



# **HUMAN RIGHTS SITUATION DURING THE RUSSIAN OCCUPATION OF TERRITORY OF UKRAINE AND ITS AFTERMATH**

24 February 2022 – 31 December 2023

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*"I lived under occupation in Kherson region. One day I left the region. But the occupation is still inside me and has not left me."*

– A woman upon arriving in Government-controlled territory after leaving her home in occupied territory.

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### **Photo cover page**

A woman standing with her baby on a bus after having fled her home in occupied territory to Government-controlled territory. Zaporizhzhia, Ukraine, 25 March 2022. © EPA-EFE/ROMAN PILIPEY

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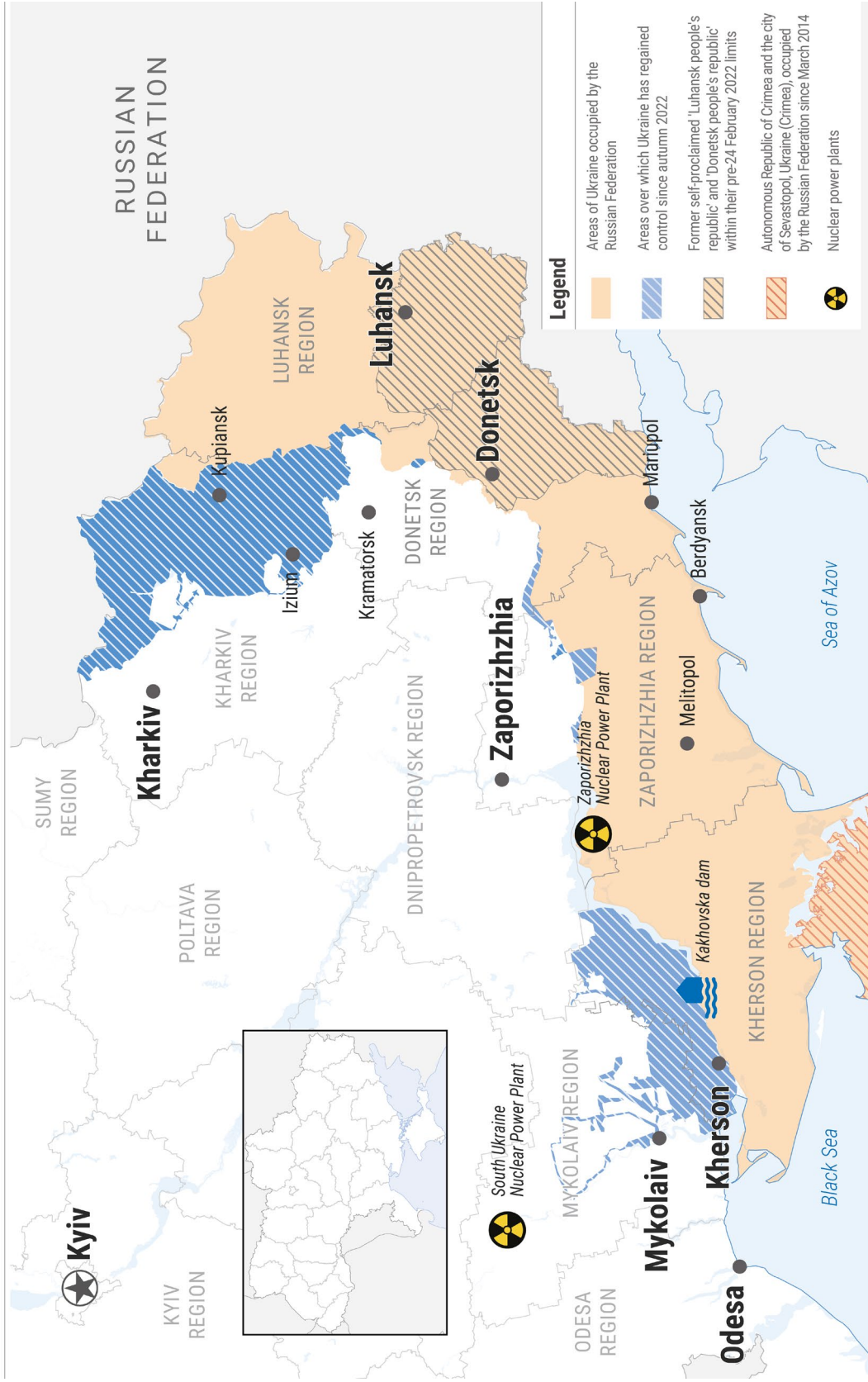
*Ukraine*

# TABLE OF CONTENTS

<b>I. EXECUTIVE SUMMARY .....</b>	<b>1</b>
<b>II. MANDATE .....</b>	<b>4</b>
<b>III. METHODOLOGY .....</b>	<b>5</b>
<b>IV. LEGAL FRAMEWORK .....</b>	<b>6</b>
<b>V. CONTEXT.....</b>	<b>9</b>
<b>VI. HUMAN RIGHTS SITUATION UNDER RUSSIAN OCCUPATION.....</b>	<b>10</b>
A. Overview .....	10
B. Violence and repression.....	10
Detention and violence targeting civilians opposing or perceived as opposing the occupation .....	10
Conflict-related sexual violence outside of detention.....	12
Quashing of peaceful protests.....	13
Stifling of freedom of expression.....	14
Control of civilian movements.....	15
Searches of persons, homes and telephones.....	16
Intrusive collection of personal data .....	17
Pillage and requisitions of property .....	18
Impunity.....	18
The resulting climate of fear.....	19
C. Imposition of Russian systems of governance and administration in place of existing ones .....	19
Local officials .....	20
Law enforcement officials.....	21
Teachers and school personnel.....	21
Staff of the Zaporizhzhia Nuclear Power Plant .....	22
Other professions.....	23
Applying Russian law and administrative systems .....	24
Pressure on residents to obtain Russian passports .....	25
Risk of conscription and pressure for voluntary enlistment.....	27
D. Suppression of expressions of Ukrainian culture and identity .....	28
Policies targeting children .....	28
Removal of objects of Ukrainian cultural heritage from public spheres of life .....	30
Expressions of Ukrainian identity.....	31
Weakening of links with Ukrainian communities outside of occupied territory .....	32
Changing demographics of occupied territory.....	33
<b>VII. THE END OF THE OCCUPATION AND ITS AFTERMATH IN MYKOLAIV, KHARKIV AND     KHERSON REGIONS.....</b>	<b>35</b>
A. The aftermath of occupation .....	35
Intensified shelling and widespread mine contamination .....	35
Economic and community life.....	36
B. Prosecution for crimes committed during the occupation.....	37
Collaboration in Ukrainian law .....	38
Prosecutions for “collaboration activities” .....	38
Incommunicado and arbitrary detention, torture and fair trial concerns.....	40
<b>VIII. CONCLUSION .....</b>	<b>42</b>
<b>IX. RECOMMENDATIONS.....</b>	<b>43</b>

# MAP OF UKRAINE: AREAS UNDER OCCUPATION BY THE RUSSIAN FEDERATION AND AREAS OVER WHICH UKRAINE HAS REGAINED CONTROL SINCE AUTUMN 2022

