

## Update on the human rights situation in Ukraine

Reporting period: 24 February – 26 March

### I. INTRODUCTION

1. On 24 February 2022, the Russian Federation launched an armed attack on Ukraine,<sup>1</sup> which led to a grave deterioration in the human rights situation across the country. The conduct of hostilities by the Russian armed forces has been characterized by the broad use of explosive weapons with wide area effects in populated areas, including shelling from heavy artillery and multiple launch rocket systems, missile, and air strikes. There have also been allegations that Ukrainian armed forces have engaged in shelling of populated areas in territory controlled by Russian affiliated armed groups in Donetsk and Luhansk regions. The United Nations Human Rights Monitoring Mission in Ukraine (HRMMU) was able to verify that, by 26 March 2022, the hostilities had resulted in at least 2,909 civilian casualties, including 1,119 killed, and hundreds of residential houses, hospitals, schools, kindergartens, and other civilian objects damaged or destroyed. Actual casualty numbers are much higher. The intensive and wide-scale hostilities have caused mass displacement of the civilian population, with UNHCR reporting that, by 26 March 2022, over 3.8 million persons have fled the country, and an estimated 6.5 million are internally displaced. Due to the ongoing hostilities and large-scale displacement, many human rights defenders (HRDs) have been unable to perform their human rights work, which has had negative implications on the vulnerable groups they support. Furthermore, there are growing concerns about possible reprisals and retaliation against HRDs in areas occupied by Russian armed forces.
2. There are strong indications that serious violations of international humanitarian law (IHL) and gross violations of international human rights law<sup>2</sup> have occurred in the course of the conflict, in particular with regard to the principles of distinction and the prohibition of indiscriminate attacks. The treatment of prisoners of war (POWs) has also raised concerns. The Office of the High Commissioner for Human Rights (OHCHR) is conducting a detailed legal analysis of human rights and IHL issues stemming from the conflict and will include its findings in its next report on Ukraine.
3. HRMMU has been monitoring the human rights situation in Ukraine since 2014, and is uniquely placed to verify and document the deteriorating human rights situation, and contribute to achieving accountability for all victims. Although the security situation poses difficulties, HRMMU is fully committed to continuing its human rights monitoring and reporting, and remains operational across the country.<sup>3</sup> Given the current levels of misinformation as well as

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<sup>1</sup> See also United Nations General Assembly Resolution ES-11/1 of 2 March 2022; United Nations Human Rights Council resolution 49/1 of 4 March 2022.

<sup>2</sup> Violations of IHL are “serious” if they endanger protected persons (e.g. civilians, prisoners of war, the wounded and sick) or objects (e.g. civilian objects or infrastructure) or if they breach important values, and amount to war crimes. ICRC Explanatory Note, What are serious violations of international humanitarian law?, available at <https://www.icrc.org/en/doc/assets/files/2012/att-what-are-serious-violations-of-ihl-icrc.pdf>. “Gross” violations of international human rights law affect, in qualitative and quantitative terms, the most basic rights of human beings, notably the right to life and the right to physical and moral integrity of the human person. International Commission of Jurists, The Right to a Remedy and Reparation for Gross Human Rights Violations, October 2018, available at [www.icj.org/the-right-to-a-remedy-and-reparation-for-gross-human-rights-violations-2018-update-to-practitioners-guide-no-2/](http://www.icj.org/the-right-to-a-remedy-and-reparation-for-gross-human-rights-violations-2018-update-to-practitioners-guide-no-2/)

<sup>3</sup> HRMMU has relocated most operations to western Ukraine, however some offices in the east and south of Ukraine remain operational.

disinformation, a continued independent human rights presence in Ukraine is critical to verify reports of civilian casualties and allegations of human rights violations. In producing this update, all available sources of information have been used in line with OHCHR's standard methodology. HRMMU has been able to document a variety of human rights violations which highlight the very heavy toll the conflict is having on civilians. Those incidents which were pending corroboration and verification at the time of publication are indicated.

