



# REPORT ON THE HUMAN RIGHTS SITUATION IN UKRAINE

1 December 2023 – 29 February 2024

## Photo cover page

An apartment in a residential building that was damaged by a rocket attack on Kyiv in 2024. © HRMMU / Anastasiia Honcharuk

# **REPORT ON THE HUMAN RIGHTS SITUATION IN UKRAINE**

1 December 2023 – 29 February 2024

26 March 2024



UNITED NATIONS  
**HUMAN RIGHTS**  
OFFICE OF THE HIGH COMMISSIONER

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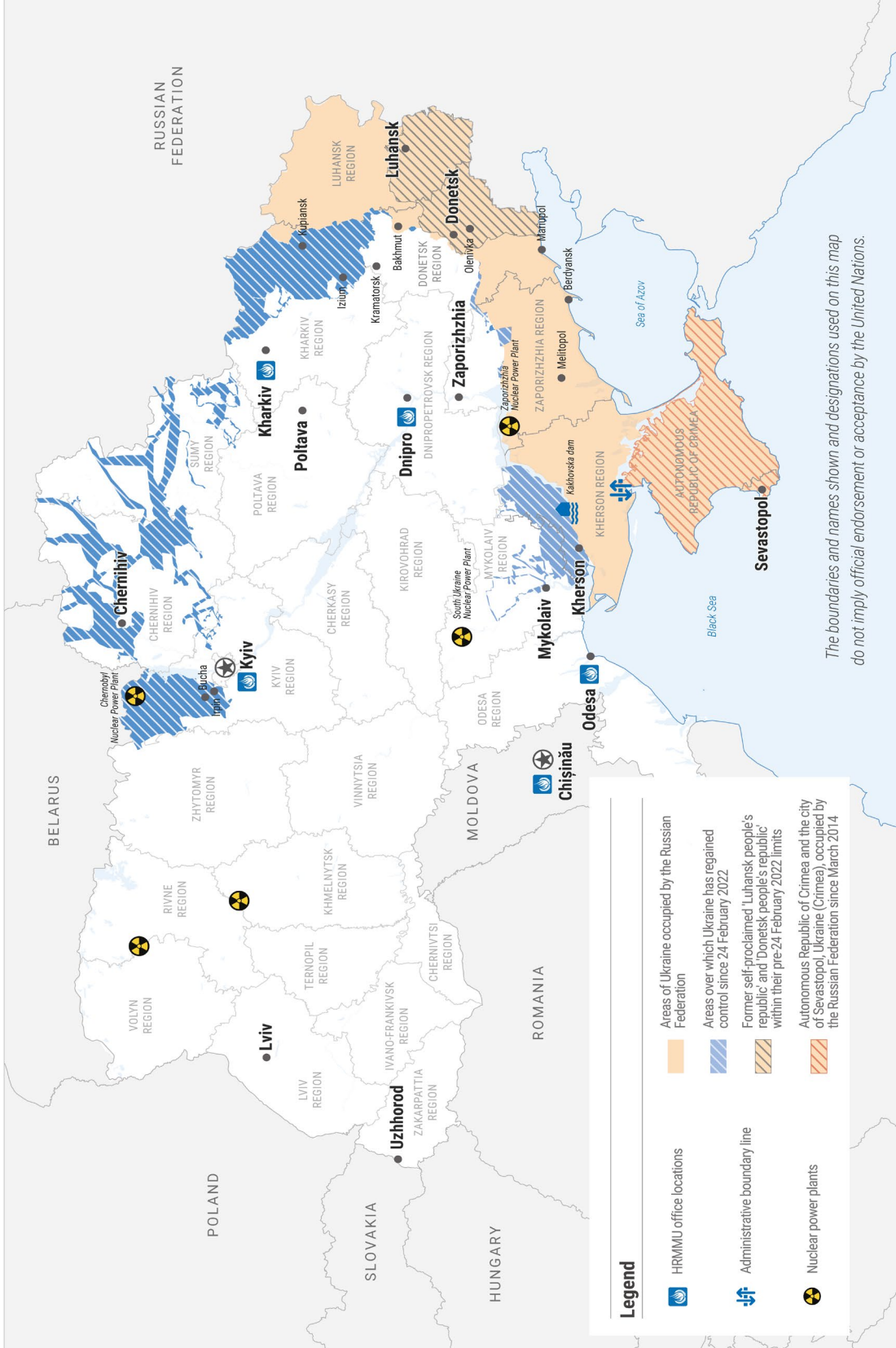
*Ukraine*

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# UKRAINE: UN HUMAN RIGHTS MONITORING MISSION IN UKRAINE

As of 29 February 2024



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Creation Date: 21 March 2024 Source: OHCHR HRMMU

# I. EXECUTIVE SUMMARY

1. This thirty-eighth report by the Office of the High Commissioner for Human Rights (OHCHR) on the human rights situation in Ukraine covers the period from 1 December 2023 to 29 February 2024. It is based on the work of the United Nations Human Rights Monitoring Mission in Ukraine (HRMMU).<sup>1</sup>
2. The end of February 2024 marked two years since the full-scale armed attack by the Russian Federation against Ukraine and ten years since the start of its occupation of the Autonomous Republic of Crimea and the city of Sevastopol (Crimea).<sup>2</sup> The armed attack on and occupation of Ukrainian territory have generated serious violations of international human rights law (IHRL) and international humanitarian law (IHL) that will have long-lasting consequences for Ukraine and its population.
3. The war continued to cause devastating civilian harm in the reporting period. In December 2023 and January 2024, large-scale attacks through missiles and loitering munitions launched by Russian armed forces across Ukraine caused a spike in civilian casualties compared with the preceding months, reversing the otherwise general downward trend in civilian casualties throughout 2023. Of the 1,804 civilian casualties verified by OHCHR in the reporting period, 712 were caused by such missile and loitering munition attacks. Kharkiv was one of the most impacted cities, with numerous attacks striking its centre, killing and injuring civilians, and damaging civilian property and infrastructure.
4. Intense fighting also continued along the frontline, with areas around Kupiansk, Kharkiv region, Avdiivka, Donetsk region, and Kherson city, Kherson region, particularly affected. Hostilities caused significant harm to civilians in these areas, with shelling and Multiple Launch Rocket System (MLRS) attacks striking frontline communities causing 58 per cent of civilian casualties from the total verified in the reporting period. Attacks with explosive weapons with wide area effects in populated areas caused significant damage to civilian property and infrastructure; several towns and cities along the frontline have been effectively decimated. Attacks near the frontline struck warehouses with humanitarian aid and killed humanitarian workers, impeding the delivery of humanitarian aid. As a result of the deteriorating situation along the frontline, Ukrainian authorities issued mandatory evacuation orders in several places. Damage to energy-related infrastructure left many communities near the frontline without electricity and heating during the winter months.
5. The reporting period also saw attacks that resulted in high numbers of civilian casualties in occupied territory. The deadliest attack documented by OHCHR since 24 February 2022 in terms of civilian casualties in occupied territory occurred when several artillery shells struck two markets and at least one residential building in the Kyrovskiy district of Donetsk city on 21 January 2024, killing 25 civilians and injuring 11.
6. In the reporting period, OHCHR interviewed 60 Ukrainian male prisoners of war (POWs) recently released from Russian captivity, who had spent between several weeks and nearly two years in captivity. Their accounts reinforced previously documented patterns of widespread torture or inhuman or degrading treatment or punishment of Ukrainian POWs in Russian captivity, as well as conditions of detention that fail to comply with international law. The cumulative impacts of repeated torture, ill-treatment, isolation and poor conditions in Russian captivity severely affected the physical and mental well-being of many POWs, with risk of long-lasting adverse effects. Moreover, during the reporting period, OHCHR received reports of the apparent execution of at least 32 recently captured Ukrainian POWs in 12 separate incidents. OHCHR verified three of these incidents in which Russian servicemen executed seven Ukrainian servicemen *hors de combat*.

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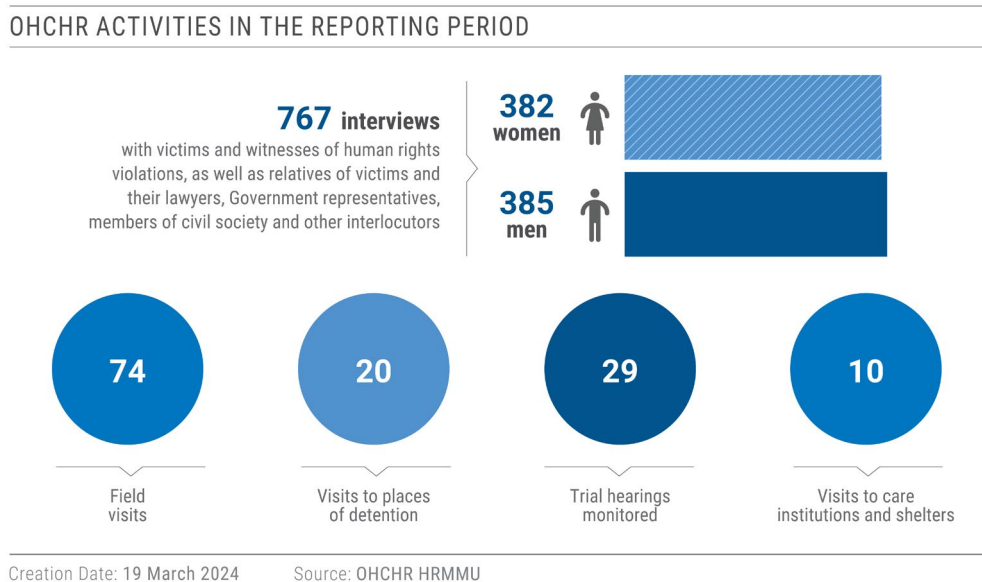
<sup>1</sup> HRMMU was deployed on 14 March 2014 to monitor and report on the human rights situation throughout Ukraine, with particular attention to the Autonomous Republic of Crimea, eastern and southern regions of Ukraine, and to propose recommendations to the Government and other actors to address human rights concerns. For more information, see A/HRC/27/75, paras. 7-8.

<sup>2</sup> See OHCHR, *Ten Years of Occupation by the Russian Federation: Human Rights in the Autonomous Republic of Crimea and the City of Sevastopol, Ukraine*, February 2024.