As of 31 December 2023



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## I. EXECUTIVE SUMMARY

1. This thematic report by the Office of the High Commissioner for Human Rights (OHCHR) describes the human rights situation in territory of Ukraine occupied by the Russian Federation following its full-scale armed attack, including areas over which Ukraine regained control afterward. It covers the period from 24 February 2022 to 31 December 2023 and is based on the work of the United Nations Human Rights Monitoring Mission in Ukraine (HRMMU).<sup>1</sup> The Government of Ukraine continued to provide OHCHR with full access to territory under its control, including unfettered and confidential access to conflict-related detainees. The Russian Federation did not provide OHCHR with access to the territory of Ukraine which it occupies, or to conflict-related detainees it holds.
2. The report describes persistent patterns of violations of international human rights law (IHRL) and international humanitarian law (IHL) by the Russian Federation in occupied territory. The focus is on territory of Ukraine that fell under Russian occupation following the full-scale armed attack launched by the Russian Federation on 24 February 2022 – specifically areas of Donetsk, Kharkiv, Kherson, Luhansk, Mykolaiv and Zaporizhzhia regions.<sup>2</sup> The report finds a systematic dismantling of fundamental rights and freedoms; cross-sector measures to stifle dissent; the subversion of Ukrainian systems of governance, administration, justice and education; the imposition of Russian systems and legal frameworks; and the suppression of expressions of Ukrainian culture and identity, affecting every aspect of daily life for residents. The report then describes the human rights consequences of occupation in areas of Kharkiv, Kherson and Mykolaiv regions over which Ukraine regained control in late 2022, as well as the impact of prosecutions for “collaboration activities” by Ukraine.
3. During the first months of occupation of Ukrainian territory in 2022, Russian armed forces<sup>3</sup> carried out widespread arbitrary detention of civilians, often accompanied by torture and ill-treatment. Many cases also amounted to enforced disappearances. While Russian armed forces initially targeted individuals perceived as posing a security threat, over time a wider net was cast to include any person perceived to oppose the occupation. Individual Russian servicemen also perpetrated killings of civilians, especially in the first months. Russian armed forces used force to quash peaceful protests, restrict free expression, impose strict controls over residents’ movements, and pillage homes and businesses. Russian occupying authorities<sup>4</sup> carried out surveillance and intensive searches, and restricted access to independent information. Russian armed forces and occupying authorities carried out these violations in an atmosphere of pervasive impunity. The result was a stifling climate of fear, which was used to solidify control over the residents, suppress dissent and opposition, and induce compliance.
4. Russian authorities instituted fundamental changes to the society and its governance, in direct violation of IHL provisions that require the occupying Power to minimize changes to the status quo ante.<sup>5</sup> They used intimidation

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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 oblasts 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> The report does not cover the situation in Kyiv, Chernihiv and Sumy regions, parts of which were under temporary military control of Russian armed forces in spring 2022. The impact on these regions is discussed in 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*, 9 December 2022. Moreover, this thematic report complements OHCHR reporting on the human rights situation in the Autonomous Republic of Crimea and the city of Sevastopol (hereafter “Crimea”), which has been under Russian occupation since 2014. See OHCHR, *Ten Years of Occupation by the Russian Federation: Human Rights in the Autonomous Republic of Crimea and the City of Sevastopol, Ukraine*, 28 February 2024; *Situation of the human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine (A/78/340)*.

<sup>3</sup> OHCHR refers to “Russian armed forces” as comprising all actors fighting on behalf of the Russian Federation, including the Armed Forces and National Guard Forces of the Russian Federation, as well as affiliated armed groups of the former self-proclaimed ‘Donetsk people’s republic’ and ‘Luhansk people’s republic’ and Wagner Group military and security contractors, who are under the overall control of the Russian Federation (the armed groups of former self-proclaimed ‘republics’ were formally integrated in the structures of the Russian Federation starting from 1 January 2023). In some instances, OHCHR was able to identify the specific entity acting on behalf of the Russian Federation.

<sup>4</sup> For purposes of this report, “occupying authorities” refers to the organs and officials of the Russian Federation established in occupied territory of Ukraine.

<sup>5</sup> The state of affairs that existed previously.

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and violence to coerce members of key public sector professions to cooperate with Russian occupying authorities. They applied laws and administrative systems of the Russian Federation to all spheres of life. They organized 'local elections', imposed the legal and judicial system of the Russian Federation, and required residents to comply with Russian business and property regulations. Those who resisted risked detention, violence and other reprisals. Residents without a passport of the Russian Federation were singled out by the occupying authorities, experienced harsher restrictions on their freedom of movement, and were progressively denied employment in the public sector, as well as access to healthcare and social security benefits.

5. In parallel, Russian occupying authorities implemented a policy of imposing their version of Russian identity, while suppressing expressions of Ukrainian identity. They required teachers to follow the Russian curriculum, use the Russian language and teach history in a manner justifying the invasion of Ukraine. They shut down online classes conducted per the Ukrainian curriculum, seized Ukrainian books and art, and removed symbols of Ukrainian cultural heritage from public spaces. They enlisted children in Russian youth groups with the aim of teaching them Russian patriotism, contrary to the prohibition under IHL for the occupying Power to enlist children in formations or organizations subordinate to it. Meanwhile, Russian armed forces targeted individuals openly expressing their Ukrainian identity with detention and violence.
6. Ukraine recaptured substantial areas of occupied territory in late 2022, including Mykolaiv region and parts of Kharkiv and Kherson regions. OHCHR has access to these areas. The invasion, occupation and subsequent recapture by Ukraine of these areas left behind damaged homes and infrastructure, land contaminated by mines and explosive remnants of war (ERW), pillaged resources, a collapsed local economy and a traumatized, mistrustful community. The Government of Ukraine faced the challenge both to rebuild infrastructure and re-establish services, and to contend with IHL and human rights violations that occurred under occupation, including through war crimes investigations. It has also prosecuted residents under charges of collaborationism for their interaction or cooperation with Russian occupying authorities. These prosecutions, however, are based on an overly broad and imprecise provision which was introduced in the Criminal Code of Ukraine in March 2022, potentially criminalizing virtually all employment or business activities in occupied territory.<sup>6</sup> It risks criminalizing conduct which individuals are compelled by the occupying Power to carry out in accordance with the law of occupation under IHL and which might be essential for or benefit the normal life of the population of the occupied territory. These prosecutions have led to instances of double victimization – persons who suffered human rights violations first under the Russian occupation are then being prosecuted for collaboration in a manner that violates their rights. In the course of identifying and prosecuting alleged collaborators, Ukrainian law enforcement officials have also perpetrated arbitrary detention, enforced disappearance, torture or ill-treatment, and violations to fair trial rights. Widespread prosecutions of this nature impede efforts to reintegrate people who lived in formerly occupied territory.
7. OHCHR remains committed to facilitating accountability for IHL and IHRL violations. The immediate overall imperative is that the Russian Federation ceases the use of force against Ukraine and “completely and unconditionally withdraw[s] all of its military forces from the territory of Ukraine within its internationally recognized borders” as per United Nations General Assembly Resolutions ES-11/1 and ES-11/4 (2022). Until this occurs, it is crucial that the Russian Federation ceases the widespread violations of IHL and IHRL perpetrated under occupation as documented in this report. By shedding light on the plight of civilians living under occupation, this report also aims to support a national dialogue on a comprehensive approach to accountability that includes both criminal accountability and wider measures promoting the victims’ rights to truth, justice and reparation.

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<sup>6</sup> The law criminalizes “commercial activities in cooperation with the aggressor state or the occupation authorities”. The scope of such “cooperation” is not defined.

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## II. MANDATE

8. This report is prepared pursuant to United Nations Human Rights Council Resolution A/HRC/RES/53/30 on cooperation with and assistance to Ukraine in the field of human rights, adopted on 14 July 2023. The report was also prepared pursuant to United Nations General Assembly Resolution 68/262 on the territorial integrity of Ukraine, which welcomed efforts of the United Nations to assist Ukraine in protecting the rights of all persons in Ukraine.
9. HRMMU acts within the framework of the Agreement between OHCHR and the Government of Ukraine, signed on 31 July 2014, and extended periodically since. In accordance with Article IV of the Agreement, HRMMU “monitors the human rights situation in the country and submits regular, accurate and public reports to the High Commissioner on the human rights situation, and problems and risks that arise”.