## II. LEGAL FRAMEWORK

4. Both Ukraine and the Russian Federation are parties to several core human rights treaties.<sup>4</sup> Human rights treaties apply in all contexts where a State exercises jurisdiction, both in its territory and extraterritorially. Outside its own territory, a State is considered to exercise jurisdiction over territory that is under its effective control as well as individuals that come within its power.<sup>5</sup> With the exception of lawful derogations, provided for in some human rights treaties, States remain bound by their obligations under international human rights law in situations of armed conflict.
5. On 23 February, a State of Emergency was declared in Ukraine for a period of 30 days. The Government of Ukraine imposed martial law for 30 days on 24 February, and subsequently extended it to 25 April. On 1 and 4 March, the Government notified the United Nations Secretary-General of derogation of certain rights enshrined in the International Covenant on Civil and Political Rights (ICCPR) and the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) for the duration of martial law.<sup>6</sup>
6. Both the Russian Federation and Ukraine are bound by treaty and customary IHL, in particular the Four Geneva Conventions and Additional Protocol I. In relation to the conduct of hostilities international humanitarian law requires parties to a conflict to distinguish at all times between the civilian population and combatants and between civilian objects and military objectives, to only direct attacks against military objectives, and to take all feasible precautions in the choice of means and methods of attack with a view to avoiding or at the very least minimizing incidental loss of civilian lives and damage to civilian objects. IHL also contains detailed rules on the treatment of persons falling under the control of a party to the conflict, whether sick or wounded, prisoners of war or civilians deprived of liberty or living under occupation.

## III. IMPACT OF HOSTILITIES ON THE CIVILIAN POPULATION

### A. Conduct of hostilities

#### **Use of weapons with wide area effect**

7. The use of explosive weapons with a wide area effect should be avoided in populated areas, due to the significant likelihood of producing indiscriminate effects. Weapons with a wide area effect include: a) munitions with a large blast radius, such as large bombs or missiles; b) weapons that

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<sup>4</sup> Both Ukraine and the Russian Federation have ratified the International Protocol on Civil and Political rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESC), Convention Against Torture, International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination against Women, Convention on the Rights of the Child, and the Convention on the Rights of Persons with Disabilities. Ukraine has additionally ratified the Convention for the Protection of All Persons from Enforced Disappearance.

<sup>5</sup> See e.g. ICJ, paras. 107 – 113; CCPR/C/21/Rev.1/Add. 13, para. 10; CCPR/C/GC/36, para. 63; CCPR/C/120/D/2285/2013, para. 6.5; E/C.12/GC/24, para. 10

<sup>6</sup> Note verbale No. 4132/28-110-17626 of 1 March, amended and replaced with note verbale No. 4132/28-194/600-17988 of 4 March, available at <https://treaties.un.org/doc/Publication/CN/2022/CN.65.2022-Eng.pdf>. Ukraine notified the UN Secretary General of its waiver of obligations under articles 12, 13, 17, 19, 20, 21, 22, 24 and 25 of the ICCPR; articles 8, 9, 10, 11 and 14 of the ECHR; articles 1- 3 of the Additional Protocol to the ECHR; and article 2 of Protocol No. 4 to the ECHR. It also notified of derogation from articles 3, 8(3), 9, 12, 13, 17, 19, 20, 21 and 24 – 27 of the ICCPR; articles 4 (paragraph 3), 8, 9, 10, 11, 13, 14, 16 to the ECHR; Articles 1, 2 of the Additional Protocol to the ECHR; and Article 2 of Protocol No. 4 to the ECHR.

tend to have a less accurate delivery system, such as unguided indirect fire weapons, including artillery and heavy mortars; and c) weapons designed to deliver munitions over a wide area, such as multiple launch rocket systems (MLRS) and cluster munitions.

8. OHCHR is concerned that, Russian armed forces have engaged broad use of explosive weapons with a wide area effect in populated areas, including shelling from heavy artillery and MLRS, and missile and air strikes. Most civilian casualties and damage to civilian objects recorded by HRMMU were caused by the use of such weapons. Ukrainian armed forces have also engaged in shelling of populated areas in territory controlled by Russian affiliated armed groups.

#### *Shelling and airstrikes with unguided munitions on urban areas*

9. Unguided munitions fired from ground-based systems such as heavy artillery, MLRS as well as unguided air bombs, have been extensively used by Russian armed forces in attacks on the urban areas of Chernihiv, Hostomel, Irpin, Kharkiv, Kyiv, Lysychansk, Mariupol, Sievierodonetsk, Sumy, Volnovakha and Zhytomyr. In territory controlled by Russian affiliated armed groups, shelling has particularly affected Donetsk and Horlivka.