7. OHCHR continued to have regular access to Russian POWs in territory under Ukrainian control and interviewed 44 of them, including during a visit to a newly established POW camp in the Vinnytsia region. OHCHR acknowledges the continued efforts of the Government of Ukraine to provide conditions of internment in official facilities compliant with international standards. However, OHCHR also received credible allegations of instances of torture and ill-treatment of Russian POWs committed in transit places after their evacuation from the battlefield.
8. In occupied territory, Russian authorities continued imposing Russian political, legal and administrative systems in violation of their obligations as an occupying Power. Contrary to the prohibition in IHL against compelling inhabitants to swear allegiance to the occupying Power, the Russian authorities systematically exerted pressure on residents to acquire Russian Federation citizenship and passports, and to engage in other 'patriotic' activities to demonstrate loyalty to the occupying Power.
9. Ukrainian authorities in the reporting period opened 767 criminal proceedings and rendered 241 verdicts (0,4 per cent of which were not guilty) in cases related to alleged collaboration with occupying authorities. In some of the cases, the individuals concerned were accused of activities that can be lawfully compelled by the occupying Power under IHL and for which, to that extent, the individuals should therefore not have been prosecuted or convicted. One person who was initially detained for "justifying the armed attack by the Russian Federation against Ukraine" on social media died in custody. Before his death, he complained that prison authorities had not adequately responded to his deteriorating health condition. Ukrainian authorities launched an investigation.
10. OHCHR continued to document cases in which groups of people physically attacked property and parishioners of the Ukrainian Orthodox Church (UOC), historically aligned with the Moscow patriarchate.

## II. METHODOLOGY

11. The report is based on information gathered during 74 field visits, 20 visits to places of detention and 10 visits to care institutions or shelters, 29 trial hearings and 767 interviews<sup>3</sup> with victims and witnesses of human rights violations, as well as their relatives and lawyers, Government representatives, members of civil society and other interlocutors. It also draws from court documents, official records, and other relevant material, including from open sources. OHCHR conducted its monitoring of the human rights situation in occupied territory remotely since the Russian Federation has not granted it access, in line with its standard methodology for such monitoring.



12. Information obtained through interviews was cross-checked and corroborated by onsite observations in places of detention, geographic data, official records, open-source information, court documents, trial monitoring, and other relevant information assessed as credible and reliable. Where OHCHR was not able to corroborate information through witnesses or other sources, it reached conclusions by comparing information received with sets of similar allegations giving rise to substantiated patterns of consistent conduct in specific areas or places of detention.
13. Findings are included in the report where they meet the “reasonable grounds to believe” standard: namely where, based on a body of verified information, an ordinarily prudent observer would have reasonable grounds to believe that the facts took place as described, and where legal conclusions are drawn, that these facts meet all the elements of a violation.
14. With regards to civilian casualties, when OHCHR has not yet verified a casualty or not yet reported about an individual case of death or injury, it does not necessarily mean that OHCHR has established that the individual was an active member of an armed group or otherwise directly participated in hostilities. In many cases, the non-designation of an individual as a civilian reflects a lack of information, rather than information that the individual was not a civilian.
15. Information in this report is used with the informed consent of all sources as to its use. At all stages, OHCHR strictly adhered to the “do no harm” principle and took all appropriate measures to prevent re-traumatization and protect individuals.
16. Prior to publication, OHCHR shared the draft report with the concerned States for factual comments, as per standard practice.

<sup>3</sup>With 385 men and 382 women.



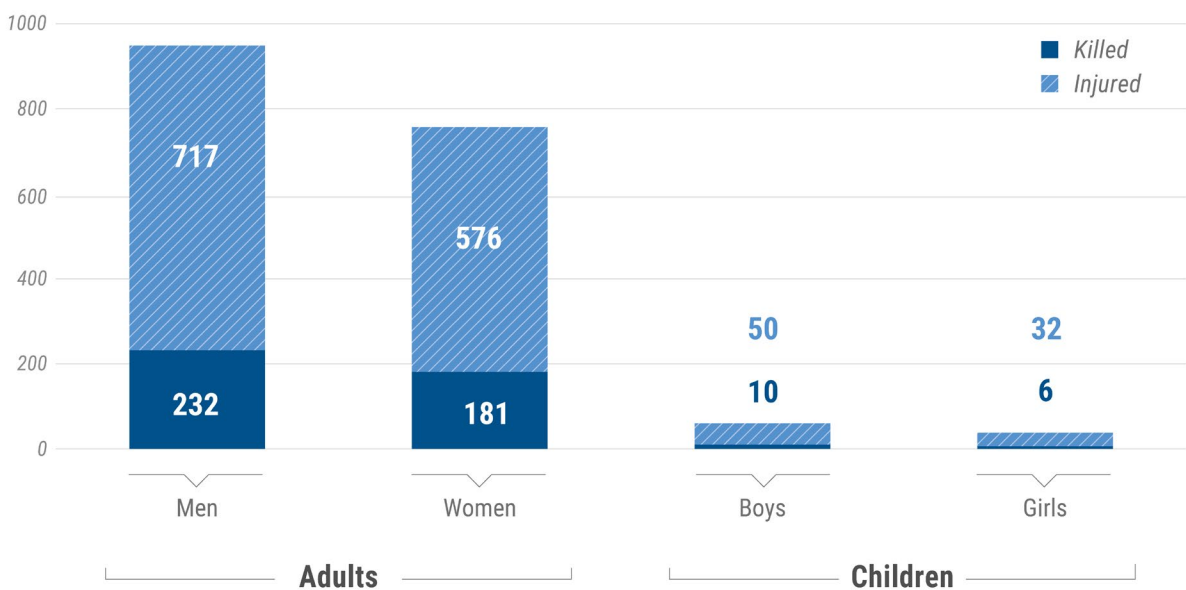
### III. IMPACT OF HOSTILITIES ON THE CIVILIAN POPULATION

#### CIVILIAN CASUALTIES

17. OHCHR documented that conflict-related violence in Ukraine killed at least 429 civilians (232 men, 181 women, 10 boys and 6 girls) and injured 1,375 (717 men, 576 women, 50 boys and 32 girls) between 1 December 2023 and 29 February 2024, representing a slight increase in casualties compared with the previous three months.<sup>4</sup> The civilian casualties in the reporting period included 8 media workers (5 women and 3 men injured), 9 healthcare workers (1 woman killed, and 5 men and 3 women injured), and 7 humanitarian workers (2 men killed, and 4 men and 1 woman injured).

#### CIVILIAN CASUALTIES, BY AGE AND SEX

From 1 December 2023 to 29 February 2024



Creation Date: 15 March 2024 Source: OHCHR HRMMU

18. Civilian casualties during the reporting period reflected several patterns previously identified by OHCHR: the majority of casualties (87 per cent) occurred in territory controlled by Ukraine, and (13 per cent) in Russian-occupied territory of Ukraine;<sup>5</sup> the vast majority of casualties were caused by the use of explosive weapons with wide area effect in populated areas; explosive remnants of war and mines accounted for 2 per cent of civilian casualties; and older people were disproportionately represented among those killed and injured, particularly in areas close to the frontline.<sup>6</sup>
19. Attacks with explosive weapons with wide area effect also caused significant damage to civilian property and infrastructure during the reporting period: OHCHR documented that the hostilities damaged or destroyed 106 educational facilities and 28 healthcare facilities.

<sup>4</sup> Between 1 September and 30 November, conflict-related violence killed at least 437 civilians (239 men, 169 women, 10 boys, and 5 girls, as well as 14 adults whose sex is yet unknown) and injured 1,340 (695 men, 444 women, 36 boys, and 20 girls, as well as 145 adults whose sex is yet unknown).

<sup>5</sup> OHCHR has also recorded reports of civilian casualties in the Russian Federation. See paragraph 37 below.

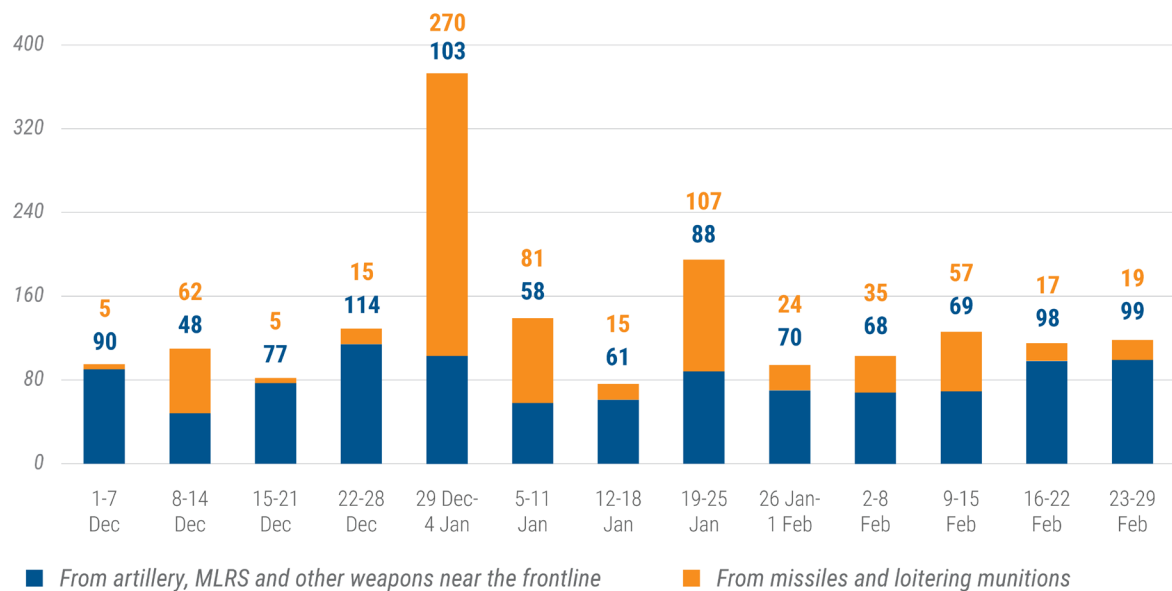
<sup>6</sup> For monthly updates by OHCHR on the protection of civilians in Ukraine, see website of the United Nations in Ukraine: <https://ukraine.un.org/en/resources/publications>.