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### III. METHODOLOGY

10. This report is based on information gathered from interviews, as well as physical, documentary and digital information collected, verified and analyzed by OHCHR. Over the past two years, OHCHR conducted 2,319 interviews<sup>7</sup> with victims and witnesses of human rights violations as well as human rights defenders, members of civil society organizations, lawyers, medical first-responders, journalists, students, teachers, Government representatives and other relevant sources with direct knowledge of the human rights situation in occupied territory, including persons who had recently left occupied territory and travelled to Government-controlled parts of Ukraine.<sup>8</sup> OHCHR also conducted 171 field visits, 98 visits to places of detention, and trial monitoring of 41 hearings in territory controlled by the Government of Ukraine.
11. OHCHR examined court documents, official records, medical and forensic reports, and other relevant documentary material. OHCHR also reviewed and assessed photo and videographic material provided by reliable sources, including some that circulated online, reports issued by the Independent International Commission of Inquiry on Ukraine and by other United Nations bodies.
12. Following OHCHR methodology, facts and information are considered verified if corroborated by two other independent and reliable sources. Where the report describes patterns of conduct, these are based on the common elements established by a large number of consistent credible sources. Trained human rights officers conducted all interviews according to OHCHR methodology and assessed any single-source victim or witness accounts of individual incidents for consistency with verified patterns. Officers further carried out the requisite credibility and reliability assessments of sources and their information.<sup>9</sup>
13. OHCHR abided strictly by the obligations to ‘do no harm’ and to respect informed consent of all sources, including by taking measures to safeguard the confidentiality of information and to protect the identity of sources as necessary. Any contact with interlocutors, in particular those residing in Russian-occupied territory, was made only after assessing that it would not jeopardize their life, safety, freedom or well-being.
14. The Russian Federation has not granted OHCHR access to occupied territory, and OHCHR again requests meaningful access.<sup>10</sup> In addition to the lack of physical access to occupied territory, OHCHR faced constraints while documenting violations that occurred there. OHCHR interviewed persons who travelled from occupied territory to territory controlled by the Government of Ukraine. These individuals faced multiple challenges to reach Government-controlled territory due to the absence of crossing points, vast distances to travel through the Russian Federation and numerous internal checkpoints often leading to invasive searches of personal belongings (including electronic devices). The conducting of interviews was also impacted by residents’ fears of surveillance under occupation. Despite these challenges, OHCHR gathered, verified and analyzed sufficient information to conclude there are reasonable grounds to believe that the findings of the report occurred as described. The scope of violations herein, however, should be seen as indicative rather than comprehensive.
15. OHCHR shared the draft report with the concerned States for factual comments, as per usual practice.

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<sup>7</sup> With 1,235 men and 1,084 women. Some interviews and meetings were conducted remotely, notably by using internet-based technologies to connect to interviewees residing both in Ukraine (including in Russian-occupied territory) or third countries.

<sup>8</sup> Interviews were conducted in person, by telephone and through online platforms, using secure digital technology. OHCHR teams maintain contact with organizations that assist people arriving from occupied territory, and are able to conduct private and confidential interviews with such individuals, who provide up-to-date information about life under Russian occupation.

<sup>9</sup> For more information, see OHCHR, *Manual on Human Rights Monitoring, Professional Training Series no. 7*, 2011; OHCHR, *Commissions of Inquiry and Fact-Finding Missions on International human rights and humanitarian Law: Guidance and Practice*, 2015.

<sup>10</sup> OHCHR requests access to occupied territory in a manner consistent with resolutions of the General Assembly; see, for example, Resolution ES-11/4, para. 4.

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## IV. LEGAL FRAMEWORK

16. The Russian Federation and Ukraine are bound by both IHL and IHRL, which apply concurrently in armed conflict and are complementary and mutually reinforcing.
17. Under IHL, both parties are bound by the four Geneva Conventions of 1949, their 1977 Additional Protocol I, the 1907 Hague Convention IV with its annexed Regulations concerning the Laws and Customs of War on Land (Hague Regulations), as well as other IHL treaties and customary law.<sup>11</sup>
18. IHL applies to situations of armed conflict, including all cases of partial or total occupation of the territory of a State, even if the occupation meets with no armed resistance.<sup>12</sup> Under customary international law, territory is considered to be occupied when it is actually placed under the authority of the hostile army, and the occupation extends only to the territory where such authority has been established and can be exercised.<sup>13</sup> Annexation<sup>14</sup> of occupied territory is illegal under international law, and cannot be used to deprive protected persons of protection under IHL.<sup>15</sup>
19. Since occupation is to be a temporary *de facto* situation and does not lead to a transfer of sovereignty, the occupying Power is required to respect the existing laws and institutions of the occupied territory as far as possible and to avoid making far-reaching changes to the existing order or intrinsic characteristics of the occupied territory.<sup>16</sup>
20. As the occupying Power fulfils its obligation to restore and ensure, as far as possible, public order and safety, the existing penal laws of the occupied territory shall remain in force,<sup>17</sup> and judicial institutions shall continue to function to ensure the effective administration of justice.<sup>18</sup> Further, the occupying Power may not alter the status of public officials or judges in the occupied territory, nor take any coercive measures against those who abstain from fulfilling their functions for reasons of conscience.<sup>19</sup> The occupying Power may however lawfully compel protected persons to carry out work which is necessary either for the needs of the army of occupation, or for the public utility services, or for the feeding, sheltering, clothing, transportation or health of the population of the occupied country.<sup>20</sup>
21. This continuity preserves to the greatest extent possible the rights that residents enjoyed prior to occupation and facilitates the territory's reintegration at the end of occupation. For example, continuity in the system for birth registration eases the enjoyment of a range of rights by children; continuity in criminal laws ensures that sentences remain valid; continuity in the education system means that children's studies proceed without disruption during and at the end of occupation. Similarly, IHL provides for a general continuity in the composition of the occupied territory's population, as the individual or mass forcible transfers or deportations

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<sup>11</sup> Both Ukraine and Russian Federation have ratified the Convention on Certain Conventional Weapons (CCW) Protocol II on the Use of Mines, Booby-Traps and Other Devices, 1980; CCW Protocol III on Incendiary Weapons, 1980; CCW Protocol V on Explosive Remnants of War, 2003; CCW Protocol I on Non-Detectable Fragments, 1980; CCW Protocol IV on Blinding Laser Weapons, 1995; the Convention on the Prohibition of Biological Weapons, 1972; and the Convention on the Prohibition of Chemical Weapons, 1993. Ukraine has additionally ratified the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, 1997. Neither Ukraine nor Russian Federation have ratified the Convention on Cluster Munitions, 2008 and the Treaty on the Prohibition of Nuclear Weapons, 2017. However, both must comply with the general treaty and customary rules applicable to the use of any weapon.

<sup>12</sup> See Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, art. 2(2).

<sup>13</sup> Hague Regulations, art. 42; *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, ICJ Reports 2004, para. 78; *Democratic Republic of the Congo v. Uganda*, Judgment, ICJ Reports 2005, para. 172.

<sup>14</sup> Defined as a unilateral act of a State through which it proclaims its sovereignty over the territory of another State.

<sup>15</sup> Fourth Geneva Convention, art. 47.

<sup>16</sup> Hague Regulations, article 43; Fourth Geneva Convention, art. 47; Additional Protocol I, art. 4. See also ICRC, Commentary to article 47 of the Fourth Geneva Convention.

<sup>17</sup> With the exception that they may be repealed or suspended by the occupying Power in cases where they constitute a threat to its security or an obstacle to the application of IHL.

<sup>18</sup> Hague Regulations, article 43; Fourth Geneva Convention, art. 64.

<sup>19</sup> Fourth Geneva Convention, art. 54.

<sup>20</sup> Fourth Geneva Convention, art. 51.