#### *Cluster munitions*

10. Whilst neither the Russian Federation nor Ukraine ratified the 2008 Convention on Cluster Munitions, due to their wider area effects the use of cluster munitions in populated areas is incompatible with the international humanitarian law principles governing the conduct of hostilities that is binding on the parties to the conflict. Furthermore, due to the large number of sub-munitions that fail to explode immediately, exposing civilians to risks for years afterwards, their use even outside of populated areas raises significant concerns of disproportionate and long-term indiscriminate effects.
11. HRMMU has received credible allegations that Russian armed forces used cluster munitions in populated areas at least 16 times, resulting in civilian casualties as well as damage to civilian objects. For example, on 24 February, a cluster munition exploded at the Central City Hospital in Government-controlled Vuhledar (Donetsk region), killing at least four civilians and injuring 10, and damaging ambulances and the hospital. On 25 February, six bomblets landed on and around a kindergarten in Government-controlled Okhtyrka (Sumy region). The same day, non-precision guided missiles bearing cluster munitions were used in several districts of Government-controlled Kharkiv, killing at least 9 civilians and injuring 37.
12. According to representatives of self-proclaimed 'Donetsk people's republic' and the Russian Federation, at about 11 a.m. on 14 March 2022, Ukrainian armed forces launched a Tochka-U missile equipped with cluster sub-munitions<sup>7</sup> which was intercepted over the centre of Donetsk. They claim that several cluster sub-munitions from the intercepted missile killed 20 civilians on the ground and injured 33 to 37 (depending on the source). HRMMU confirmed that at least 15 civilians were killed (3 women, 1 man, and 11 adults whose sex is still unknown), and 36 injured (20 women, 14 men, 1 boy, and 1 adult) in this incident, and has been working to corroborate other alleged casualties. HRMMU has not been able to verify whether cluster sub-munitions caused the civilian casualties.

## **B. Civilian casualties**

13. Between 4 a.m. on 24 February, when the Russian Federation's armed attack against Ukraine began, to midnight on 26 March, HRMMU recorded 2,909 civilian casualties consisting of:
  - 1,119 killed (224 men, 168 women, 15 girls, and 32 boys, as well as 52 children and 628 adults whose sex is yet unknown)

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<sup>7</sup> Tochka-U (9K79-1) is a 15-120km range missile able to carry a warhead with 50 cluster sub-munitions (9N24) each of 7.15 kg weight with 1.45 kg of A-IX-20 explosives producing over 300 fragmentation pieces. It had been the subject of mass production in the Soviet Union. Both the Russian Federation and Ukraine inherited substantial numbers of Tochka-U missiles.

- 1,790 injured (201 men, 150 women, 32 girls, and 24 boys, as well as 70 children and 1,313 adults whose sex is yet unknown)
    - In Donetsk and Luhansk regions: 1,281 casualties (360 killed and 921 injured)
      - On Government-controlled territory: 995 casualties (301 killed and 694 injured)
      - On territory controlled by Russian affiliated armed groups: 286 casualties (59 killed and 227 injured)
    - In other regions of Ukraine (the city of Kyiv, and Cherkasy, Chernihiv, Kharkiv, Kherson, Kyiv, Mykolaiv, Odesa, Sumy, Zaporizhzhia, Dnipropetrovsk and Zhytomyr regions), which were under Government control when casualties occurred: 1,628 casualties (759 killed and 869 injured)
14. OHCHR believes that the actual figures are considerably higher, as the receipt of information from some locations where intense hostilities have been going on has been delayed and many reports are still pending corroboration. This concerns, for example, Iziun (Kharkiv region), Mariupol and Volnovakha (Donetsk region), Popasna and Rubizhne (Luhansk region), and Trostianets (Sumy region), where there are allegations of numerous civilian casualties. These figures are being further corroborated and are not included in the above statistics.
15. HRMMU has also noted an increase in general mortality rates among civilians in a number of besieged cities that can be attributed to the stress on their health and to the disrupted or absent provision of medical aid.