## MISSILE AND LOITERING MUNITION ATTACKS BY RUSSIAN ARMED FORCES

20. An intensification of attacks by Russian armed forces with missiles and loitering munitions in December and January led to an increase in civilian casualties from this category of weapons during the reporting period.<sup>7</sup> On 29 December 2023, Russian armed forces launched what appeared to be the largest attack with missiles and loitering munitions since the beginning of the full-scale armed attack, with similar attacks continuing through 23 January 2024.
21. Such attacks killed at least 128 civilians (60 men, 58 women, 8 boys, 2 girls) and injured 584 (268 men, 265 women, 29 boys, 22 girls) in the reporting period, accounting for 39 per cent of the civilian casualties, compared with 26 per cent of civilian casualties resulting from such attacks in the previous period. OHCHR recorded the largest numbers of civilian casualties from missile and loitering munitions attacks on 29 December 2023,<sup>8</sup> as well as high numbers of casualties on 2, 8 and 23 January 2024.
22. The increase in civilian casualties from missile and loitering munition attacks also meant that a higher number of civilians were killed and injured across the country, and not only close to the frontline. OHCHR verified civilian casualties in 14 regions of Ukraine, including Cherkasy, Dnipropetrovsk, Donetsk, Kharkiv, Kherson, Khmelnytskyi, Kirovohrad, Kyiv, Lviv, Mykolaiv, Odesa, Sumy, and Zaporizhzhia, as well as in Kyiv city. The increase in missile and loitering munition attacks far from the frontline also contributed to an increase in the number of casualties among children; there are relatively fewer families in frontline communities as many have evacuated. Twenty-nine children were killed and injured by missiles and loitering munitions in January 2024 compared to 6 in November 2023.
23. The majority of missiles and loitering munitions were intercepted by Ukrainian armed forces, and some of the civilian casualties were caused by falling debris from such interceptions. For example, on 16 December 2023, the debris from an intercepted loitering munition killed a man in Tairove, Odesa region. In other cases, the weapons were not intercepted and civilians were killed and injured by direct explosive impact. On 30

### CIVILIAN CASUALTIES, BY WEEK AND BY TYPE OF WEAPONS

From 1 December 2023 to 29 February 2024



Creation Date: 25 March 2024

Source: OHCHR HRMMU

<sup>7</sup> A loitering munition is an unmanned aerial vehicle with a built-in munition that can wait passively (loiter) around a target area until a target is located. The loitering munition, sometimes also called a suicide drone, then impacts the target, detonating the built-in munition.

<sup>8</sup> Missile and loitering munitions attacks on 29 December killed at least 36 civilians (22 men, 14 women) and injured 93 (56 men, 32 women, 3 boys, 2 girls).

December, for example, a missile struck a residential area in Government-controlled Selydove (Donetsk region), killing one man and one woman, and injuring three men and three women.

## RECURRENT TARGETING OF KHARKIV CITY

24. Kharkiv city was one of the locations most targeted by missile and loitering munition attacks launched by the Russian armed forces. Between 29 December 2023 and 10 February 2024, OHCHR staff in Kharkiv city registered the sound of 84 explosions. Of these, 50 occurred in January 2024, compared to a previous monthly peak of 35 in October 2022.<sup>9</sup> Russian authorities claimed that the attacks targeted military objectives within the city. They also linked some of the attacks on the city to reports of significant civilian casualties in Belgorod city from an attack which they said was initiated by Ukrainian armed forces from Kharkiv.<sup>10</sup>
25. Several of the attacks on Kharkiv struck residential areas in central parts of the city, killing and injuring multiple civilians. OHCHR staff visited 10 impact sites in Kharkiv, including a building located next to the OHCHR office in Kharkiv, which was significantly damaged by a loitering munition on 31 December 2023.
26. On 23 January 2024, OHCHR visited a residential area in Kyivsky district shortly after several missiles had struck the area that morning. OHCHR documented the impact sites of five missiles, including two that struck a residential building, two that struck a boarding school, and one that struck a private home. In addition to destroying these structures, the attack shattered windows in hundreds of apartment buildings within a radius of several hundred meters from the impact sites. OHCHR verified that the attack killed 11 civilians and injured 55.
27. In total, the attacks in Kharkiv killed at least 24 civilians (11 women, 9 men, 3 boys and 1 girl) and injured 177 (91 women, 74 men, 7 girls, 5 boys).<sup>11</sup> Two of the attacks directly struck two different hotels, injuring four journalists (three women and one man) who stayed in the hotels. OHCHR also documented that the attacks in Kharkiv damaged or destroyed eight educational facilities and three healthcare facilities.

## IMPACTS NEAR THE FRONTLINE

28. At least 282 civilians were killed (157 men, 119 women, 4 girls and 2 boys) and 761 injured (428 men, 310 women, 14 boys and 9 girls) by shelling, MLRS and air strikes in many places along the frontline, where heavy fighting continued. Some of the most intensive use of explosive weapons took place around Kupiansk town, Kharkiv region; Avdiivka town, Donetsk region; and Kherson city, Kherson region. In addition, the situation near frontline communities in Sumy region deteriorated, leading to a 25 per cent increase in civilian casualties compared to the previous reporting period. For example, on 5 February 2024, an MLRS strike killed a civilian man, and injured his mother and a neighbour in their homes in Vorozhba. On 20 February, a drone attack killed an entire family (three women and two men) in their home in Nova Sloboda.
29. In occupied territory, OHCHR also documented attacks with high numbers of civilian casualties. In one attack, several artillery shells struck two markets and at least one residential building in the Kyrovskiy district of Donetsk city on 21 January 2024. The attack killed at least 25 civilians (15 women and 10 men) and injured 11 (6 women and 5 men).<sup>12</sup> In another incident, on 3 February 2024, an attack struck a bakery and a café in Lysychansk, Luhansk region. OHCHR has verified that the attack killed at least 10 civilians (5 women and 5 men) and injured 3 women.<sup>13</sup>

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<sup>9</sup> The lowest recorded month was November 2023, during which only three attacks were reported.

<sup>10</sup> Ministry of Defense of the Russian Federation, "Vchera VSU nanesli udar s ispol'zovaniem reaktivnyh sistem zalpovogo ognja po gorodu Belgorod, v rezul'tate kotorogo pogibli mirnye zhiteli, v tom chisle deti", official announcement on Telegram, 31 December 2023, at [https://t.me/mod\\_russia/34190](https://t.me/mod_russia/34190) (last accessed on 19 February 2024).

<sup>11</sup> OHCHR collected reports that 24 were killed and 216 injured.

<sup>12</sup> Local occupying authorities reported that the attack killed 27 civilians and injured 25.

<sup>13</sup> According to public reports, the number of civilian casualties may be higher. In the 3 February attack on Lysychansk, OHCHR has established that several of those killed held official positions in the civilian administration in occupied territory, including in the police, the prosecutor's office, and emergency services. Holding such a civilian position does not, of itself, render an individual a lawful target under IHL.

30. In Government-controlled territory, a 70-year-old woman from Kivsharivka village in the Kupiansk district said she had to leave her village on 15 December 2023 after shelling destroyed her apartment. She told OHCHR that shelling had damaged or destroyed most of the houses in the village and that regular disruptions to gas and electricity supply had been a major challenge as the weather got colder.
31. In frontline communities in Government-controlled territory, regular attacks by Russian armed forces have significantly hindered the delivery of humanitarian aid. One local volunteer who delivers hot meals and food packages, hygiene items, and medical supplies to vulnerable groups in Kherson told OHCHR that he always tried to avoid gathering a large group of people out of fear that they would be targeted by shelling. OHCHR documented the destruction of several warehouses containing humanitarian aid in the reporting period, including an attack in Kherson city on 19 December 2023 that burned to the ground five warehouses used for storing humanitarian aid.
32. OHCHR also documented two drone attacks on humanitarian workers in Government-controlled territory. On 1 February 2024, a drone attack killed two and injured three aid workers in the Government-controlled town of Beryslav, Kherson region. One of the injured was from Ukraine, the others were foreigners. On 26 February 2024, a drone attacked the vehicle of a Ukrainian humanitarian organization as it was distributing assistance and evacuating civilians in Chasiv Yar, Donetsk region. Nobody was killed or injured in the attack, but the car was destroyed. In both cases, witnesses identified the weapon as first-person-view (FPV) drones, which are equipped with integrated cameras allowing the drone operators to see live feeds from the drone's perspective. This function should have allowed the drone operators to see the logos of the humanitarian organizations that were on the cars and clothes and therefore to not proceed with the attack.
33. Attacks have also killed and injured emergency workers and police officers in the course of duty, in both Government-controlled and occupied territory. OHCHR recorded six incidents where explosive weapons caused 19 such casualties (4 killed and 15 injured). The incidents occurred in areas near the frontline in Kherson, Donetsk and Sumy regions. In some cases, emergency service workers or police were killed by a second attack while attending to the consequences of an earlier attack. For instance, on 27 February, after police had arrived at the scene of a drone attack in Khotin, Sumy region, a second attack killed two police investigators (a woman and a man) and injured six police officers (five men and a woman). Emergency response workers and members of civilian police enjoy protected status as civilians under international humanitarian law.<sup>14</sup>
34. Medical facilities in frontline communities were also impacted. During an OHCHR visit to the Kherson Regional Hospital in December 2023, authorities confirmed that shelling had struck the hospital premises 19 times since Ukraine regained control over the area in November 2022, resulting in deaths and injuries to medical staff and patients, and significant damage to the hospital. In January 2024, shelling again struck the hospital, injuring at least one medical staff member and a passerby. A similar situation occurred in the village of Stanislav, Kherson region, where the local hospital, which had been damaged by several attacks in the past, was again damaged by an attack in January. In addition to damaging the building, the January attack damaged two ambulances parked on the hospital's territory.
35. The intense fighting led Ukrainian authorities to issue mandatory evacuation orders in several areas. For example, between 3 November and 15 December 2023, authorities evacuated 3,200 people, including 299 children from various areas in Kupiansk district, Kharkiv region. Local authorities nevertheless reported that, while some villages that used to have populations of thousands of people were virtually empty, there were still significant numbers of people in areas close to the frontline. For example, a local official told OHCHR that as of the end of January 2024, 7,500 civilians remained in Kupiansk, a town in Government-controlled territory that experienced near constant attacks with explosive weapons.
36. Frontline hostilities disproportionately affected older persons (over age 60). Although they represent 25 per cent of the population, older persons comprised 42 per cent of civilian casualties near the frontline in the

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<sup>14</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), art. 50; Customary International Humanitarian Law, ICRC, Rule 1.

reporting period.<sup>15</sup> A local volunteer who delivers humanitarian aid told OHCHR that in villages near Kherson city, it is largely only elderly people who have remained because they have nowhere else to go. A health care professional in Kherson noted that specialized institutions which provide care for older persons and persons with limited mobility are full and the number of older persons seeking in-patient treatment in healthcare facilities is rising.