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of protected persons,<sup>21</sup> as well as transfers of the population of the occupying Power into occupied territory, are prohibited.<sup>22</sup>

22. IHL provides that an occupying Power “may take such measures of control and security in regard to protected persons as may be necessary as a result of the war”.<sup>23</sup> Such permissible measures must nonetheless also be proportionate and comply with the duty to treat residents of occupied territory humanely at all times. IHL prohibits the use of any physical or moral coercion against protected persons, in particular to obtain information from them or from third parties.<sup>24</sup>
23. The occupying Power must respect the allegiance of residents of occupied territory to their country. IHL forbids the occupying Power from compelling residents to “swear allegiance to the hostile Power”.<sup>25</sup> In particular, IHL prohibits an occupying Power from compelling protected persons to serve in its armed forces or from using pressure or propaganda to secure voluntary enlistment.<sup>26</sup> These provisions uphold the fundamental rights and dignity of individuals under occupation, ensuring that they are not forced to act against their own national allegiance.
24. The occupying Power is also obliged to ensure, to the fullest extent possible, public health and hygiene, and the basic needs of the local population, including food and medical care.<sup>27</sup> It must permit and facilitate the free passage of humanitarian aid to the population.<sup>28</sup> Except in cases of absolute military necessity, it may not destroy real or personal property belonging to private individuals, to social or cooperative organizations or to the public authorities or the State.<sup>29</sup> Further, immovable public property must be administered according to the rule of usufruct, whereas seized movable public property may be used for military operations, but not for private or personal use.<sup>30</sup> Any requisition of private property shall be compensated.<sup>31</sup>
25. Children in occupied territory are afforded additional special protections. The occupying Power is obliged to facilitate the proper working of all educational and care institutions for children, which includes a duty to avoid interfering with their activities.<sup>32</sup> It may not alter the family or personal status of children, or their nationality, and is prohibited from enlisting children in formations or organizations subordinate to it, including those devoted to political aims.<sup>33</sup> Transfers and deportations of children from occupied territory are prohibited except for a temporary evacuation where compelling reasons of the health or medical treatment of the children so require.<sup>34</sup>
26. The Russian Federation and Ukraine also continue to be bound by international human rights treaties to which they are respectively parties,<sup>35</sup> and customary law. Further, the human rights obligations of States apply extraterritorially in all circumstances where they exercise jurisdiction or effective control, including in occupied

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<sup>21</sup> The occupying Power may temporarily evacuate protected persons from an area if required for the security of the population or imperative military reasons, however the population must not be displaced out of occupied territory unless impossible to avoid for material reasons. Fourth Geneva Convention, art. 49.

<sup>22</sup> Fourth Geneva Convention, art. 49(6); ICRC Customary IHL, Rule 130.

<sup>23</sup> Fourth Geneva Convention, art. 27.

<sup>24</sup> Fourth Geneva Convention, art. 31.

<sup>25</sup> Hague Regulations, art. 45.

<sup>26</sup> Fourth Geneva Convention, art. 51; ICRC Customary IHL Rule 95. Compelling a protected person to serve in the forces of a hostile Power constitutes a grave breach of IHL. Fourth Geneva Convention, art. 147.

<sup>27</sup> Fourth Geneva Convention, arts. 55-56.

<sup>28</sup> Fourth Geneva Convention, art. 59; Additional Protocol I, art 70 (2); ICRC Customary IHL, Rule 55.

<sup>29</sup> Fourth Geneva Convention, art. 53; Hague Regulations, art. 46; ICRC Customary IHL, Rule 51. This rule prohibits destruction only, but not confiscation or requisition under certain circumstances.

<sup>30</sup> Hague Regulations, arts. 53 and 55; CIHL, Rule 51

<sup>31</sup> Hague Regulations, art. 53; CIHL, Rule 51.

<sup>32</sup> Fourth Geneva Convention, art. 50; Commentary of 1958, p. 286.

<sup>33</sup> Fourth Geneva Convention, art. 50; Commentary of 1958, p. 288.

<sup>34</sup> Additional Protocol I, art. 78.

<sup>35</sup> Both Ukraine and the Russian Federation have ratified the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child (CRC), 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.

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territory.<sup>36</sup> This includes non-derogable rights, even in times of emergency, such as the rights not to be subjected to arbitrary deprivation of life, torture or other cruel, inhuman or degrading treatment or punishment, fair trial guarantees, and the right to an effective remedy for victims. While States can derogate from certain human rights treaty obligations, derogation measures are subject to stringent conditions and must be compatible with States' obligations under international law.<sup>37</sup>

27. IHL and IHRL protect cultural rights during occupation. IHL guarantees respect for the honour, manners and customs of protected persons, which the ICRC Commentary underlines as being "particularly important in the case of occupied countries".<sup>38</sup> Furthermore, an occupying Power is obliged to "support the competent national authorities of the occupied country in safeguarding and preserving its cultural property".<sup>39</sup> IHRL prohibits discrimination on grounds of language, opinion, and national or social origin,<sup>40</sup> and guarantees the right to take part in cultural life.<sup>41</sup> Everyone, alone or in a group or community, has the right to choose their own identity, engage in cultural practices, and express themselves in the language of their choice.<sup>42</sup>
28. The human right of peaceful assembly, freedom of expression, freedom of movement and the right to privacy continue to apply during situations of armed conflict and occupation.<sup>43</sup> Certain restrictions of these rights may be permissible in pursuit of legitimate ends, specified in the ICCPR as being protecting public order, public health, public morals or for national security.<sup>44</sup> Additionally, such restrictions must be in accordance with the principles of legality, proportionality, and necessity. The legal effect of these principles is to safeguard the full enjoyment of the rights, free from restrictions imposed by States that "impair the essence of the right", or cause "a chilling effect" on their practical enjoyment.<sup>45</sup>

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<sup>36</sup> Human Rights Committee, General Comments no. 31 (para. 10) and no. 36 (para. 63).

<sup>37</sup> See ICCPR article 4. In March 2022, Ukraine notified the United Nations Secretary-General of its derogation from certain human rights obligations under the ICCPR for the duration of martial law. Following each extension of martial law, Ukraine has further notified the Secretary-General of the continuation of derogations ([https://treaties.un.org/pages/CNs.aspx?cnTab=tab2&clang=\\_en](https://treaties.un.org/pages/CNs.aspx?cnTab=tab2&clang=_en)). While the Russian Federation has imposed martial law in occupied areas of Ukraine in Donetsk, Kherson, Luhansk and Zaporizhzhia oblasts, it did not notify of any derogation from provisions of the ICCPR. The ICESCR does not contain any provision allowing for derogations.

<sup>38</sup> Fourth Geneva Convention, art. 27; ICRC Commentary of 1958 to Geneva Convention IV, art. 27.

<sup>39</sup> Convention for the Protection of Cultural Property in the Event of Armed Conflict, art. 5.1. Both Ukraine and the Russian Federation have ratified this treaty.

<sup>40</sup> ICCPR, art. 2; ICESCR, art. 2

<sup>41</sup> ICESCR, art. 15(a).

<sup>42</sup> CESCR, General Comment no. 21, Right of everyone to take part in cultural life (art. 15, para. 1(a) of the International Covenant on Economic, Social and Cultural Rights), para. 15a.

<sup>43</sup> *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion, ICJ Reports 1996, para. 25; *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, ICJ Reports 2004, para. 106.

<sup>44</sup> ICCPR, articles 12 on movement, 19(3) on expression and 21 on peaceful assembly

<sup>45</sup> Human Rights Committee, General Comments no. 37 on the right of peaceful assembly (2020), para. 36, no. 34 on the freedoms of opinion and expression (2011), paras. 22, 33-35 and 47, and no. 27 on the freedom of movement (1999), para. 14; United Nations General Assembly resolution 75/176 (2020) on "The right to privacy in the digital age", para. 4.

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## V. CONTEXT

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*“The Russian soldier asked me ‘Is your life a reason good enough for you?’ when I told him I had no reason to help them with their referendum.”*

– A woman who attempted to refuse to participate in the so-called referendum.