### C. Destruction and damage of civilian objects

16. Since 24 February, HRMMU has documented large-scale destruction and damage of civilian objects, including private houses, multi-storey residential buildings, administrative buildings, and medical and education facilities, notably in Kharkiv, Iziun, Chernihiv, Mariupol, Sumy, and Volnovakha. For example, by 26 March, HRMMU recorded damage to or destruction of 81 civilian objects in Kharkiv city alone, including 40 apartment buildings. The Saltivka neighbourhood of Kharkiv was particularly affected. By 26 March, HRMMU had recorded attacks on 35 educational facilities, including three universities, eight kindergartens, 23 schools, and one scientific centre. Numerous damages to civilian objects have been also reported in Russian affiliated armed group-controlled Donetsk and Horlivka.

#### **Medical institutions**

17. OHCHR is gravely concerned about the extent of damage and destruction of hospitals and other healthcare facilities that has been reported since 24 February. As of 26 March, HRMMU verified 74 incidents in which medical facilities were affected with various degrees of damage, including 46 hospitals, seven psycho-neurological facilities and 21 other medical facilities. As a result, 54 medical establishments were damaged, 10 destroyed, two were looted. The impact to the five other medical facilities, as well as reports of additional incidents, are being corroborated by HRMMU. Sixty-one of the attacks which damaged medical facilities occurred in Government-controlled territory. These include air strikes on hospitals in Iziun, Mariupol, Ovruch, Volnovakha, and Vuhledar. Nine attacks occurred in territory controlled by Russian affiliated armed groups, and four in contested settlements.
18. HRMMU has verified the destruction of Mariupol hospital No. 3 by a Russian air strike that took place on 9 March. Several sources in Mariupol, including local authorities, reported that the hospital was clearly identifiable and operational at the time it was hit. Seventeen civilians (including healthcare workers, children, and pregnant women) were injured, one of whom was a woman at a very late stage of pregnancy. Neither the woman nor her unborn child could be saved.

#### *Reproductive health and maternity health care*

19. HRMMU corroborated attacks on six perinatal centres, maternity hospitals, and ten children hospitals, resulting in the complete destruction of two children's hospital and one perinatal hospital. This placed women and children at serious risk of harm. A perinatal centre in Zhytomyr

oblast, for example, was seriously damaged by shelling and was not able to receive patients, and a city perinatal centre in Kharkiv was shelled, forcing women to be redirected to other facilities. In Mariupol, which has experienced heavy and consistent shelling since early March, the regional perinatal centre ceased functioning due to damage to the power supply, and pregnant women were referred to the city maternity hospital No 2, which was later also affected by shelling. In several maternity hospitals across the country, women have had to give birth in basements that have been converted to operating rooms by medical staff. Already by 11 March, more than 500 women had given birth in the city of Kyiv under these circumstances.

### **Nuclear power generating stations**

#### *Chernobyl nuclear power plant*

20. The Chernobyl nuclear power plant has been under the control of Russian armed forces since 24 February. On 9 March, the only power link to the nuclear site was destroyed during hostilities, leaving the plant without power for several days.

#### *Zaporizhzhia nuclear power plant*

21. Russian armed forces attacked the area of the Zaporizhzhia nuclear power plant in Enerhodar city, the largest of the four functioning nuclear stations in Ukraine on 4 March, and subsequently took control of its premises. During the attack, a training facility located near the nuclear reactors caught fire, which was extinguished. Neither the reactors, nor their cooling system appeared to have been damaged. Two people were reportedly injured during the attack.
22. According to HRMMU sources, some 50 units of Russian armed forces' heavy machinery, around 400 personnel and 'a lot' of explosives and ammunition are currently present at the facility. On 14 March, Russian armed forces detonated weapons in the proximity of nuclear reactor #1, allegedly to dispose of them, endangering the facility and its staff.
23. The Ukrainian nuclear regulator lost communications with both nuclear facilities, and off-site and on-site radiological monitoring is currently entirely absent. OHCHR notes that international humanitarian law provides special protections for nuclear electrical generating stations, and this aspect will be considered in OHCHR's next report.