## ATTACKS IN THE RUSSIAN FEDERATION

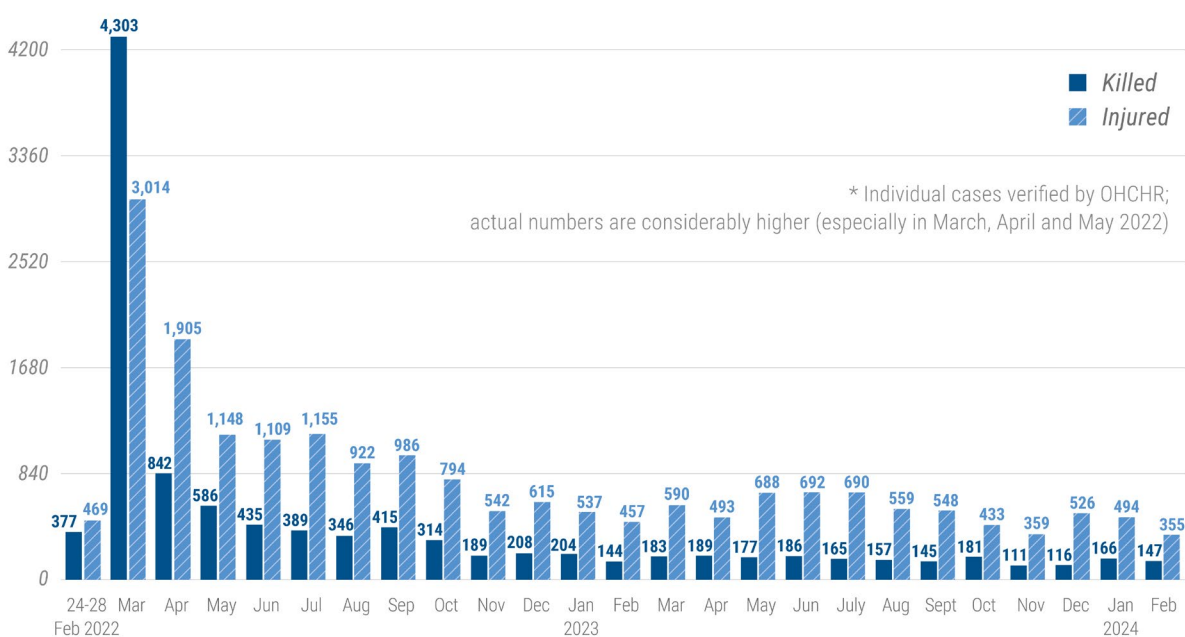
37. In the reporting period, Russian authorities reported that 42 civilians were killed and 186 injured in the Russian Federation from attacks launched by Ukrainian armed forces, including 25 killed and 109 injured in Belgorod on 30 December 2023. OHCHR has not yet been able to sufficiently verify these reports in line with its methodology for remote monitoring and standards of verification.<sup>16</sup>

## CIVILIAN HARM SINCE 24 FEBRUARY 2022 AND 2014

38. OHCHR has verified that conflict-related violence has killed at least 10,675 civilians (5,079 men, 3,124 women, 311 boys, 250 girls, as well 28 children and 1,883 civilians, whose sex is yet unknown) and injured 20,080 (6,634 men, 4,631 women, 595 boys, 425 girls, as well 291 children and 7,504 civilians, whose sex is yet unknown) since the full-scale armed attack by the Russian Federation on 24 February 2022. In that period, OHCHR has also documented that hostilities have damaged or destroyed 1,055 educational facilities and 444 medical facilities.

### CIVILIAN CASUALTIES SINCE 24 FEBRUARY 2022,\* BY MONTH

From 24 February 2022 to 29 February 2024



Creation Date: 15 March 2024 Source: OHCHR HRMMU

39. From 14 April 2014 to 29 February 2024, OHCHR recorded a total of 14,085 conflict-related civilian deaths (7,057 men, 4,313 women, 449 boys, 323 girls, and 1,915 adults and 28 children whose sex is not yet known).

<sup>15</sup> The percentage is calculated on the basis of records for which the age of the victims is known.

<sup>16</sup> Reported civilian casualties that OHCHR has not been able to verify are not included in the overall numbers of verified civilian casualties.

## IV. PRISONERS OF WAR

40. In the reporting period, OHCHR continued to have access to Russian POWs in Ukrainian captivity. While OHCHR did not have any access to Ukrainian POWs held in Russian captivity, it documented treatment and conditions in Russian captivity through interviews with former Ukrainian POWs who had been released.
41. On 24 January 2024, a Russian military plane crashed in Belgorod region in the Russian Federation. Russian authorities claimed that Ukrainian armed forces downed the plane, killing 65 Ukrainian POWs asserted to have been on it. Absent access, OHCHR has not been able to sufficiently establish the circumstances of the incident in accordance with its usual methodology. The incident and the extent of loss of life highlight the need for a thorough, impartial, and transparent investigation. Further, information on the identities of any POWs alleged to have been onboard should be promptly shared with Ukrainian authorities, and any available remains handed over to their families.

### UKRAINIAN POWS

#### Treatment and conditions

42. In the reporting period, OHCHR interviewed 60 Ukrainian POWs (all men) who had been recently released from Russian captivity during POW exchanges between Ukraine and the Russian Federation. Those interviewed spent between a few weeks and 22 months in captivity, and many were held in multiple facilities in both occupied territory and the Russian Federation.
43. The POWs provided credible and detailed accounts consistent with previous OHCHR conclusions that torture and ill-treatment of Ukrainian POWs in Russian internment is widespread and routine and that POWs are held in conditions that are not in line with IHL requirements.<sup>17</sup> In drawing these conclusions, OHCHR cross-checked multiple accounts of treatment and conditions in specific facilities, matched them against previously documented patterns, and corroborated them with direct observations of injuries and health conditions of victims during interviews, information from open sources, and other available documents.
44. Fifty-eight of the 60 POWs interviewed by OHCHR provided detailed accounts of how Russian servicemen or officials tortured or ill-treated them during their captivity. The most common methods of torture included beatings, electric shocks, threats of execution, mock executions, and positional torture. In one case, a Ukrainian POW described being captured by Russian armed forces in November 2023 in Zaporizhzhia region and brought to a shed in a private household, where three Russian servicemen interrogated and tortured him to extract information of a military nature. The perpetrators kicked him in the face and torso with such force that his ribs were broken, suffocated him with a plastic bag, and threatened to execute him and to cut off his ear while pressing a knife against it.
45. Those who spent more than a few weeks in captivity and were transferred to more established facilities also consistently recounted torture or ill-treatment in other situations, for example during violent “admission procedures,” everyday inspection of cells, and walks to the courtyard and shower. In these situations, guards often beat the POWs, used stun guns to give them electric shocks, forced them to stand for prolonged periods in stress and painful positions, or sometimes exposed them to cold by forcing them to walk naked and barefoot outside in the winter period. In several facilities, POWs were made every day to stand still in their cells for the entire day for certain periods of internment. The POWs who were subjected to this treatment described it as particularly exhausting, painful, and harmful, causing inflammation and swollen legs.
46. In many facilities, guards also forced POWs to learn and sing Russian patriotic songs and the national anthem of the Russian Federation, recite Russian poetry and propaganda materials, tell jokes, or imitate animal sounds. Several POWs reported the practice of being forbidden to use the toilet, except when given

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<sup>17</sup> See OHCHR findings in its report on *Treatment of Prisoners of War and Persons Hors de Combat in the Context of the Armed Attack by the Russian Federation against Ukraine: 24 February 2022 – 23 February 2023*, March 2023; see also Third Geneva Convention relative to the Treatment of Prisoners of War, 12 August 1949 (in particular arts. 12-30).

permission, often over a loudspeaker. POWs in some facilities also described a practice of sleep deprivation, so-called “counting”, during which each POW in a cell had to say out loud a number, in turn, all night long. Many also recounted loud music or noises blaring from loudspeakers for prolonged periods, including during the night.

47. Furthermore, 39 of the 60 POWs disclosed that they had been subjected to sexual violence during their internment, including attempted rape, threats of rape and castration, beatings or the administration of electric shocks to genitals, and repeated forced nudity, including during interrogations and to check for tattoos. For example, one POW told OHCHR that a Russian official attempted to rape him with a polyvinyl chloride pipe during an interrogation. Another said that Russian officials forced him to undress fully, applied electric shock to his testicles, and threatened to rape him with a police baton and to cut off his testicles.
48. Conditions were typically poor and, in some cases, amounted to torture. In many places of internment, the POWs received such limited quantity and poor quality of food that it often led to significant loss of weight and other physical problems. Twenty-six POWs reported that cells were often deliberately left cold during the winter period, leading to sickness and cold urticaria. There was limited access to medical assistance, and in some cases requests for medical assistance resulted in torture and ill-treatment, leaving POWs reluctant to seek necessary care. POWs also reported a lack of basic personal hygiene items such as toothpaste and toothbrushes. In one place, POWs did not receive dental hygiene items for 21 months. In five facilities, POWs reported the spread of tuberculosis as a result of poor internment conditions, lack of food, and overall deterioration of their health.
49. OHCHR documented the death of one POW in a place of internment as a result of torture, poor detention conditions, and inadequate medical attention. Interviewees also reported attempted suicides among POWs.
50. The POW accounts also indicate, however, that treatment and conditions improved in some periods, and that changes could sometimes happen overnight. Such improvements often took place in the context of visits by high-ranking officials, a change of guards (usually with the departure of special riot units), or simply after an order was given by the facility administration. In these periods, instances of torture decreased, access to food and medical attention improved, and POWs were given hygiene items and books. In some facilities, such improvements took place in May 2023, in others in September 2023. POWs also consistently said that conditions improved one to two months before they were exchanged.
51. Only eight of the interviewed POWs said that they had been visited by independent monitors. In six additional cases, POWs said that they were visited by people presented to them as independent monitors, however, the “monitors” did not follow standard operating procedures, such as conducting interviews in private, raising questions about their real affiliation and independence. While in some facilities, Russian prosecutors overseeing detention facilities made regular visits, POWs did not dare make any complaints due to warnings received from guards and an overall climate of fear.
52. While many of the POWs were held for lengthy periods and described treatment and conditions that took place before the reporting period, POWs who were captured more recently also consistently described torture, ill-treatment, and poor conditions during their captivity. Four POWs who were captured during the reporting period said that they were beaten or threatened with execution by firearms to force them to provide information about their own troops. All the POWs interviewed during the reporting period had been held for one to three weeks in basements of houses in unidentified locations in the occupied territory. They suffered from a lack of food, no daylight or artificial light in the cellar, lack of hygiene, and cold and wet conditions (especially during rainy days).
53. Torture, ill-treatment, poor conditions of internment, and lack of access to medical assistance severely impacted the physical and mental health of many of the POWs, with some of the consequences likely to be long-lasting. POWs reported suffering from concussions from beatings, chronic myalgia, issues with the digestive system, kidney and liver functioning, visual impairment, joint or spine traumas requiring surgical interventions, oral and dental diseases, and asthenia. All the POWs lost significant weight during their internment, with some losing nearly half of their body weight. During the interviews, OHCHR observed that many POWs still had visibly swollen legs or other physical injuries. Most of the interviewees also reported

suffering from psychosocial conditions, including post-traumatic stress disorder, adjustment disorders, sleep disorders, and depression.