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29. The Russian Federation began its occupation of Ukrainian territory in Crimea in February 2014. After holding an invalid referendum,<sup>46</sup> it signed the “Treaty on the Accession of the Republic of Crimea to the Russian Federation” on 18 March 2014, illegally annexing Crimea to the Russian Federation.<sup>47</sup>
30. In April 2014, armed groups opposed to the post-Maidan government in Kyiv seized government buildings and territory in parts of Donetsk and Luhansk regions. In May 2014, the armed groups<sup>48</sup> proclaimed the ‘Donetsk people’s republic’ and ‘Luhansk people’s republic’ after holding so-called referendums that neither the Government of Ukraine nor the international community recognized, triggering hostilities over territorial control in eastern Ukraine for the next eight years.<sup>49</sup>
31. On 24 February 2022, the Russian Federation launched a full-scale armed attack against Ukraine along multiple fronts, including the north of the capital. However, by the end of March 2022, Russian armed forces retreated from the northern front and focused engagement on eastern and southern Ukraine. The Russian Federation captured territory in Donetsk, Kharkiv, Kherson, Luhansk, Mykolaiv, and Zaporizhzhia regions of Ukraine. While in some locations the capture was swift, the city of Mariupol, in southern Donetsk region, was under siege for nearly three months, subjected to intensive bombardment.<sup>50</sup>
32. Ukrainian armed forces launched a counteroffensive which resulted by the end of November 2022 in the recapture of all of Mykolaiv region, nearly all of Kharkiv region, the city of Kherson and areas of Kherson region on the right bank of the Dnipro river.
33. Meanwhile, the Russian Federation solidified its hold over the Ukrainian territory its armed forces continued to control. From 23 to 27 September 2022, Russian occupying authorities conducted so-called referendums on whether occupied areas of Donetsk, Luhansk, Kherson, and Zaporizhzhia regions should be incorporated into the Russian Federation. Subsequently, on 30 September, the Russian Federation illegally annexed the regions,<sup>51</sup> leading to the *de facto* and complete imposition of Russian political, legislative, and administrative systems in the occupied territory.<sup>52</sup>
34. The United Nations General Assembly condemned on 12 October 2022 the attempted illegal annexation of Ukrainian territory and declared that the unlawful actions of the Russian Federation had no validity under international law and did not form the basis for any alteration of the status of these regions of Ukraine.<sup>53</sup>

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<sup>46</sup> A/RES/68/262.

<sup>47</sup> For details, see OHCHR, *Report on the situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)*, September 2017, paras. 20-28, and OHCHR, *Ten Years of Occupation by the Russian Federation: Human Rights in the Autonomous Republic of Crimea and the City of Sevastopol, Ukraine*, 28 February 2024.

<sup>48</sup> In its decision of 30 November 2022 in *Ukraine and the Netherlands v. Russia*, the European Court of Human Rights considered “it established beyond any reasonable doubt that from the earliest days of the separatist administrations and over the ensuing months and years, the Russian Federation provided weapons and other military equipment to the separatists in eastern Ukraine on a significant scale” (para. 639).

<sup>49</sup> See OHCHR reports on Ukraine from 2014 to 2022 at <https://www.ohchr.org/en/countries/ukraine>.

<sup>50</sup> A/HRC/52/CRP.4, paras. 122-124.

<sup>51</sup> The President of the Russian Federation enacted the “Treaties on the Accession of the Donetsk People’s Republic, the Lugansk People’s Republic, the Zaporozhye Region, and the Kherson Region to the Russian Federation”, which notably did not define the boundaries of the areas annexed.

<sup>52</sup> On 13 October 2022, the United Nations General Assembly adopted resolution ES-11/4 on “Territorial integrity of Ukraine: defending the principles of the Charter of the United Nations”, which condemned the organization of the ‘referenda’ and the attempted unlawful annexation of oblasts of Ukraine.

<sup>53</sup> Resolution ES-11/4.

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## VI. HUMAN RIGHTS SITUATION UNDER RUSSIAN OCCUPATION

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*“For people living under occupation, the war is not only about missiles.”*

– A civil servant who resided in occupied territory of Zaporizhzhia region for eight months and was detained and tortured by Russian armed forces.

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### A. Overview

35. In Russian-occupied territory, a series of measures were implemented in violation of IHL and IHRL, with the cumulative effect of creating a pervasive climate of fear that permeated the lives of residents of occupied territory. As the occupying authorities imposed Russian political, legal, administrative, educational and social systems, residents faced intensifying pressure to demonstrate allegiance to the Russian Federation. Additionally, Russian authorities carried out deliberate efforts to suppress expressions of Ukrainian cultural identity.

### B. Violence and repression

*“They are not human beings.”*

– A local official detained with other civilians in a garage in Melitopol (Zaporizhzhia region) recalling how a Russian soldier described them.

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36. Civilians interviewed by OHCHR provided detailed accounts of the Russian armed forces’ use of violence and repression during the initial stages of the occupation. This included killings, torture and ill-treatment, sexual violence, enforced disappearances, arbitrary detention, random violence, and intimidation, targeting a wide circle of civilians perceived to be assisting Ukrainian forces or opposing the occupation.<sup>54</sup> Other measures included suppressing peaceful protests, restricting free expression, imposing strict controls over movements, as well as conducting frequent searches and invasive collection of personal data. Widespread pillage also ensued in the first months of the armed attack. These acts occurred in an atmosphere of impunity and resulted in the Russian armed forces’ control over the population.

#### Detention and violence targeting civilians opposing or perceived as opposing the occupation

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*“After 90 days of detention, you will learn how to love Russia.”*

– A teacher from Kherson region recalling how a Russian soldier threatened her while searching her house.

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37. Russian armed forces conducted widespread arbitrary detentions, including enforced disappearances, in the initial months of occupation from February to May 2022, with 634 cases recorded by OHCHR. While under IHL an occupying Power may deprive civilians of liberty on security grounds, security detention is the most severe measure of control that an occupying Power may resort to in relation to protected persons. It is permissible only when necessary for “imperative reasons of security”<sup>55</sup> and must respect procedural

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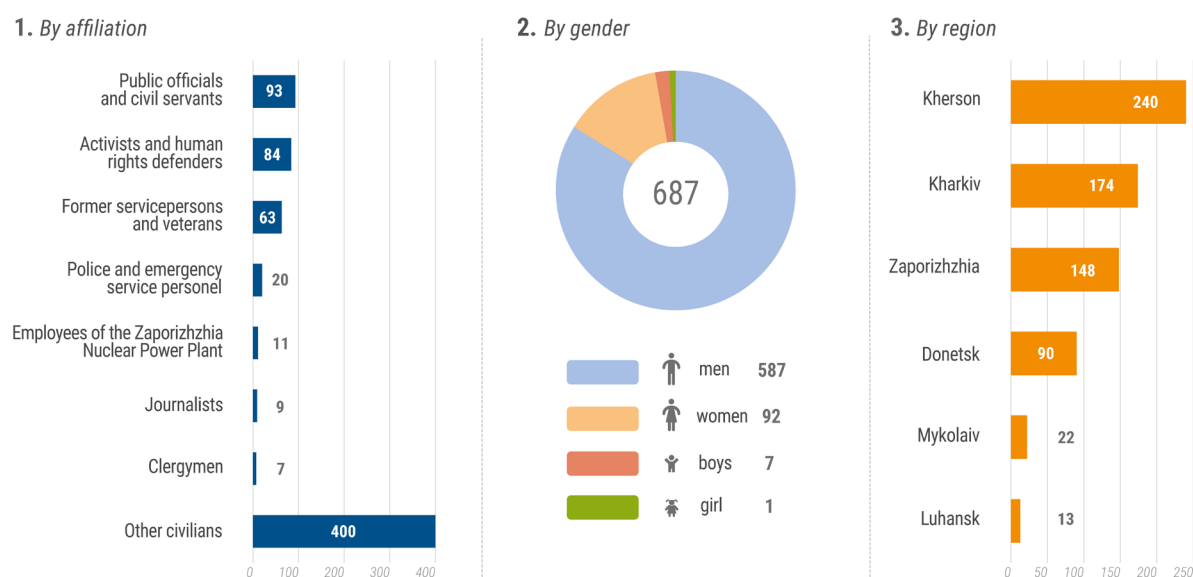
<sup>54</sup> See for instance OHCHR, *Killings of civilians: summary executions and attacks on individual civilians in Kyiv, Chernihiv, and Sumy regions in the context of the Russian Federation’s armed attack against Ukraine*, 7 December 2022; and OHCHR, *Detention of civilians in the context of the armed attack by the Russian Federation against Ukraine*, 24 February 2022 – 23 May 2023, 27 June 2023.