## **D. Populations at risk**

### **Access to food, water, shelter, sanitation and medical care in besieged settlements and settlements under attack, and evacuations**

24. OHCHR is gravely concerned that basic goods and necessities such as food, medicine, heating, gas, water, and mobile connections, are lacking in areas directly affected by hostilities, such as Chernihiv, Iziium, Kharkiv, Mariupol, Okhtyrka and Volnovakha. The situation is exacerbated by the lack of agreement between both sides on opening green corridors for humanitarian aid to these settlements.<sup>8</sup>
25. HRMMU found that, as of 26 March, at least 126 multi-story residential buildings were damaged and 65 were destroyed in besieged Mariupol. According to credible reports, out of six civilian city hospitals, two were destroyed, three were damaged, and many health professionals had left the city. The remaining facilities continued limited operations understaffed without heating, water, and electricity, as well as without proper supplies. Residents of Mariupol, including pregnant women and children, had spent weeks in cold basements due to constant hostilities, and have had to endure lengthy periods without access to clean water or often any water, food, proper sanitation and medicine.
26. On 16 March, the Drama Theatre located in the centre of Mariupol was destroyed by a powerful explosive, allegedly by a Russian air strike. There were reportedly between 800 and 1,200 civilians,

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<sup>8</sup> According to article 70(2) of the Additional Protocol I, the parties to the conflict must allow and facilitate rapid and unimpeded passage of humanitarian relief for civilians in need, even if the assistance is destined for the adverse party.

including women and children, taking shelter in the theatre, both underground and on the floors. According to media interviews with survivors, there could be hundreds of civilian casualties, both killed and injured. HRMMU is working to corroborate civilian casualties from this incident.

27. HRMMU has been looking into allegations that some Mariupol residents have been forcibly evacuated to territory controlled by Russian affiliated armed groups and further into the Russian Federation.

#### **Protection of persons with disabilities and older persons**

28. Persons with physical and sensory disabilities and older persons in localities affected by ongoing hostilities have struggled to access bomb shelters. Reportedly, most bomb shelters lack adequate accommodation for persons with disabilities and older persons. HRMMU received reports about persons with disabilities and older persons who, due to difficulties encountered at bomb shelters, elected to stay in their apartments, putting themselves in grave danger.
29. Persons with disabilities supported by male caregivers reportedly struggle to cross the border to neighbouring countries, due to the Government's mobilisation and prohibition for serviceable men to leave the country. OHCHR notes that the Parliament approved a draft law on 15 March that, once in force, will exempt certain categories of men including caregivers and those with disabilities.

#### **Protection of persons in long-term care facilities**

30. Long-term care facilities for persons with disabilities, children with disabilities and older people in Kyiv, Kharkiv and Luhansk regions have been facing an appalling humanitarian situation due to the ongoing hostilities and the resulting lack of food, heating, electricity, water and medication.
31. An orphanage near Kyiv with 52 children with disabilities up to the age of four lost heating due to damages to infrastructure by hostilities and a rapidly growing lack of food and medical supplies. After days of a dire humanitarian situation, Ukrainian authorities managed to evacuate the children on 9 March to Kyiv, however by this time, most of the children were suffering from hypothermia and their health was compromised.
32. Several long-term care facilities for older people and persons with disabilities in eastern regions could not be evacuated due to ongoing hostilities, and residents suffered from cold temperatures and were cut off from heating due to damages to infrastructure by hostilities. A long-term care facility with 350 residents with intellectual and psychosocial disabilities in Oskil (Kharkiv region) was heavily damaged by shelling and fire on 11 March. Its residents (among whom are people with limited mobility and in need of intense care) and staff members, together with more than ten of their children, spent 11 days hiding in the unheated basement of the facility. On 15 March, the facility patients were evacuated to another facility in the west of the country. A long-term care facility in Yasnohorodka (Kyiv region), where 180 older persons and persons with disabilities reside, lacked heat and electricity for ten days and had to ration food supplies. The area was under the effective control of Russian armed forces since 9 March.

#### **Penitentiary institutions**

33. According to the State Penitentiary Service of Ukraine, as of 11 March, five penitentiary institutions in the country have been affected by shelling, including pre-trial detention facilities in Mariupol and Chernihiv, and penitentiary facilities in Mariupol, Berdiansk and in Kharkiv. Reportedly, penitentiary staff and prisoners were hiding in bomb shelters during the shelling.
34. OHCHR recalls that penitentiary institutions should use all possible means to ensure the security of detainees and prisoners during hostilities and to continue to provide access to adequate food, drinking water and medicine.

## IV. RIGHT TO LIBERTY AND SECURITY OF PERSONS

### A. Killings

35. HRMMU is in the process of verifying dozens of allegations of killings of civilians in the context of the ongoing hostilities. They include alleged killings of civilians by Russian armed forces in Chernihiv, Kyiv, Kharkiv, Kherson, Luhansk, Sumy, and Zaporizhzhia regions. In the majority of these allegations, moving civilian cars were fired upon or were crashed into by military equipment. Established circumstances of some incidents suggests that attempts were not taken to distinguish between civilians and combatants. HRMMU is also following up on allegations of killings by members of the Russian military while looting or expropriating property, or during peaceful assemblies. HRMMU also received allegations of killings of two civilians deemed to be affiliated with Russian armed forces or supporting pro-Russian views.