### Summary executions and use of POWs as human shields

54. In the reporting period, OHCHR recorded 12 cases of executions of at least 32 captured Ukrainian POWs. OHCHR has verified three of these incidents in which Russian servicemen executed seven Ukrainian servicemen hors de combat.
55. In eight of the reported cases, videos published on social media showed what appears to be Russian servicemen killing Ukrainian POWs who had laid down their weapons and using other captured Ukrainian POWs as human shields. As of 29 February 2024, OHCHR had obtained corroborating information for one of the videos. In that video, what appears to be a group of armed Russian soldiers stands 15-20 meters behind three Ukrainian servicemen who are kneeling with their hands behind their heads. After a few seconds, smoke appears from the Russian soldiers' weapons and the Ukrainian servicemen fall to the ground. One of the armed soldiers then approaches the bodies and shoots at one of the soldiers lying on the ground. A recently released Ukrainian POW confirmed to OHCHR that the incident took place near the village of Robotyne, Zaporizhzhia region, in December 2023 and that the servicemen killed were from his unit.
56. In another case, three male Ukrainian POWs captured by Russian armed forces were executed at the beginning of January 2024 in Zaporizhzhia region. According to a witness, two Ukrainian soldiers were executed on the spot after their surrender. The witness also saw Russian servicemen kill a third Ukrainian POW who had been injured by a mine while being forced by the Russian servicemen to conduct demining work.<sup>18</sup>
57. In yet another incident, two Ukrainian servicemen were captured on 18 December 2023 near the village of Robotyne in Zaporizhzhia region. They were interrogated overnight in the basement of a building. According to a witness, a Russian serviceman shot one of the Ukrainian POWs in the leg, allegedly for not speaking clearly. Soon after, the same serviceman shot the POW twice in the back, killing him.

### Right to fair trial

58. During the reporting period, Russian-appointed courts in occupied territory and in the Russian Federation convicted at least 76 Ukrainian POWs for various crimes and sentenced them to between 12 years and life in prison. For example, on 7 February 2024, a Russian-appointed court in Donetsk region convicted 33 male Ukrainian POWs on charges of indiscriminate shelling whilst defending Mariupol city, which killed one civilian, injured another, and damaged property.<sup>19</sup> This represented the largest mass conviction of POWs in occupied territory documented by OHCHR. Sentences imposed ranged from 27 to 29 years imprisonment. As of 29 February 2024, OHCHR was aware of at least 42 other Ukrainian POWs being prosecuted or tried on various charges by Russian authorities. Convictions in such trials widely relied on confessions and testimonies reportedly obtained under torture or ill-treatment. Thirty-one out of 60 POWs OHCHR interviewed provided consistent accounts of being tortured in captivity to force them to confess to war crimes or to testify against other Ukrainian servicemen. They also told OHCHR that they saw signs of torture or ill-treatment on their cellmates after interrogations.<sup>20</sup>

### Right to communication

59. Most of the interviewed Ukrainian POWs said that they had been able to communicate in writing with their families at some point during their internment. The correspondence allowed by Russian authorities, however, did not fully comply with the requirements of IHL. While IHL provides that POWs should have the opportunity to inform their families and a neutral tracing agency immediately upon capture, families of the interviewed

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<sup>18</sup> Art. 52 of the Third Geneva Convention specifically prohibits the Detaining Power to employ POWs to remove mines.

<sup>19</sup> Statement by the Investigative Committee of the Russian Federation, through their official Telegram channel, 1 February 2023.

<sup>20</sup> See OHCHR, *Treatment of prisoners and persons hors de combat*, paras. 82-85.; OHCHR, *Report on the human rights situation in Ukraine, 1 August to 30 November 2023*, paras. 68-70.



POWs did not receive capture cards.<sup>21</sup> In cases where POWs were allowed to send letters, relatives usually received their correspondence only after a significant delay (five or six months), if at all. Seven interviewed POWs told OHCHR that their relatives did not receive any of the letters they had sent from captivity.

60. Under IHL, POWs shall also be able to exchange correspondence with their families on a regular basis.<sup>22</sup> The POWs interviewed by OHCHR said, however, that they had been able to send and receive only between one and three letters during their internment, which for many lasted nearly two years.
61. POWs were also often not allowed to share relevant information in their correspondence, including their address and state of health, which according to IHL should be transmitted immediately after capture.<sup>23</sup> POWs said that guards either provided them with template letters, threatened them with violence if they included any concrete information in their letters, or warned that letters containing any type of concrete information would not be delivered. In one case, a POW said that he wrote a goodbye message to his wife, saying that if she did not see him again, he would have died in Russian captivity. His wife, however, received a letter saying that he was in Russian captivity and that he was being treated well. The letter was signed with the name of her husband but had been written by someone else.
62. Most of the POWs described the lack of communication with relatives, isolation from the rest of the world, and being subjected to misinformation about the current situation (or events) in Ukraine from the guards<sup>24</sup> as one of the hardest aspects of their captivity, contributing to a pervasive feeling of depression and hopelessness.

## RUSSIAN POWS

### Treatment and conditions

63. During the reporting period, the Government of Ukraine continued to grant OHCHR full access to official internment facilities where Russian POWs were held. OHCHR interviewed 44 Russian POWs (all men) in places of internment in Dnipro, Kharkiv, Lviv, Mykolaiv, Sumy, Vinnytsia and Zaporizhzhia regions.
64. While these Russian POWs did not make any allegations of torture occurring at these facilities, they provided credible accounts of torture or ill-treatment in transit places after their immediate evacuation from the battlefield. Eight POWs reported being held in unidentified basements of private buildings, most likely located in Kharkiv region, for periods ranging from days to one and a half months. Thirteen POWs reported that during interrogations, POWs were punched and beaten with wooden mallets and sticks; subjected to electric shocks (using military field telephones or other electrical devices) and mock executions; and in two cases, threatened with sexual violence. Additionally, seven Russian POWs reported that they were beaten at checkpoints on the way from transit places of internment to a civilian hospital in Kharkiv.
65. On 15 February 2024, OHCHR visited a newly established POW camp, “Zakhid-2” in Vinnytsia region that started to intern Russian POWs in late November 2023. OHCHR recognizes the efforts of the Government of Ukraine to provide conditions of internment of POWs in line with IHL, including the introduction of three-minute phone calls to families and plans to increase work opportunities for POWs.
66. In August 2023, Ukrainian authorities decided to establish mixed medical commissions for examining sick and wounded Russian POWs and recommending their repatriation or treatment in a neutral country. The Russian Federation was requested to endorse the proposed composition of the commission. The Ukrainian authorities informed OHCHR that the Russian Federation had not responded favourably to the proposed

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<sup>21</sup> See Article 70, Third Geneva Convention relative to the Treatment of Prisoners of War, Geneva, 12 August 1949.

<sup>22</sup> IHL stipulates that POWs “shall be allowed to send and receive letters and cards. If the Detaining Power deems it necessary to limit the number of letters and cards sent by each prisoner of war, the said number shall not be less than two letters and four cards monthly, exclusive of the capture cards provided for in Article 70”. See Article 71 – Correspondence, Geneva Convention (III) relative to the Treatment of Prisoners of War, Geneva, 12 August 1949.

<sup>23</sup> Article 70, Third Geneva Convention relative to the Treatment of Prisoners of War, Geneva, 12 August 1949.

<sup>24</sup> POWs reported that the guards frequently tormented them by claiming that Ukraine had lost the war or that the Government of Ukraine had refused to accept them back.

composition of the Mixed Medical Commission.<sup>25</sup> Parties to the conflict should not arbitrarily withhold their approval of the appointment of neutral members of mixed medical commissions.<sup>26</sup> It is not known that the Russian Federation has taken any steps to form a mixed medical commission to examine sick and wounded Ukrainian POWs.

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<sup>25</sup> OHCHR correspondence with Coordination Headquarters for the Treatment of Prisoners of War established by the Cabinet of Minister of the Government of Ukraine, 21 March 2024.

<sup>26</sup> ICRC, Commentary of 2020; Third Geneva Convention, art. 112.

## V. HUMAN RIGHTS SITUATION IN OCCUPIED TERRITORY

67. OHCHR continued its monitoring of the human rights situation in the territory occupied by the Russian Federation, in accordance with its usual methodology. Verification of violations in occupied territory, where possible, was often delayed because of multiple challenges: the Russian Federation has not granted OHCHR access for independent monitoring; individuals face difficulty in moving from occupied territory to territory controlled by Ukraine due to the absence of crossing points; the vast distances that must be travelled through the Russian Federation and numerous internal checkpoints in occupied territory; and many people are hesitant to share accounts via telephone or electronic messaging services, out of concern that conversations may be overheard or intercepted. Despite these challenges, OHCHR gathered, verified and analysed sufficient information to conclude there are reasonable grounds to believe that the findings of the report occurred as described.

### VIIOLATIONS OF OBLIGATIONS AS OCCUPYING POWER

#### Imposition of Russian legal and administrative systems

68. Under IHL, the occupying Power is responsible for restoring and ensuring, as far as possible, ordinary life, public order, and safety, and has a duty to respect, unless absolutely prevented, the laws in force in the country.<sup>27</sup> The occupying Power may not alter the status of public officials or judges,<sup>28</sup> and the penal laws of the occupied territory shall remain in force, unless they constitute a threat to security or an obstacle to the application of the Fourth Geneva Convention.<sup>29</sup> In the reporting period, however, Russian authorities continued to impose Russian legal and administrative systems in the occupied territory in violation of IHL.
69. Following an announcement by the Supreme Court of the Russian Federation in September 2023, Russian courts started operating in occupied territory and many judges from the Russian Federation were appointed there.<sup>30</sup> On 5 December 2023, Russian authorities announced that they had appointed 436 federal judges in the occupied territory of Ukraine since 27 September 2023. Another 14 were appointed in the occupied areas of Donetsk, Zaporizhzhia and Kherson regions on 4 January 2024.<sup>31</sup> Most of the judges were citizens of the Russian Federation who had previously served in various posts in the Russian Federation.
70. In the reporting period, this resulted in the prosecution of residents for activities that are legal in Ukraine, involve the legitimate exercise of rights, and do not appear to pose any objective security threat to the occupying Power. In one case, the Russian Investigative Committee announced in December 2023 that it had arrested a 58-year-old man in the occupied territory of Kherson region, and charged him with membership in an armed group against the interests of the Russian Federation. According to the official statement, in 2016 the man participated in construction work near the administrative boundary line with Crimea and in a 'civil blockade' of transport and goods to the peninsula.<sup>32</sup>
71. Russian courts in occupied territory continued to requalify past convictions of residents of occupied territory under the Russian Criminal Code, including those of Dmytro Shabanov and Maksym Petrov, two Ukrainian staff members of the Organization for Security and Co-operation in Europe (OSCE). Both men were sentenced for "state treason" in 2022 under the criminal code of the self-proclaimed 'Luhansk people's

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<sup>27</sup> 1907 Hague Regulations, art. 43; Fourth Geneva Convention, art. 64.