<sup>55</sup> Geneva Convention IV, art. 78(1).

safeguards.<sup>56</sup> The absence of these safeguards led to arbitrary detention, often coupled with violence.<sup>57</sup> Moreover, civilians who posed no apparent security threat to the occupying Power were among those detained.

38. The persons targeted first for detention were veterans of the Ukrainian Armed Forces (UAF), persons suspected of links to the Security Service of Ukraine (SBU), and persons likely to be experienced with handling weapons (such as hunters). Interviewees in several places told OHCHR that the Russian armed forces had obtained or compiled lists of such persons whom they immediately apprehended, detained and interrogated. For example, a resident of Kupiansk (Kharkiv region) described how, during the initial period of occupation, “Russian armed forces grabbed such persons from the street, threw bags over their heads, and drove them away to unknown locations”. Russian armed forces also targeted family members of such persons to pressure them to surrender. For example, in Zaporizhzhia region, Russian armed forces searched the home of a woman whose son belonged to the UAF and seized all items (including photos and documents) related to him. They arrested the woman, detaining her for four days during which she was interrogated about her son and threatened with electric shocks.
39. Over time, Russian armed forces detained and threatened broader categories of civilians whom they perceived as opposing the occupation, including journalists, civil servants, public officials and civil rights activists (see below). In total, from 24 February 2022 to 31 December 2023, OHCHR recorded 687 cases of arbitrary detention in areas of Donetsk, Kharkiv, Kherson, Luhansk, Mykolaiv and Zaporizhzhia occupied by the Russian Federation (587 men, 92 women, 7 boys, 1 girl). Many of them also amounted to enforced disappearances.

ARBITRARY DETENTIONS OF CIVILIANS BY THE RUSSIAN FEDERATION, RECORDED BY OHCHR\*  
from 24 February 2022 to 31 December 2023



Creation Date: 13 March 2024 Source: OHCHR HRMMU

\* Actual numbers are considerably higher.

<sup>56</sup> Decisions regarding internment in occupied territory must be made according to a regular procedure to be prescribed by the occupying Power in accordance with the provisions of the Fourth Geneva Convention. Minimum standards for such regular procedure are laid down in the Geneva Conventions and include the following rights, guarantees, and obligations of the detaining power: internment orders must be based on an individualized assessment and mass internment without such assessments are prohibited; interned persons have a right to be promptly informed about the reasons, to appeal the decision of internment and to have their internment periodically reviewed by a competent body, and to be registered and held in a recognized place of internment; information about internees must be transferred to the families and Central Tracing Agency; and internment must cease as soon as the reasons for it cease to exist. Moreover, the detaining power shall, within the shortest possible period, give its National Information Bureau information on protected persons who are kept in custody for more than two weeks, or who are interned. The detaining power should also respect fundamental procedural guarantees provided for by IHRL, in particular by providing access to independent legal counsel, preferably of the detainee’s own choosing, and disclosing the essence of the evidence on which the decision to detain is taken. See Geneva Convention (IV), art. 41, 42, 78, 106, 132, 136; Additional Protocol I, art. 75(3).

<sup>57</sup> OHCHR, *Detention of Civilians in the Context of the Armed Attack of the Russian Federation Against Ukraine, 24 February 2022-23 May 2023, June 2023*, paras. 35-96.

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40. OHCHR documented patterns of widespread torture and ill-treatment in places of detention. OHCHR received credible and reliable accounts regarding the treatment of 171 civilian detainees and found that 90 per cent of them had been tortured or ill-treated. Russian armed forces, law enforcement and penitentiary authorities used several types of violence: severe beating, kicking, cutting, putting sharp objects under the fingernails, waterboarding, mock executions, and applying electric shocks. Forty-eight civilian detainees (29 men, 18 women, 1 boy) were subjected to conflict-related sexual violence, including rape, threats of rape of detainees or their relatives, beatings and electric shocks to genitals, electric shocks to breasts, genital mutilation, forced nudity, unjustified cavity searches, sexual touching, threats of castration, and forcing a woman detainee to use a toilet in the presence of men. OHCHR verified the deaths of nine detainees (all men) caused by torture. As noted by the UN Special Rapporteur on torture, “these grievous acts appear neither random nor incidental, but rather orchestrated as part of a policy by the Russian Federation to intimidate, instil fear, punish, or extract information and confessions.”<sup>58</sup>
41. Civilian detainees were often held in makeshift, unofficial places of detention, in overcrowded cells, without access to adequate food, water, medical care, sanitation, or fresh air, and in extreme temperatures. In many locations, conditions were so dire that they may amount to ill-treatment or torture under international law. Civilians were usually held incommunicado for long periods of time, up to 17 months.
42. OHCHR also verified that members of Russian armed forces summarily executed 26 civilians (18 men, 6 women, 1 boy, 1 girl) on the spot, for instance during house searches, and killed 30 civilians (27 men, 2 women, 1 girl) during detention. Most executions were committed between March and May 2022.
43. Interviewees consistently conveyed that no one felt safe living under occupation or during the time Russian armed forces controlled their region. One interlocutor told OHCHR that in Nova Kakhovka, “everybody, regardless of sex or age, could be subjected to arrest, detention and ill-treatment for no apparent reason”.

### Conflict-related sexual violence outside of detention

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*“They asked whether there were any young women in our village, because they were bored.”*

– A woman residing in Kherson region.

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44. Amid the presence of armed forces in populated civilian areas, various incidents of sexual violence were documented, especially against women and girls (for sexual violence in the context of detention see para. 40). OHCHR documented sexual violence perpetrated by members of Russian armed forces against 16 civilians (14 women, 1 girl, 1 man).<sup>59</sup> Fourteen cases were perpetrated in residential areas where Russian armed forces were stationed, and two occurred during ‘filtration’.<sup>60</sup> These cases included rape, gang rape, attempted rape, threat of rape of a family member, sexual assault, forced nudity, and forcing a woman to use a toilet in the presence of men. In Kherson region, Russian soldiers repeatedly terrorized a 58-year-old woman and her husband in their home from March to April 2022. The soldiers looted their property, threatened to rape the woman at gunpoint, shot at the house and the husband, and ultimately gangraped her. Also in Kherson region, in December 2022, a female civilian medic was responding to a person in need when four Russian soldiers attacked her. They threatened her with sexual violence and tried to drag her into a room, stopping only when a male colleague of the woman intervened.

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<sup>58</sup> UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, *Russia’s war in Ukraine synonymous with torture*, press release, 10 September 2023.

<sup>59</sup> Conflict-related sexual violence affecting women, men and children remains under-reported due to several factors, including security concerns, fear of stigma, fear of traumatizing or hurting loved ones, and lack of awareness regarding what constitutes sexual violence.

<sup>60</sup> A process of security checks and personal data collection during which many civilians were arbitrarily detained for periods ranging from several days to several months. See OHCHR, *Detention of civilians in the context of the armed attack by the Russian Federation against Ukraine, 24 February 2022 to 23 May 2023*, June 2023.



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45. In addition, interviewees told OHCHR that Russian armed forces were often intoxicated, making them unpredictable and threatening, particularly for women. A woman residing in Novyi Burluk (Kharkiv region) recalled how a member of the Russian armed forces repeatedly came to her workplace intoxicated, looking for women. One day, he told her “Give me a girl. I know that girls are here”, while playing with his gun. A resident of Kakhovskiy district (Kherson region) reported that Russian soldiers drunkenly drove their tanks through village streets, stopping and questioning residents at random.

