

<sup>285</sup> ODIHR Witness Interview UKR.WS.379, para 6.

<sup>286</sup> ODIHR Witness Interviews UKR.WS.352, para 17; UKR.WS.369, paras. 83-84, 87. See also UKR.WS.354, para 19.

witness from Zaporizhzhia region explained: *“Personally, I understood that if I get a Russian passport the next step is being drafted and serving in their army... That was my concern at that time, as if I become a Russian citizen, they could legally draft me.”*<sup>287</sup>

100. Two witnesses from Donetsk region further explained that, during 2022, there was more active mobilization of men in the occupied territories and that representatives of the military conscription office would take people off the streets or at checkpoints.<sup>288</sup> Two witnesses recalled that it was common for men to go into hiding in the occupied territories to avoid being mobilized into the Russian armed forces.<sup>289</sup> According to one witness: *“They asked all the men between 18 and 55 years old to get out [of buses or private vehicles] with their documents. They checked them and, if someone didn’t have the reservation paper or satisfactory documents, they took this man on their bus.”*<sup>290</sup>
101. According to one witness from Luhansk, in September 2022, during the so-called ‘referendum’ on joining the Russian Federation, he witnessed voters, including some of his colleagues, being forcibly taken and mobilized into the Russian armed forces.<sup>291</sup>
102. Meanwhile, witnesses from both Kherson and Donetsk regions described advertisements posted on social media channels to promote conscription and encourage enlistment to the Russian armed forces.<sup>292</sup> According to one witness, the adverts repeated that conscription was *“mandatory”* and failing to join could result in *“15 years in prison for violating the laws”*.<sup>293</sup>
103. Notably, one individual who spoke with ODIHR stated that Russian soldiers offered civilians money to join the Russian armed forces, saying: *“they could easily get 200,000 roubles per month”*. According to that witness, some people joined voluntarily, while others were conscripted forcefully.<sup>294</sup>
104. Finally, two witnesses explained that they had fled the occupied territories due to the threat of mobilization.<sup>295</sup> One witness from Kherson region who left the occupied territories in April

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<sup>287</sup> ODIHR Witness Interview UKR.WS.369, paras. 83-84.

<sup>288</sup> ODIHR Witness Interviews UKR.WS.328, paras. 38, 70; UKR.WS.381, para. 19.

<sup>289</sup> ODIHR Witness Interviews UKR.WS.328, paras. 18, 70; UKR.WS.381, paras. 17-18. This was corroborated by the information received from NGOs.

<sup>290</sup> ODIHR Witness Interview UKR.WS.328, para. 38.

<sup>291</sup> ODIHR Witness Interview UKR.WS.330, para. 31.

<sup>292</sup> ODIHR Witness Interviews UKR.WS.326, para. 75; UKR.WS.328, para. 5.

<sup>293</sup> ODIHR Witness Interview UKR.WS.328, para. 5. In September 2022, the Russian State Duma introduced amendments to the Criminal Code, including creating criminal liability for people who are in the reserve and called up for military training, in case of failure to appear, which was also applied to the occupied territories.

[Федеральный закон от 24.09.2022 № 365-ФЗ "О внесении изменений в Уголовный кодекс Российской Федерации и статью 151 Уголовно-процессуального кодекса Российской Федерации"](#) [Federal Law of 24.09.2022 No. 365-FZ "On amendments to the Criminal Code of the Russian Federation and Article 151 of the Criminal Procedure Code of the Russian Federation"].

<sup>294</sup> ODIHR Witness Interview UKR.WS.321, para. 80. ODIHR reiterates that the IHL prohibition against forced or coerced conscription is absolute and non-derogable.

<sup>295</sup> ODIHR Witness Interviews UKR.WS.377, paras. 24-26; UKR.WS.379, paras. 6-7.

2024 stated: “I decided to leave because Russia started mobilization and conscription, because... Putin said that they need 300,000 conscripts from the new territories”.<sup>296</sup>