### B. Conflict-related detentions

36. HRMMU has documented the arbitrary arrests and the possible enforced disappearances of 21 journalists and civil society activists who had been vocal against the Russian attack in Kyiv, Luhansk, Kherson, and Zaporizhzhia regions. Five journalists and four civil society activists were reportedly released, and HRMMU is seeking to verify these reports. The alleged perpetrators are members of the security forces of the Russian Federation and affiliated armed groups of self-proclaimed 'republics', in territory which have recently come under the control of Russian armed forces in Kherson, Luhansk, and Zaporizhzhia regions.
37. In one case, on 4 March, a pro-Ukrainian activist and former local official in a town in Luhansk region was arrested after the Government lost control of the town. According to relatives, the arrest was conducted by several men dressed in civilian clothes with white stripes on their shoulders and hip. Five days later, they were informed the victim was being held in the local police department, now under the control of self-proclaimed 'Luhansk people's republic' 'ministry of interior'. Relatives were able to deliver medication, but were denied a meeting with the victim.
38. Similarly, HRMMU documented the arrests and detention of 24 public officials and civil servants of local authorities, including three mayors and a head of joint local community, by Russian armed forces and affiliated armed groups of self-proclaimed 'republics' in parts of Kyiv, Kherson, Zaporizhzhia, Donetsk, Sumy and Chernihiv regions currently controlled by them. OHCHR notes an emblematic case of the mayor of Melitopol, who was witnessed being taken away from the town's humanitarian center with a bag on his head reportedly by Russian armed forces on 11 March. The mayor was released on 16 March, reportedly in exchange for the release of nine POWs held by the Government of Ukraine. By 26 March, 13 of the 24 officials were reportedly released, while the locations and status of the remaining eleven remained unknown.
39. OHCHR is deeply concerned that the victims' relatives or family members received no information regarding their apprehension, whereabouts or fate.
40. Since the beginning of the armed attack, Ukraine's State Security Service (SBU), National Police and the Office of the Prosecutor General reported the arrests of more than 300 individuals suspected of crimes against the national security of Ukraine and for aiding Russian armed forces. HRMMU has not received complaints in relation to the arrests and pre-trial detention of these individuals, which reportedly were sanctioned by courts or prosecutors in line with rules of criminal prosecution during the martial law period. However, OHCHR notes with concern the publication of videos of two women reportedly arrested by the SBU, in which one testified against her husband and the other apologised for pro-Russian posts on social media. HRMMU has also received allegations regarding arrests and detention of three individuals by SBU officers, who did not provide information to their relatives about their formal arrest, places of detention and the fate of their close ones.

### C. Torture and ill-treatment of civilians

41. OHCHR is concerned by a large number of reports and video footage of torture and ill-treatment of people believed to be marauders, bootleggers, pro-Russian supporters, and curfew violators in territory controlled by the Government of Ukraine. HRMMU has received credible allegations of more than 45 such cases of torture and ill-treatment by civilians, police officers and members of the territorial defence. In most cases, perpetrators allegedly duct-taped individuals to electricity poles or trees, partially or fully stripped them, beat them, including with sticks and rods, and sprayed them with paint or marked their bodies and clothes with the word “marauder”. In addition to the physical and mental harm caused, persons stripped of clothing and bound outdoors are at serious risk of hypothermia given the winter season. HRMMU also documented two cases where police officers and members of the territorial defence beat accused marauders with a rod while they were taped to poles. Some of this conduct may also amount to conflict related sexual violence (which is addressed in more detail below).