### Quashing of peaceful protests

46. Russian armed forces used force to quash peaceful protests and assemblies, resulting in injuries and people being increasingly afraid to demonstrate or express themselves freely. In the first weeks of the full-scale invasion by the Russian Federation, local residents gathered to protest peacefully against the occupation, notably in the cities of Enerhodar, Nova Kakhovka, Melitopol, Kherson and Kupiansk. Civilians waved Ukrainian flags, played Ukrainian songs and the anthem, and called for Russian troops to leave. In most locations, Russian soldiers initially observed, but did not interfere with the demonstrations. After a few days, however, their responses escalated from using loudspeakers to call for protesters to disperse, to firing smoke grenades and live ammunition. For example, in Nova Kakhovka (Kherson region) on 6 March 2022, Russian soldiers threw smoke grenades and fired their guns at the feet of peaceful pro-Ukrainian demonstrators, injuring at least two. In Kherson city, Russian troops fired shots into the air during large pro-Ukrainian protests on at least two occasions in early March 2022,<sup>61</sup> and fired tear gas and stun grenades on 27 April.<sup>62</sup> On 1 March 2022, Russian troops fired smoke grenades at a pro-Ukrainian demonstration in Kupiansk (Kharkiv region).<sup>63</sup> In Enerhodar (Zaporizhzhia region), Russian armed forces used tear gas and smoke grenades to disperse a large protest against the abduction of the local head of the State Emergency Service of Ukraine by Russian forces. These repressive actions occurred despite IHRL obligations on States to respect the right to peaceful assembly and “not to prohibit, restrict, block, disperse or disrupt peaceful assemblies without compelling justification, nor to sanction participants or organizers without legitimate cause”.<sup>64</sup>
47. Within a month of occupation, Russian forces began arresting pro-Ukrainian local leaders and organizers, holding them incommunicado and, in some cases, subjecting them to enforced disappearance, torture or ill-treatment. For example, after Russian armed forces arrived in Kupiansk (Kharkiv region) in late February 2022, local authorities organized a pro-Ukrainian gathering in the main square. An outspoken pro-Ukrainian representative of the city council was taken from the crowd by Russian forces, and as of 31 December 2023, had not been seen again. The targeting of activists spread fear among the population, dissuading residents from organizing or participating in further protests. OHCHR is unaware of any pro-Ukrainian public assemblies in occupied territory after April 2022.
48. Russian armed forces also arrested people who had merely participated in the peaceful protests. For example, in March 2022, Russian armed forces arrested two young men and two boys in Kherson city as they were leaving a protest. While detained, they were interrogated about their motivation for joining the protest, severely beaten, and threatened to have their fingers cut off. One child told OHCHR that, during ‘interrogation’, he received blows for every day of protests he had attended and was threatened with rape. In another incident, a regular attendee of pro-Ukrainian gatherings was arrested, and his family had no information about his whereabouts or fate until he was released, approximately one month later.
49. On 19 October 2022, the Russian Federation formally imposed martial law in the territory of Ukraine that it illegally annexed on 30 September 2022, which *inter alia* provides for a wide range of measures that may

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<sup>61</sup> Ukrainska Pravda video, “Kherson is Ukraine! Residents of Kherson at gunpoint, but drive the occupiers out of the city”, video footage, 5 March 2022, at <https://www.youtube.com/watch?v=0irhJIMhWRQ> (last consulted on 26 January 2024); and BBC News Ukraine, “Kherson: a rally of thousands against the occupiers”, video footage, 13 March 2022, at <https://www.youtube.com/watch?v=nBJYDLaWZxY> (last consulted on 26 January 2024).

<sup>62</sup> Huevyj Herson UA, video footage, 27 April 2022, at <https://t.me/hueviyherson/17706> (last consulted on 26 January 2024).

<sup>63</sup> Present Tense. Stories, “Residents of Kupiansk came out against Russian soldiers. They were pelted with smoke grenades”, video footage, 1 March 2022, at <https://www.youtube.com/watch?v=PlikcmcS5RQ> (last consulted on 26 January 2024).

<sup>64</sup> ICCPR, art. 21; Human Rights Committee, General Comment no. 37 on the right of peaceful assembly, para. 23.

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be implemented “if required”, including curfew, property seizures, internment, and restrictions on freedom of movement, freedom of association, and activities of political parties and other public associations.<sup>65</sup>

### Stifling of freedom of expression

50. Russian armed forces and occupying authorities restricted freedom of expression by taking control over common means to collect, disseminate and receive information, such as mobile phone and internet networks and news media, and by threatening and detaining journalists, media workers and individuals who expressed pro-Ukrainian views. By doing so, the Russian Federation failed to uphold its IHRL obligation to respect the right to freedom of expression.<sup>66</sup>
51. The Russian authorities seized control of the means of mass communication, interrupting or shutting down Ukrainian internet, mobile networks, television and radio in many settlements<sup>67</sup> from the outset of the occupation. By the first week of March 2022, access to Ukrainian TV, internet, and mobile networks were switched off in Mariupol (Donetsk region). Ukrainian internet and cell service were cut off in Berdyansk (Zaporizhzhia region) on 6 March 2022, and in Kupiansk (Kharkiv region) by May 2022. By July 2022, Russian authorities had rerouted all internet traffic in occupied territory through Russian networks, which allowed them to control information accessible online. Residents were blocked from accessing social media such as Facebook and Twitter, Ukrainian news sites, and the Google search engine. These measures prevented the population from receiving information from independent news sources, families or friends, during a time of rapid changes, when access to news took on elevated importance.<sup>68</sup>
52. Russian armed forces seized and disconnected local Ukrainian television channels and radio stations and replaced them with Russian State or pro-Kremlin media. Ukrainian authorities reported that as of 27 April 2022, 164 Ukrainian radio broadcasters had stopped transmitting in occupied territory, and 284 frequency assignments had been captured.<sup>69</sup> Tavia TV, a television channel with pro-Russian editorial line, started broadcasting in Kherson region in August 2022; the media entity Za!Tv – with its tagline of “Everything about the positive transformations in the region’s life following its return to Russia” – was introduced in Zaporizhzhia region in August 2022. In occupied territory of Donetsk, Luhansk and Kherson regions, Russian armed forces raided local print media and either forced staff to promote narratives of “successful liberation by Russian armed forces” or seized their equipment and premises.<sup>70</sup>
53. Journalists were pressured not to write “pro-Ukrainian” articles, often with threats or violence. For instance, in March 2022, the Federal Security Service of the Russian Federation (“FSB”) detained a journalist in Kherson city who attended and wrote about pro-Ukrainian demonstrations, and repeatedly interrogated and tortured him over three days. By threatening violence against his family, the FSB compelled him to record a statement that the SBU financed all pro-Ukrainian demonstrations in the city. In Kharkiv region, Russian soldiers detained a journalist and interrogated him about videos he uploaded onto social media. He was held for over three

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<sup>65</sup> Russian Federation, Decree no. 756 of 20 October 2022 ‘On the imposition of martial law in the territories of the ‘Donetsk People’s Republic, Luhansk People’s Republic, Zaporizhzhya and Kherson oblast’.

<sup>66</sup> Freedom of expression includes the freedom to “to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice”, ICCPR, art. 19(2). Any restriction must be provided by law, proportionate, and strictly necessary for respect of the rights or reputations of others, the protection of national security, public order, or public health or morals. Human Rights Committee, General Comment no. 34, para. 22.

<sup>67</sup> For purposes of this report, “settlements” is used to designate any populated place, including cities, towns, villages and rural settlements.

<sup>68</sup> The right of access to information is a central component of freedom of expression, and includes the general right of the public to have access to information of public interest from a variety of sources. ICCPR, art. 19(2); Human Rights Committee General Comment no. 34, paras. 18-19; Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, A/68/362.

<sup>69</sup> National Council of Television and Radio Broadcasting of Ukraine, *Olha Herasymiuk called on the European Media Regulators to continue the unification process to further oppose Russian disinformation*, statement, 12 May 2022, at [https://www.nrada.gov.ua/en/olga-gerasym-yuk-zaklykala-yevropejskyh-mediaregulyatoriv-prodovzhyty-protses-ob-yednannya-dlya-shhe-bilshogo-protystoyannya-rosijskij-dezinformatsiyi/?fbclid=IwAR1s0aQ8WmN\\_LK4I71G1PlfGMS6vDod6DTg9a15kzyXJgf7n-SfBsZr1vec](https://www.nrada.gov.ua/en/olga-gerasym-yuk-zaklykala-yevropejskyh-mediaregulyatoriv-prodovzhyty-protses-ob-yednannya-dlya-shhe-bilshogo-protystoyannya-rosijskij-dezinformatsiyi/?fbclid=IwAR1s0aQ8WmN_LK4I71G1PlfGMS6vDod6DTg9a15kzyXJgf7n-SfBsZr1vec) (last consulted on 26 January 2024).