**f. Coerced cooperation with the occupying power and accusations of collaboration**

105. According to information provided by the Ukrainian authorities, 3932 criminal cases for alleged collaboration have been opened during the reporting period and 156 people detained under these charges.<sup>297</sup> There have been a total of 1622 first-instance decisions on collaboration cases issued since the law was enacted in March 2022, with 634 being issued during the reporting period, which suggests an increase in their prosecution.<sup>298</sup>
106. ODIHR notes that the relevant provisions of the Criminal Code and the trends in its application remained problematic. The lack of distinction between voluntary and involuntary cooperation is concerning, particularly when the Ukrainian authorities have recognized the following as ‘collaboration’: working in schools using Russian curricula,<sup>299</sup> running small businesses in Crimea<sup>300</sup> and engaging generally with occupying authorities in occupied territories.<sup>301</sup>
107. Seventeen witnesses raised the issue of collaboration in the occupied territories of Ukraine during their interviews with ODIHR.<sup>302</sup> Two main threads arise from their testimonies: first, that the occupying authorities exerted pressure to compel cooperation; and second, their concerns regarding the prosecution of collaborators under Ukrainian law, due to a lack of clarity in what constitutes collaboration in fact and law.
108. Under IHL, occupying powers are subject to specific obligations relating to compelled work: only adults may be compelled to work, and then, only on work which is necessary for the maintenance needs of the occupying army, public utility services, or the feeding, sheltering, clothing, transportation and health of the population of the occupied territory.<sup>303</sup> This should

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<sup>296</sup> ODIHR Witness Interview UKR.WS.377, para. 24.

<sup>297</sup> Information from the National Police of Ukraine.

<sup>298</sup> At the same time, only 31 total cases (14 in the reporting period) have been appealed, see [Єдиний державний реєстр судових рішень](#) [Unified State Register of Court Decisions].

<sup>299</sup> Information provided to ODIHR by NGO monitoring the situation with education in the Ukrainian territories under Russian occupation.

<sup>300</sup> Information provided to ODIHR by NGO working on the issue of reintegration of occupied Ukrainian territories after their liberation from the occupying forces.

<sup>301</sup> Information provided to ODIHR by NGO working on a wide range of issues, including the protection of victims of the war in Ukraine.

<sup>302</sup> ODIHR Witness Interviews UKR.WS.321; UKR.WS.327; UKR.WS.331; UKR.WS. 333; UKR.WS.335; UKR.WS.338; UKR.WS.340; UKR.WS.342; UKR.WS.348; UKR.WS.349; UKR.WS.358; UKR.WS.364; UKR.WS.369; UKR.WS.373; UKR.WS.377; UKR.WS.384; UKR.WS.402.

<sup>303</sup> [GC IV](#), arts 51(2), 51(4). The occupying power may not compel protected persons to perform any work which would involve them in military operations, and may not in any circumstances employ protected persons to serve its own national economy. ODIHR also notes that individuals requisitioned to work by an occupying power must,

be read in conjunction with the occupying power's obligations to the occupied population.<sup>304</sup> With respect to judges and public officials, the occupying power may not alter their status, nor may it apply sanctions or take measures of coercion against them should they resign for reasons of conscience — such individuals have a right to resign. This does not, however, prejudice the occupying power's limited right to requisition work for the above-enumerated reasons, many of which may fall under the duties of public officials.<sup>305</sup>

109. Four ODIHR witnesses reported cases where the occupying authorities invited cooperation, and, after refusing, exerted pressure on them through threats and detention. Two witnesses stated that their family was detained and threatened with criminal charges after a family member refused to collaborate.<sup>306</sup> Another witness recalled that, after being asked to “*report what they see*”, people were told: “*if you don't cooperate, we will hurt your family*”.<sup>307</sup> A fourth witness stated that detainees were reportedly offered the opportunity to report on other individuals in return for an early release.<sup>308</sup>
110. ODIHR witnesses noted situations where civil servants worked under the authorities in an occupied territory,<sup>309</sup> with one witness stating that individuals who refrained from continuing in such roles were replaced with Russian appointees.<sup>310</sup> There were reports of the occupying authorities coercing residents of the occupied territories to stay in public service roles, such as in schools,<sup>311</sup> the police,<sup>312</sup> energy plants,<sup>313</sup> and treasury or pension funds.<sup>314</sup> Ill-treatment, arbitrary detention and enforced disappearances, including the detention of close relatives, were each reported as methods by which the occupying authorities coerced residents of the occupied territories to remain in their roles.<sup>315</sup>
111. Three witnesses described to ODIHR instances of collaboration charges after Ukrainian forces recaptured formerly occupied territories. One witness described a fellow villager who was charged with collaboration after serving as the head of the village; he was allegedly

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where possible, be kept in their usual place of employment, and that the legislation of the occupied territory with respect to working conditions continues to apply to requisitioned workers, see art. 51(3).

<sup>304</sup> See, for example, [GC IV](#), arts 50(3), 55, 56, 59, 60.

<sup>305</sup> [GC IV](#), art. 54.

<sup>306</sup> ODIHR Witness Interviews UKR.WS.327, paras. 6-12; UKR.WS.335, paras. 20-23.

<sup>307</sup> ODIHR Witness Interview UKR.WS.338, para. 159.

<sup>308</sup> ODIHR Witness Interview UKR.WS.348, para. 122.