<sup>28</sup> Fourth Geneva Convention, art. 54.

<sup>29</sup> Fourth Geneva Convention, art. 64.

<sup>30</sup> OHCHR, *Report on the Human Rights Situation in Ukraine: 1 August to 30 November 2023, December 2023*, paras. 41 and 42.

<sup>31</sup> Russian Federation, Presidential Decree of 4 January 2024 No. 13, 'On the Appointment of Judges of Federal Courts and Representatives of the President of the Russian Federation in the Qualification Collegiums of Judges of the Constituent Entities of the Russian Federation', at [publication.pravo.gov.ru/document/0001202401040004](https://publication.pravo.gov.ru/document/0001202401040004) (last consulted on 15 March 2024).

<sup>32</sup> Crimean Tatar and Ukrainian activists imposed a 'civil blockade' from 20 September 2015 to 17 January 2016 to call attention to human rights violations in Crimea, including persecution of Crimean Tatars, and to request an international monitoring presence on the peninsula. For details see OHCHR, *Report on the human rights situation in Ukraine: 16 August to 15 November 2015*, paras. 144-146.

republic'. The criminal charge against them was requalified in December 2023 to "espionage", but their sentences of 13 years in prison remained unchanged. Vadym Golda, a third Ukrainian OSCE staff member in Donetsk region, was awaiting trial also on "espionage" charges as of 29 February 2024.

72. The Russian Federation also violated its obligation as an occupying Power to respect the laws and institutions in place by imposing the Russian educational system and curriculum.<sup>33</sup> Further, the imposed Russian curriculum failed to comply with IHRL standards requiring education to be culturally appropriate<sup>34</sup> and respect the child's own cultural identity, language and values.<sup>35</sup> On 15 January 2024, the head of the Ministry of Enlightenment of the Russian Federation said in an official statement that the total integration of occupied territory into the Russian education system would take place within the next two years.<sup>36</sup>

### Compelling inhabitants to swear allegiance

73. Russian occupying authorities have pressured residents of occupied territory to obtain citizenship and passports of the Russian Federation, both directly through threats and intimidation and indirectly through restricting access to basic services to Russian passport holders, inconsistent with the provision of IHL which prohibits an occupying Power to compel the inhabitants of an occupied territory to swear allegiance.<sup>37</sup> OHCHR interviewed dozens of residents of occupied territory who recounted the challenges that people without a Russian passport face in occupied territory. They described how Russian security forces subjected people without Russian passports to intense scrutiny, including prolonged questioning, threats and pressure to self-incriminate, at border crossings or at checkpoints inside occupied territory. One parent reported that the local school administrator had told her to obtain Russian documents for her children. Otherwise, her children would be deported as 'foreigners'.
74. Some of those interviewed also described restrictions on access to public services, healthcare, and employment for people without a Russian passport. In one case, two people said they had applied for a Russian passport in order to register their property, which would not have been possible otherwise.
75. On 4 January 2024, a Presidential decree of the Russian Federation defined the categories of persons who could apply for Russian citizenship under a simplified procedure.<sup>38</sup> Essentially, this law allows guardians, caretakers, and heads of children's institutions (for example, orphanages) to apply for Russian citizenship on behalf of children in their care. The imposition of Russian citizenship on Ukrainian children would violate article 50 of the Fourth Geneva Convention, which prohibits changing their personal status and requires the occupying Power to take all necessary steps to facilitate the identification of children and the registration of their parentage.
76. Russian occupying authorities also enlisted children in Russian youth movements that support and promote official narratives in the Russian Federation about the armed attack in Ukraine. Activities often included lessons on the topics of "love for the Motherland", conversations with participants in the "special military operation" and classes on gun assembly. Trips and excursions were organized to sites of historical importance for the Russian Federation. In one instance, students were invited to hold "patriotic conversations" and "exchange experiences" with Russian law enforcement officials in Moscow.

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<sup>33</sup> Fourth Geneva Convention, art. 50.

<sup>34</sup> CESCR General comment 21 on "Right of everyone to take part in cultural life", para. 26, and General comment 13 on "Right to education", para. 6.

<sup>35</sup> Convention on the Rights of the Child, art. 29; CRC General comment 1 on "the aims of education", para. 4; CESCR General comment 21 on "right of everyone to take part in cultural life", para. 15; CRC General comment 1, para. 9.

<sup>36</sup> Ministry of Enlightenment of the Russian Federation, "It is planned to integrate the new regions into the Russian education system within two years", official communication, 15 janvier 2024, at <https://edu.gov.ru/press/8036/integraciyu-novyh-regionov-v-rossiyskuyu-sistemu-obrazovaniya-planiruetsya-osuschestvit-v-techenie-dvuh-let/> (last consulted on 15 March 2024).

<sup>37</sup> Hague Convention (IV) respecting the Laws and Customs of War on Land, art. 45.

<sup>38</sup> Russian Federation, Presidential Decree No. 11 of 4 January 2024 'On Determining Certain Categories of Foreign Citizens and Stateless Persons Having the Right to Apply for Russian Citizenship', at <http://publication.pravo.gov.ru/document/0001202401040003> (last consulted on 21 February 2024).

## Forced conscription

77. IHL provides that the occupying Power may not compel persons living in occupied territory to serve in its armed or auxiliary forces, nor may it use pressure or propaganda to secure their voluntary enlistment.<sup>39</sup> Compelling a protected person to serve in the armed forces of the occupying Power constitutes a grave breach of the Geneva Conventions.<sup>40</sup>
78. Pressure to obtain Russian citizenship, as described above, carried serious implications for young men in occupied territory. According to Russian legislation, men who hold Russian passports are required to have a stamp from their respective military commissioner's offices regarding their eligibility to serve in the Russian armed forces. This meant that men who had obtained a Russian passport, in the wider context of duress and financial pressure documented in occupied territory,<sup>41</sup> were obliged to visit a military enlistment office to assess their eligibility for serving in the Russian armed forces, which placed them in turn at risk of being conscripted. OHCHR also documented numerous posters, ads, billboards, and leaflets strongly urging men to join the Russian armed forces, as well as intense propaganda campaigns on popular social media platforms.
79. OHCHR continued documenting pressure on men in the occupied areas of Donetsk and Luhansk regions to enlist in the Russian armed forces and to sign contracts with the Ministry of Defense of the Russian Federation. A woman told OHCHR that Russian soldiers arrested her husband after checking his documents at a checkpoint and discovering that he had not served in the army. He was arbitrarily detained at the local military commissioner's office for several days together with other men in a similar situation and then sent to the frontline. His wife wrote complaints to the local Russian-appointed occupation authorities about his forced conscription, which led to his release. However, she expressed fears that her husband might be included on wanted lists, and that he felt compelled to restrict his movements. Relatives of three other men who had previously been forcibly conscripted into the armed groups of the 'Donetsk people's republic', but who had refused to sign contracts after their absorption into the Russian armed forces in January 2023, told OHCHR that Russian authorities had started criminal investigations for desertion against the men and declared them wanted.

## Transfers and deportations

80. During the reporting period, individuals continued to suffer the consequences of deportation from occupied territory of Ukraine to the Russian Federation, including facing significant obstacles in obtaining documents that would allow them to return to Ukraine. Seventeen Ukrainian citizens, who were serving prison sentences in Kherson region before Russian occupation authorities deported them to the Russian Federation, spent between 17 and 70 days at the border between the Russian Federation and Georgia because they lacked valid international travel documents for entry into Georgia. They were eventually allowed into Georgia. As of 29 February 2024, four persons remained at the border between the Russian Federation and Georgia, waiting for confirmation of their identity by the Ukrainian authorities.

## KILLING OF CIVILIANS

81. OHCHR received credible allegations of the summary executions of 10 civilians (6 men and 4 women) in 7 incidents in the reporting period. Almost all of the incidents in the reporting period took place in settlements in the Kherson region, such as Oleshky. While OHCHR has previously verified the summary execution of several civilians in Kherson region, these recent cases require further verification.<sup>42</sup>

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<sup>39</sup> Fourth Geneva Convention, art. 51; 1907 Hague Regulations, art. 52.

<sup>40</sup> Fourth Geneva Convention, art. 147.

<sup>41</sup> OHCHR, *Report on Human rights situation during the Russian occupation of territory of Ukraine and its Aftermath*, March 2024.

<sup>42</sup> *Ibid*, para. 48; and OHCHR, *Report on the Human Rights Situation in Ukraine: 1 August to 30 November 2023*, December 2023, para 46.

## ARBITRARY DETENTION OF CIVILIANS AND DEATH IN CUSTODY

82. During the reporting period, OHCHR documented 66 cases of arbitrary detention of civilians (55 men, 10 women, 1 boy) by Russian authorities in occupied territory, some of which may amount to enforced disappearances. For example, in late 2023, local police arrested three residents of a village in Kherson region without providing reasons for their arrest. Defence lawyers declined to take the case in the absence of information on the charges. Relatives were allowed to bring parcels for their loved ones to the local military administration office where they were held until early 2024 when they were told that the detainees had been “taken away”. The whereabouts of the three men remained unknown as of 29 February 2024, despite efforts of their relatives to obtain information.
83. In line with previously documented patterns, most of the former civilian detainees interviewed by OHCHR reported torture, ill-treatment, or sexual violence against men and women.
84. OHCHR also documented one apparent death in custody in occupied territory that occurred in the reporting period. In the occupied territory of Kherson region, a priest of the Orthodox Church of Ukraine (OCU) was apprehended by three armed men in military uniform at his home in mid-February 2024. Two days later, his wife was called to identify his body in the morgue. The family had no information about his status and whereabouts until then.