### D. Conflict-related sexual violence

42. OHCHR notes the heightened risks of conflict related sexual violence (CRSV) in Ukraine in the context of increased military presence in populated areas, installation of checkpoints, detention, destruction of homes and infrastructure leading to a lack of privacy, challenges in accessing basic goods and services and mass internal displacement. Further, a high number of women and girls are fleeing Ukraine and crossing borders, either alone or with children, and face high risk of human trafficking and sexual exploitation.
43. Lack of physical security, absence of available services for victims, an atmosphere of impunity, fear of retaliation and stigma, and trauma all contribute to under-reporting by victims of sexual violence. Allegations of CRSV are mostly made by alleged witnesses or secondary sources. Current indicators, including reports from the National hotline for the prevention of domestic violence, trafficking in human beings and gender discrimination, suggest a high risk of sexual violence.
44. While HRMMU has received allegations of CRSV committed by Russian armed forces, it has not yet been able to verify them in line with OHCHR methodology. HRMMU is aware of one case of sexual violence in Kyiv region currently being investigated by Ukrainian law enforcement authorities as a violation of the laws and customs of war, pursuant to Article 438 of Criminal Code of Ukraine. HRMMU has also received an allegation of CRSV perpetrated by Ukrainian forces, when a captured Russian military member was threatened with castration on camera.
45. OHCHR also notes that binding partially or fully stripped persons to poles or trees and beating them in public could also amount to CRSV.

### E. Treatment of prisoners of war

#### **In the power of Ukraine**

46. On 28 February, the Government of Ukraine established the Joint Centre for Tracing and Release of Prisoners, which is tasked with recording information about prisoners of war (POWs) captured by the Government of Ukraine and tracking information about Ukrainian soldiers and civilians captured, or detained by Russian armed forces and affiliated armed groups of self-proclaimed ‘republics’. The Government of Ukraine assigned the Ukrainian National Centre for Peacebuilding to act as the National Information Bureau according to article 122 of the Third Geneva Convention. The Government of Ukraine has referred to a range of estimates for the total number of Russian POWs, varying from 562 to 2,000.<sup>9</sup>

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<sup>9</sup> On 19 March 2022, Iryna Vereshchuk, Deputy Prime Minister and Minister for Reintegration of the Temporary Occupied Territories of Ukraine, informed about 562 POWs captured by Ukrainian forces since 24 February 2022. provided by the Joint Centre for Tracing and Release of Prisoners. However, she noted these figures might be inaccurate, as the Centre only became operational on 18 March 2022, and indicated that the number of 2,000 POWs which was communicated by the President of Ukraine to the Prosecutor of the ICC might be more accurate.

47. HRMMU is aware that POWs have been placed in pre-trial detention facilities and prison colonies. On 19 March, the Prosecutor General also announced that camps for POWs have become operational, however HRMMU has not received information about the number and location of such camps.
48. OHCHR notes with concern the abundance of videos publicly available online depicting interrogations of POWs by Ukrainian forces following their capture. In the videos, POWs are made to apologise to the Ukrainian people, disparage their command, glorify Ukrainian armed forces, or call on relatives to put a stop to the war.<sup>10</sup>
49. The General Prosecutor's Office has notified POWs of criminal charges being brought against them for trespass against the territorial integrity of Ukraine that caused grave consequences, including killings, and illegal crossings of the Ukrainian border. In a few cases, war crimes charges have been brought.<sup>11</sup>

#### **In the power of the Russian Federation**

50. HRMMU cannot verify the number of POWs captured by the Russian armed forces and affiliated armed groups of self-proclaimed 'republics'. Russian affiliated armed groups of self-proclaimed 'Donetsk people's republic' reported 331 POWs as of 19 March, and Russian affiliated armed groups of self-proclaimed 'Luhansk people's republic' reported 35 POWs as of 14 March. On 19 March, Iryna Vereshchuk, Deputy Prime Minister and Minister for Reintegration of the Temporary Occupied Territories of Ukraine stated that the Government of Ukraine was aware of around 270 Ukrainian servicemen captured as POWs by Russian armed forces. HRMMU is not aware of any information on the establishment of an information bureau for POWs by the Russian Federation as required by with article 122 of the Third Geneva Convention.
51. Of concern, HRMMU notes a large number of videos with intimidation and insults of Ukrainian POWs following their capture. HRMMU has collected videos from media and open sources depicting interrogations of POWs immediately after their capture – some conducted by Russian armed forces and others by members of affiliated armed groups of self-proclaimed 'republics'. In the videos, members of the Ukrainian armed forces and territorial defence were compelled to disparage their command and comrades, shout glorifying chants to Russian armed forces, and call on the Government of Ukraine to enter into peace talks with the Russian Federation or for Ukrainian soldiers to lay down their weapons. HRMMU notes that some POWs had visible signs of bruises.
52. Article 13 of the Third Geneva Convention requires POWs to be treated humanely and, as noted above, to be protected, particularly against acts of violence or intimidation and against insults and public curiosity, at all times.