<sup>309</sup> ODIHR Witness Interviews UKR.WS.331, para. 43; UKR.WS. 333, para. 12; UKR.WS.340, para. 23; UKR.WS.342, para. 31; UKR.WS.358, para. 42; UKR.WS.364, paras. 24-25.

<sup>310</sup> ODIHR Witness Interview UKR.WS.377, para. 47.

<sup>311</sup> ODIHR Witness Interview UKR.WS.377, para. 47. The witness noted some teachers stayed to prevent occupying authorities from bringing in teachers from outside the community.

<sup>312</sup> ODIHR Witness Interviews UKR.WS.321, para. 27; UKR.WS.349, para. 30.

<sup>313</sup> ODIHR Witness Interview UKR.WS.369, para. 52.

<sup>314</sup> ODIHR Witness Interviews UKR.WS.335, paras. 4, 20; UKR.WS.373, para. 53.

<sup>315</sup> ODIHR Witness Interviews UKR.WS.327, paras. 6, 9-10; UKR.WS.335, para. 20; UKR.WS.338, para. 159, UKR.WS.340, para. 134; UKR.WS.342, para. 31; UKR.WS.364, para. 25; UKR.WS.384, paras. 32-33.

tortured to induce cooperation with the occupying power.<sup>316</sup> In another example, a criminal case was opened against one witness' former colleague from an energy plant, who continued working under the occupying authorities.<sup>317</sup> Finally, following the recapture of Kherson, the Ukrainian armed forces located a substantial sum of money in the witness' apartment; the witness reported being subsequently detained on suspicion of collaboration, during which he was questioned and slapped on the face with tactical gloves.<sup>318</sup>

112. Given the reports of pressure imposed on individuals to compel collaboration and the ongoing lack of clarity as to what constitutes 'collaboration', ODIHR encourages the Ukrainian authorities to consider situations in which individuals may have been compelled to work for the occupying power either under a legitimate work requisition or under duress due to unlawful compulsion. While voluntary collaboration may legitimately be prosecuted, individuals in the above-noted scenarios should not face criminal liability. ODIHR notes that, for the prosecution and punishment of alleged collaborators to be lawful, the proceedings must comply with all relevant fair trial rights.<sup>319</sup>
113. ODIHR simultaneously notes that any requisitions by the occupying power that either go beyond the narrow legitimate circumstances<sup>320</sup> or involve force or threats are unlawful.

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<sup>316</sup> ODIHR Witness Interview UKR.WS.364, paras. 24-25.

<sup>317</sup> ODIHR Witness Interview UKR.WS.369, para. 52. The witness noted that pressure increased as time passed and was applied primarily against the individuals "*without whom the plant would not function*".

<sup>318</sup> ODIHR Witness Interview UKR.WS.402, para. 16.

<sup>319</sup> [API](#), art. 75(4).

<sup>320</sup> See [GC IV](#), art. 51.

## **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;
- 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 that independent and impartial investigations are conducted into all allegations of serious violations of IHL and IHRL, and that victims of such violations have access to effective remedies;
- Ensure freedom of movement and freedom of return to civilians evacuating or otherwise displaced; 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 populated areas;
- Ensure unimpeded access to the ICRC to all places where POWs are detained;
- Respect POW status and immediately cease the prosecution of captured combatants for the mere fact of having directly participated in hostilities;
- Halt the abduction, arbitrary detention and enforced disappearance of civilians in territories occupied by the Russian Federation, release those currently unlawfully detained, and immediately provide information on the whereabouts of detainees to their families and legal representatives;
- Ensure that all persons deprived of their liberty are held only in official facilities and enjoy all legal safeguards, including access to the ICRC, a lawyer, and contact with a family member, and that they are brought promptly before a judge;
- Ensure that all allegations and reports of enforced disappearances, extrajudicial and summary executions, torture, sexual and gender-based violence, and all forms of unlawful use of force are promptly, impartially and thoroughly investigated and that direct and indirect perpetrators are prosecuted and, if found guilty, punished with sanctions commensurate with the gravity of the offences;

- Respect the main tenets of the law of occupation and refrain from introducing irreversible changes to the status of Ukrainian territories under military occupation by imposing Russian political, legal, administrative, educational and social systems;
- 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; and
- Immediately cease the practice of compelling Ukrainian nationals from occupied areas of Ukraine, to serve in the Russian armed forces.

**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;
- Further improve communication with the families of detained civilians; and
- Amend its criminal legislation regarding ‘collaborative activity’ to dispel any legal uncertainty, provide prosecutorial guidelines that incorporate considerations of duress and lawful requisitions for work, and ensure that any criminal proceedings against alleged collaborators adhere to all fair trial rights.