## RESTRICTIONS ON FREEDOM OF EXPRESSION

85. Dozens of people interviewed by OHCHR in the reporting period, who were either in occupied territory or had just left it, described a persistent climate of fear that made people reluctant to speak about the human rights situation there.
86. The restrictions on freedom of expression have been particularly systematic in Crimea where occupation authorities have long used the legal system to stifle freedom of expression.<sup>43</sup> According to publicly accessible court records, since March 2022 courts in Crimea have convicted 625 people (380 men and 245 women) for the administrative offence of “discrediting the Russian armed forces”,<sup>44</sup> and 84 people (54 men and 30 women) for “displaying Nazi symbols or showing disrespect for the Russian state”.<sup>45</sup> OHCHR found that in 70 per cent of the cases related to charges of “displaying Nazi symbols”, individuals were prosecuted for expressing pro-Ukrainian opinions or displaying Ukrainian symbols, such as posting on social media pictures with the Ukrainian State emblem or singing Ukrainian songs. In addition, seven people have received prison sentences for violations of similar articles in the Criminal Code.<sup>46</sup> One hundred and five of these convictions occurred during the reporting period, similar to the previous three months (when 106 individuals were convicted of such offences).
87. Additionally, in February 2024, the Centre for Combatting Extremism of the Ministry of Internal Affairs of the Russian Federation prosecuted two prominent Crimean Tatar human rights defenders in Crimea for “abuse of freedom of the media”<sup>47</sup> based on their social media posts.<sup>48</sup> This not only infringed on the right to freedom of expression and opinion, but may also have a chilling effect on work by lawyers and human rights defenders.

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<sup>43</sup> OHCHR, *Ten Years of Occupation by the Russian Federation: Human Rights in the Autonomous Republic of Crimea and city of Sevastopol, Ukraine*, 28 February 2024, paras 2, 23, 26 and 37.

<sup>44</sup> Russian Federation, Code of Administrative Offenses, art. 20.3.3.; Russian Federation, Criminal Code, art. 207.3 and art. 280.3.

<sup>45</sup> Russian Federation, Code of Administrative Offenses, art. 20.3 (1) “Propaganda or public display of Nazi paraphernalia or symbols, or paraphernalia or symbols of extremist organizations, or other paraphernalia or symbols, the propaganda or public display of which is prohibited by federal laws” and art. 20.1 (3).

<sup>46</sup> Russian Federation, Criminal Code, art. 207.3 and art. 280.3.

<sup>47</sup> Russian Federation, Code of Administrative Offenses, art. 13.15.

<sup>48</sup> The first human rights defender had written on a Telegram channel about the conscription policy of the occupying authorities in Crimea, including that they had been drafting into the army students with deferments from conscription. The second human rights defender had mentioned the organization *Hizb ut-Tahrir* without specifying that the organization is a prohibited under Russian law, and the media outlet “Radio Liberty” without specifying it is a “foreign agent” media.

88. While court records are not accessible in respect of occupied territory outside Crimea, media articles and statements by Russian law enforcement agencies show that authorities in territory that has been occupied since February 2022 have also started using the administrative code to restrict freedom of expression.<sup>49</sup>

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<sup>49</sup> For example, part 1 of art. 20.3 of the Russian Code of Administrative Offences.

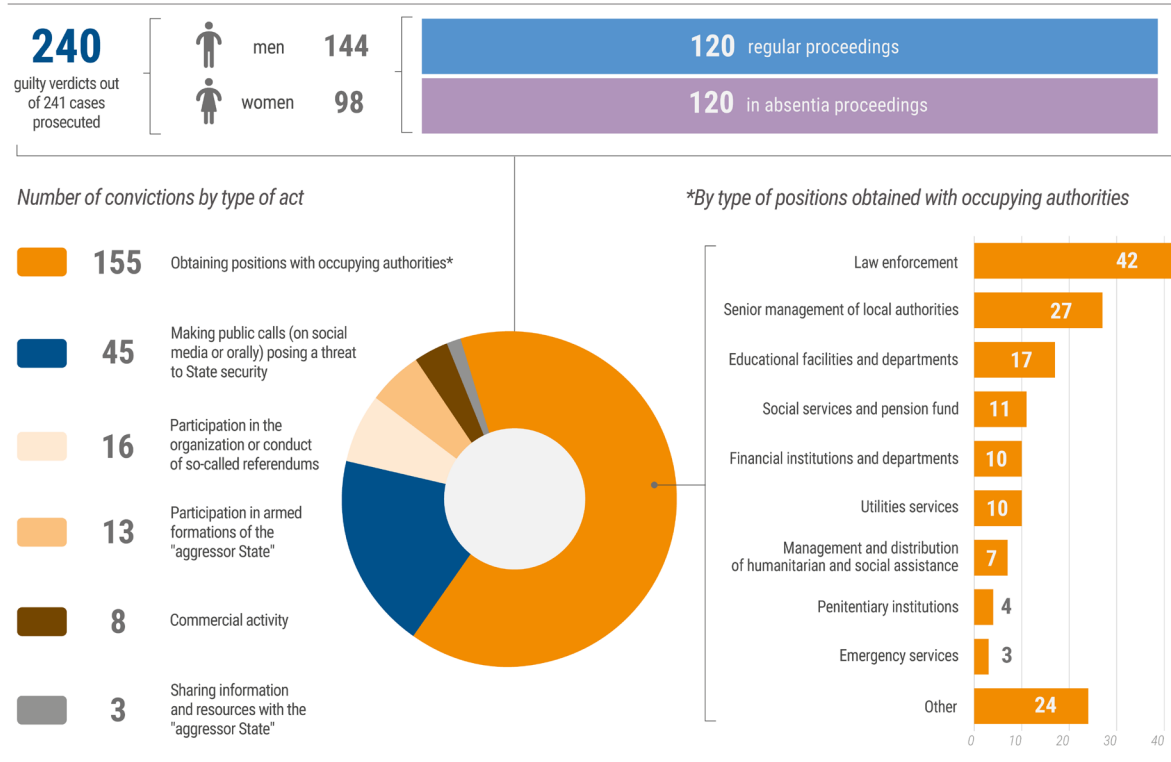
## VI. ADMINISTRATION OF JUSTICE

### PROSECUTIONS FOR "COLLABORATION ACTIVITIES" BY UKRAINIAN AUTHORITIES

89. As of 29 February 2024, the Office of the Prosecutor General of Ukraine had initiated 7,439 criminal cases related to charges of "collaboration activities",<sup>50</sup> including 767 that were opened during the reporting period. Courts rendered verdicts in 241 cases (against 145 men and 98 women),<sup>51</sup> bringing the total to 1 168 verdicts thus far. In the reporting period, only one of the 241 cases heard by courts resulted in an acquittal. In most cases, individuals received sanctions of imprisonment ranging from 1 to 15 years combined with a ban on holding certain positions.

#### GUILTY VERDICTS IN CASES OF "COLLABORATION ACTIVITIES" (ART. 111-1 OF THE CRIMINAL CODE OF UKRAINE)

From 1 December 2023 to 29 February 2024



Creation Date: 15 March 2024 Source: OHCHR HRMMU

90. While it is essential to address serious violations that occurred in occupied territory and to hold those responsible accountable, OHCHR analysis of verdicts rendered during the reporting period found that Ukrainian authorities continued to convict individuals for activities that can be lawfully compelled by the occupying Power, including, for example, activities related to the distribution of assistance to people in need. OHCHR has assessed that 10 per cent of the 241 verdicts analysed fall into this category.
91. Applying a definition of collaboration that includes conduct that can be lawfully required by the occupying Power is not only inconsistent with IHL, but also risks exacerbating social divisions, making it more difficult to rebuild functioning communities in the areas that were under occupation.<sup>52</sup>

<sup>50</sup> On 3 March 2022, the Verkhovna Rada, the Parliament of Ukraine, amended the Criminal Code of Ukraine by introducing article 111-1 on "collaboration activities". The law defines the offence of collaboration in broad terms and with imprecise language, causing uncertainty for individuals residing in occupied territory about how to regulate their conduct to avoid liability under the law.

<sup>51</sup> One case included three male defendants.

<sup>52</sup> On 3 March 2022, the Parliament of Ukraine adopted Law No. 2108-IX "On amending several legal acts of Ukraine with regard to the introduction of criminal liability for collaboration activities". Analysis of this law is available in OHCHR, *Report on the Human Rights Situation in Ukraine, 1 August 2022 – 31 January 2023*, March 2023, paras. 119-122.



## DEATHS IN CUSTODY

92. On 11 January 2024, a foreign blogger detained by the Ukrainian authorities for “justifying the armed attack by the Russian Federation against Ukraine” died in detention. He had been transported a week earlier in critical condition from the detention facility to a hospital, where he passed away. A forensic examination reportedly established the causes of death as acute pulmonary and cardiac insufficiency, double pneumonia, bilateral hydrothorax, and dilated cardiomyopathy. In a handwritten note to his father written at some point after 22 December 2023, the blogger had complained that his health problems had started in mid-October but were being ignored by the prison authorities. Ukrainian authorities have opened a criminal investigation into his death.

## VII. FREEDOM OF RELIGION AND BELIEF

93. Clergymen and parishioners of the Ukrainian Orthodox Church (UOC)<sup>53</sup> continued to experience intimidation during the reporting period. OHCHR recorded six cases across five regions where groups of people forcefully broke into UOC churches, justifying their actions with decisions from local authorities to register new religious communities of the Orthodox Church of Ukraine (OCU) at the same address as existing UOC communities.
94. On 28 December 2023, a group of persons attacked the Kazan temple in Ladyzhyn, Vinnytsia region, with at least two individuals involved in this attack claiming to be active servicemen of Ukrainian armed forces. Police officers present at the site did not intervene. Subsequently, on 9 January 2024, a group of about 30 individuals wearing camouflage uniforms without insignia used two heavy construction vehicles to break the gates and fence of the temple and forced their way into the UOC church. They beat the clergyman and two male parishioners, all of whom suffered minor injuries. At least nine individuals were physically attacked during the two incidents. Only two victims submitted complaints to police, one of which was later withdrawn. Most victims said they did not submit complaints because they feared retaliation, such as threats from their neighbours or dismissal from their jobs.
95. OHCHR previously reported a similar case in Cherkasy city, Cherkasy region, on 20 November 2023.<sup>54</sup> In that case, multiple victims and witnesses interviewed by OHCHR identified one of the attackers as a member of the Ukrainian armed forces. Ukrainian authorities have since opened criminal cases into the Cherkasy and the Ladyzhyn cases.

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<sup>53</sup> The UOC, often informally referred to as “Moscow Patriarchate” because of its historical alignment with it, is one of the largest Orthodox Christian religious organizations currently active in Ukraine. In 2022, leaders of the UOC criticized the actions of the Russian Federation and formally cut organizational ties with the Russian Orthodox Church.

<sup>54</sup> See OHCHR, *Report on the human rights situation in Ukraine, 1 August to 30 November 2023*, para. 89.