## V. FUNDAMENTAL FREEDOMS AND CIVIC SPACE

### A. Freedom of opinion and expression, and of peaceful assembly

53. OHCHR is gravely concerned about reports that individuals in Ukraine who publicly express views against the Russian Federation's military attack have been the subject of arbitrary arrests and detention and of enforced disappearance. On 9 March, the Head of NGO "Svidome Suspilstvo of Melitopol" posted on her Facebook page that a 40-year-old local civilian was apprehended in Melitopol. According to other sources, he was forcibly apprehended by Russian Federation servicemen for listening to a pro-Ukrainian song in his car. His whereabouts remain unknown. HRMMU has verified incidents where Russian military fired warning shots during protests in settlements in Kherson. On 6 March, one male civilian was shot dead in Nova Kakhovka during a peaceful protest against the Russian Federation's presence, and seven others were injured. The

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<sup>10</sup> Article 13 of the Third Geneva Convention states that POWs "must at all times be protected, particularly against acts of violence or intimidation and against insults and public curiosity".

<sup>11</sup> Criminal prosecution of POWs for their mere participation in the conflict is contrary to IHL.

alleged perpetrators are members of security forces of the Russian Federation stationed in parts of Kherson, Luhansk, and Zaporizhzhia regions.

## B. Freedom of the media and safety of journalists

54. OHCHR is alarmed at the security risks faced by journalists and media workers in Ukraine. HRMMU documented seven killings of journalists and media workers (five men and two women) during hostilities since 24 February. Another 13 journalists and media workers (12 men and one woman) were caught in hostilities, of whom seven were injured (all men). In at least four cases, the attacks appeared to target journalists, as they were clearly identified as media workers by designated protective clothes or cars with TV or PRESS signs and not in the vicinity of any possible military targets. In the other cases, journalists were endangered by shelling.
55. On 26 February, two journalists of the Danish media Ekstra Bladet came under fire by an unidentified attacker and were injured in Okhtyrka, Sumy region, while on assignment. On 28 February, a Sky News Team came under fire near Kyiv. On 1 March, one journalist was killed during a Russian armed forces air strike at the TV Tower in Kyiv. On 5 March, a reporter and a cameraman from UK television channel Al Araby came under fire of Russian tanks, armoured vehicles and infantry in Irpin. Shots were aimed at their car which was marked by "Press" signs. They witnessed the death of one civilian during this attack. Both hid with a group of civilians for three days in different basements, after which they managed to get out with civilians in private cars and to get through a Russian Armed Forces checkpoint. On 13 March, an American filmmaker and journalist was shot dead in Kyiv while documenting the impact of the conflict on Ukrainians. His colleague received leg injuries and was successfully evacuated to a hospital in Kyiv. On 14 March, two Fox News journalists were killed during artillery shelling in Horenka village outside Kyiv. The correspondent of that group survived but with several injuries.

## VI. CRIMEA

56. The Russian Federation continues to apply the entirety of its legislation, including criminal law, in Crimea, contrary to its obligations as an occupying Power under international humanitarian law. OHCHR has previously documented how the application of Russian legislation restricts fundamental freedoms in Crimea, in particular, freedom of expression.
57. On 4 March 2022, the Russian Parliament adopted amendments to the criminal code introducing prison terms of up to 15 years for those convicted of disseminating "knowingly false information" about military operations. The same law introduced penalties of up to five years for "discrediting" and "calling for obstruction" of the use of the Russian armed forces. The Government of the Russian Federation stated that the purpose of the new legislation was to protect the 'truth' about what it refers to as a 'special military operation' in Ukraine. OHCHR is concerned that this law has had a serious chilling effect on freedom of expression and of the media, forcing some media outlets in Crimea and elsewhere to self-censor their reporting on the ongoing conflict.
58. On 4 March 2022, the Russian authorities blocked or limited access to various news websites including BBC, Deutsche Welle and RFE, as well as Facebook and Twitter, depriving residents of Crimea of access to diverse news and views at this critical time. These restrictions on media and access to information took place against the backdrop of a crackdown on thousands of anti-war protesters and human rights defenders across the Russian Federation.