## VIII. LEGAL DEVELOPMENTS

### LAW ON MINORITIES

96. On 8 December 2023, the Parliament of Ukraine adopted a law amending several legislative acts concerning the rights of national minorities.<sup>55</sup> The law implements a number of recommendations made by OHCHR and by the Venice Commission<sup>56</sup> in its June 2023 opinion and October 2023 follow-up opinion.<sup>57</sup> In particular, the law improves the linguistic rights of minorities who use languages of the European Union (EU) in education (both secondary and higher education), advertising, election campaigns, public or artistic events, bookstores, publishing and media. Moreover, the law repealed one discriminatory provision which provided that certain rights<sup>58</sup> did not apply to the official language of State recognized by the Verkhovna Rada of Ukraine as an “aggressor state or an occupying state” for five years after the end of martial law.<sup>59</sup>
97. While the law is a significant step forward in improving the rights of national minorities, it maintains a discriminatory differential treatment between, on the one hand, national minorities speaking an official language of the EU, and on the other hand, national minorities whose languages are not official languages of the EU, such as Russian, Armenian or Romani. Although the first category of national minorities saw their rights broadened, as described above, national minorities whose language is not an EU language will not be able to enjoy the same rights. Furthermore, the law did not repeal another discriminatory provision of the Law “On National Minorities (Communities) of Ukraine”, which provides that, for the duration of martial law, as well as for six months after its end or revocation, several rights, and notably the right to peaceful assembly, of national minorities who “identify their affiliation by ethnic origin” with an “aggressor state” shall be temporarily suspended.

### LAW ON CITIZENSHIP

98. On 22 January 2024, a draft law regulating procedures for the acquisition and loss of citizenship was registered in the Parliament.<sup>60</sup> The draft law provides for the possibility of being stripped of Ukrainian citizenship in case of voluntary acquisition of the citizenship of an “aggressor state”. It defines “voluntary acquisition” as any acquisition of citizenship whereby a person submits a request or petition to acquire the citizenship of another State. The draft law states that the “forced automatic acquisition” of Russian citizenship by Ukrainians living in occupied territory does not constitute a ground for the loss of Ukrainian citizenship. Russian citizenship was automatically imposed on all residents only in the context of Crimea, however, so this exception is applicable only there.<sup>61</sup>
99. As previously documented by OHCHR, many people in occupied territory acquired Russian citizenship under duress from the occupation authorities or their employers, or because of financial pressure or fear. Such acquisition of citizenship should not be considered “voluntary acquisition”. As the current draft law does not take into account the circumstances under which residents of occupied territory acquired a Russian passport, it may result in people being unjustly stripped of their Ukrainian citizenship.

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<sup>55</sup> Law of Ukraine ‘On Amendments to Certain Laws of Ukraine on Taking into Account the Expert Assessment of the Council of Europe and its Bodies on the Rights of National Minorities (Communities) in Certain Areas’ (Reg. No 10288-1).

<sup>56</sup> The European Commission for Democracy through Law, known as the Venice Commission, is the Council of Europe’s advisory body on constitutional matters. It provides legal advice to its member states in bringing their legal and institutional structures into line with European standards and international experience in the fields of democracy, human rights and the rule of law.

<sup>57</sup> Opinion on the Law on national minorities (communities), adopted by the Venice Commission at its 135th Plenary Session (Venice, 9-10 June 2023); Follow-up opinion to the opinion on the law on national minorities (communities) (draft law #9610), adopted by the Venice Commission at its 136th Plenary Session (Venice, 6-7 October 2023).

<sup>58</sup> Such as the right to holding public and cultural events.

<sup>59</sup> The Law of Ukraine ‘On Amendments to Certain Laws of Ukraine on Taking into Account the Expert Assessment of the Council of Europe and its Bodies on the Rights of National Minorities (Communities) in Certain Areas’ (Reg. No 10288-1) repealed paragraph 3(2) of the transitional provisions of the law ‘On National Minorities (Communities) of Ukraine’.

<sup>60</sup> Ukraine, draft law No 10425 ‘On certain issues in the migration sphere concerning the grounds and procedures of acquisition and loss of citizenship’, at <https://itd.rada.gov.ua/billInfo/Bills/Card/43564> (last consulted on 18 March 2024).

<sup>61</sup> OHCHR *Report on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)*, 2017, paras. 55-57.

## IX. ACCOUNTABILITY

100. OHCHR continued to verify violations that occurred before the reporting period. These cases provide further confirmation of previously established patterns and highlight the need for proper investigations and accountability.

### RUSSIAN FEDERATION

101. This and previous OHCHR reports describe a wide range of documented violations committed by Russian authorities in areas under their control or occupation since 24 February 2022. These violations included *inter alia* killings of civilians, including the summary execution of 155 civilians (128 men, 22 women, 3 boys and 2 girls),<sup>62</sup> widespread torture and ill-treatment, including sexual violence, of civilians during arbitrary detention,<sup>63</sup> violations against Ukrainian POWs and persons *hors de combat*, including the summary execution or torture to death of at least 29 of them,<sup>64</sup> and conflict-related sexual violence in residential areas. OHCHR is not aware of any systematic efforts by the Russian authorities to investigate these violations, however some steps have been taken in individual cases. Russian authorities launched investigations into several recent cases of alleged killings of civilians in occupied territory, including into the killing of three civilians in Kreminna, Luhansk region, on 26 January 2024, and declared two Russian servicemen wanted in connection with it.
102. OHCHR is further aware of at least one investigation into the alleged use of torture. In October 2023, a Russian court ordered an investigation into allegations of torture of one military and four civilian defendants, who were detained in Melitopol in April 2022. In November 2023, the judge found that the investigation had been unsatisfactory and ordered additional investigatory steps. Since then, and most recently in February 2024, Russian investigative authorities have indicated to the court only that the case has been transferred internally to various investigative units, however without any additional substantive information. However, in another similar case not yet been brought before a court, an investigator declined all motions by a defendant to investigate allegations of torture committed against him.

### UKRAINE

103. OHCHR has documented arbitrary detentions, enforced disappearances, and the use of torture and ill-treatment, including sexual violence, by Ukrainian authorities during the detention of conflict-related civilian detainees and Russian POWs, as well as the summary execution of at least 25 Russian servicemen *hors de combat* (all in 2022 and early 2023).<sup>65</sup>
104. While Ukrainian authorities have launched at least five criminal investigations into allegations of violations committed by their own security forces, involving 22 victims, OHCHR has observed a lack of diligent progress in the investigation or prosecution of such cases.

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<sup>62</sup> See for instance OHCHR, *Killings of civilians: summary executions and attacks on individual civilians in Kyiv, Chernihiv, and Sumy regions in the context of the Russian Federation's armed attack against Ukraine*, 7 December 2022.

<sup>63</sup> OHCHR, *Detention of civilians in the context of the armed attack by the Russian Federation against Ukraine*, 27 June 2023.

<sup>64</sup> See for instance OHCHR, *Treatment of prisoners of war and persons hors de combat*, 24 March 2023.

<sup>65</sup> See OHCHR, *Detention of civilians*; and OHCHR, *Treatment of prisoners of war and persons hors de combat*.

## X. TECHNICAL COOPERATION AND CAPACITY-BUILDING

105. OHCHR provided technical assistance and capacity-building including through engagement with representatives from different branches and levels of the Government of Ukraine, such as the Vice Prime Minister and Minister for the Reintegration of the Temporarily Occupied Territories, the Office of the Presidential Adviser on Children's Rights, the Office of the Prosecutor General, Ukrainian Parliament Commissioner for Human Rights (Ombudsman of Ukraine) and the Mission of the Permanent Representative of the President in the Autonomous Republic of Crimea.

## XI. RECOMMENDATIONS

106. In past reports, OHCHR provided numerous recommendations, most of which are still relevant and require implementation. The violations recorded in the current reporting period have highlighted the need to implement the following recommendations in particular:

107. To all parties:

- a) Ensure full respect for IHL, in particular, in the conduct of hostilities;
- b) Take all feasible precautions to avoid and minimize civilian harm, including through the careful selection of means and methods of warfare;
- c) Cease the use of explosive weapons with wide-area effects in populated areas; and rigorously map the location of mines so that areas can be promptly cleared; and
- d) Ensure timely and effective investigations into all allegations of IHL and human rights violations; ensure that alleged perpetrators, including members of the security forces and persons in positions of command, are duly prosecuted; and provide reparations and support to victims, including medical, psychological and legal support services, with particular attention to the specific needs of women, girls, men and boys survivors.

108. To the Russian Federation:

- e) Immediately cease its use of armed force against Ukraine and withdraw its military forces from the territory of Ukraine, as per United Nations General Assembly Resolution ES-11/1 on the "Aggression against Ukraine", adopted on 2 March 2022, and the binding order of the International Court of Justice on provisional measures of 16 March 2022;
- f) Immediately cease the summary execution, torture, sexual violence and ill-treatment of POWs and civilian detainees, and end all unlawful practices relating to detention;
- g) Provide independent and impartial monitors full access to places of internment for Ukrainian POWs;
- h) Ensure that all prosecutions of POWs fulfil essential guarantees of fair trial; respect the right of Ukrainian POWs to communicate with their families; and take all necessary measures for the establishment of mixed medical commissions;
- i) Fulfil its obligations under IHL in the territory under its occupation and cease interfering with the public order and civil life that existed prior to occupation, including by respecting Ukrainian laws and institutions unless absolutely prevented from doing so; and
- j) Strengthen cooperation and dialogue with OHCHR, including by providing OHCHR meaningful access to the occupied territory.

109. To the Ukrainian authorities:

- k) Align the law 'on Collaboration Activities' with international law; refrain from prosecuting individuals for collaboration when their cooperation with the occupying authorities was in line with what can be required under IHL;
- l) Ensure the issuance of temporary travel documents enabling Ukrainian civilian prisoners who were deported to the Russian Federation to return to Ukraine;
- m) Ensure that legislation protects freedom of religion and does not discriminate against any religious community; amend the law 'On national minorities (communities) of Ukraine' to fully comply with international human rights norms and standards in accordance with previous recommendations of OHCHR and the opinion of the Venice Commission; and

- n) Amend the draft law on citizenship to ensure that residents who were compelled to acquire a Russian passport do not lose their Ukrainian citizenship.

110. To the international community:

- o) Urge the parties to respect IHRL and IHL in Ukraine, and work collectively to ensure respect for IHL, including through provision of remedy, redress and reparation for violations, and prevention of further violations;
- p) Call for OHCHR to have the fullest possible access to all areas of Ukraine occupied by the Russian Federation to facilitate comprehensive monitoring, which is critical to ensuring accountability;
- q) Assist in enhancing the capacity for safe, efficient, and effective demining operations and support programs to educate civilians to the risks posed by mines and explosive remnants of war;
- r) Assist actors providing support to victims of grave human rights violations, inclusive of sexual violence, with attention to the specific respective needs of women, girls, men and boys survivors; and
- s) Sustain attention and humanitarian assistance to people impacted by the war, including those internally displaced.