<sup>70</sup> OHCHR, *Report on the human rights situation in Ukraine, 1 February to 31 July 2022*, September 2022, para. 112.

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months, repeatedly beaten and subjected to electric shocks. FSB officers ordered him to film Russian military activities at their direction. When he refused, they beat him and threatened to execute him. Since 24 February 2022, OHCHR has recorded the arbitrary detention of 9 journalists and media workers by Russian armed forces in occupied territory.

54. In addition, in March 2022, the Russian Federation criminalized<sup>71</sup> the spread of “fake news” regarding the war in Ukraine, which carries a prison term of up to 15 years.<sup>72</sup> The threat of prosecution had a strong chilling effect, not only within the Russian Federation,<sup>73</sup> but also in occupied territory where the Russian Federation applied its law in its entirety, contrary to IHL, resulting in journalists self-censoring their public social media accounts and suspending the activities of their websites.
55. Other civilians – not only media workers – faced threats and violence for expressing critical opinions. In Zaporizhzhia region, Russian armed forces arrested a couple for disseminating pro-Ukrainian leaflets. The man was arbitrarily detained for approximately two months in two different locations. In the first one, he was tortured with electric shocks, threatened with rape, beaten resulting in several broken ribs, and subjected to poor conditions of detention. The woman was arbitrarily detained for approximately one month under poor conditions: without adequate provision of food or access to sanitation facilities, in very cold temperatures, in a cell which, at one point, flooded with sewage. Following detention, both individuals were taken to the Vasyivka checkpoint and unlawfully expelled from occupied territory into territory controlled by the Ukrainian Government.
56. These violent acts profoundly impacted victims, their families and communities. In Tokarivka (Kherson region), Russian soldiers arrested a priest they perceived to be pro-Ukrainian who did not heed their warning about speaking Ukrainian to his congregation. They arbitrarily detained him for approximately nine months, beat and interrogated him about why he gave sermons in Ukrainian and whether he prayed for Ukraine or the UAF. He was denied medical care for injuries sustained from the beatings and deprived of adequate food. Upon release, he required medical treatment for his back and stomach; however, he told OHCHR that his mental recovery would take much longer. Seven months after his release, he continued to have trouble sleeping and experienced deep stress when recalling what happened. He cannot live in his village, as it comes under regular Russian shelling, and cannot perform religious services as previously due to damages sustained by his church.

### Control of civilian movements

57. At the start of occupation, Russian armed forces erected numerous checkpoints inside settlements, next to civilian houses, at entries to villages, and along main roads leading to cities and larger regional towns. This severely restricted freedom of movement between settlements and within villages.<sup>74</sup> For example, in early May 2022, a couple was prohibited from passing through a checkpoint at Balakliia (Kharkiv region) and told “the town is closed”. Passing through checkpoints presented a real risk of arbitrary detention, torture or ill-treatment for civilians. Some civilians even lost their lives: OHCHR documented 25 incidents where members of Russian

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<sup>71</sup> Article 207.3 of the Russian Criminal Code prosecutes public dissemination of “knowingly false information containing data about the use of the armed forces of the Russian Federation to protect the interests of the Russian Federation and its citizens and to maintain international peace and security and about the operation of any Russian State agency abroad”. Further, the Russian Federal Service for Supervision of Communications, Information Technology and Mass Media instructed that, with regard to the war in Ukraine, journalists are to report only information provided by the Government of the Russian Federation. Russian Federation, Criminal Code of 13 June 1996 N°63-Ф3, art. 207.3 (amended on 4 March 2022), at <http://pravo.gov.ru/proxy/ips/?docbody=&firstDoc=1&lastDoc=1&nd=602900891> (available only through a Russian IP; last consulted on 26 January 2024).

<sup>72</sup> The amendments have been widely criticized as a crackdown on freedom of the media. According to the United Nations Special Rapporteurs on the right to freedom of opinion and expression, on the rights to freedom of peaceful assembly and of association, and on the situation of human rights defenders, “the law places Russia under a total information blackout on the war and in so doing gives an official seal of approval to disinformation and misinformation”, OHCHR, *Russia: UN experts alarmed by ‘choking’ information clampdown*, press release, 12 March 2022.

<sup>73</sup> By December 2022, over 20 national and international media outlets had been suspended, including the major independent news outlet Novaya Gazeta. Human Rights Committee, *Concluding observations on the eighth periodic report of the Russian Federation* (1 December 2022), CCPR/C/RUS/CO/8.

<sup>74</sup> For instance, interlocutors told OHCHR that they had to pass through 22-25 checkpoints to travel from Berdiansk to Zaporizhzhia in March 2022 (a driving distance of approximately 200 km). Additionally, a curfew imposed by martial law further restricted freedom of movement.

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armed forces opened fire on civilians in vehicles, on the move or at checkpoints, killing 14 people (8 men, 3 women, 2 girls, 1 boy) and injuring 33 (17 men, 11 women, 3 boys, 2 girls).<sup>75</sup> OHCHR also received allegations of civilians who disappeared while passing through checkpoints.

58. At each checkpoint, civilians were frequently subjected to repeated searches of their belongings and phones, which were often accompanied by verbal abuse, humiliation<sup>76</sup> or physical violence. Searches sometimes led to detention, torture or ill-treatment. Interlocutors consistently told OHCHR that men were required to strip to their underwear so that Russian armed forces could check for 'pro-Ukrainian' tattoos and 'suspicious' bruises (which could suggest that the individual had carried or fired a weapon). At a checkpoint in Polohivskiy district (Zaporizhzhia region), Russian armed forces arrested a pensioner because a private Telegram group on his phone contained videos of Ukrainians protesting. They detained him for approximately one month and repeatedly tortured him, by shooting him in the leg, beating him severely, and forcing him to dig his own grave. Russian armed forces detained two women at a checkpoint in Izium (Kharkiv region) after finding private messages on a cell phone about Russian weapons. They were interrogated for several hours, during which the soldiers asked them why they did not like the President and State of the Russian Federation.
59. An interlocutor told OHCHR that the searches at checkpoints deterred her from moving around her home city. Some residents even refrained from leaving their houses, in particular men, as the Russian armed forces targeted men more frequently for suspected participation in hostilities or in pro-Ukrainian groups. A UAF veteran told OHCHR that he had stayed in occupied territory in Kherson region despite the risks, because he feared crossing the numerous checkpoints en route to territory controlled by Ukraine.
60. As of December 2023, checkpoints remained widespread in occupied territory, particularly close to the frontline, and included mobile checkpoints whose locations often changed depending on military considerations.

### Searches of persons, homes and telephones

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*"Your relatives may never find you."*

– A woman detainee quoting an FSB officer who interrogated her after text messages were found in her cell phone.

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61. Russian armed forces conducted frequent searches of persons and property beyond checkpoints. They launched unannounced searches on the street, at workplaces, and in homes, resulting in a pervasive sense of insecurity<sup>77</sup> and raising questions as to the compatibility of these measures with the right to be protected against arbitrary or unlawful interference with privacy, family, home or correspondence.<sup>78</sup>
62. Searches were often carried out with elements of physical violence, degrading treatment such as forced stripping, threats, verbal abuse, destruction of property, and looting, which caused psychological distress and fear. Under IHRL, any search of one's person must be carried out "in a manner consistent with the dignity of the person who is being searched",<sup>79</sup> and be conducted with "the least intrusive means possible and fully conform with the prohibition of cruel, inhuman or degrading treatment".<sup>80</sup> However, residents experienced significant stress during searches due to serious risks of violence. During a house search in Zaporizhzhia region, a woman was afraid that the FSB would find her Ukrainian books. She became so stressed that she had to be hospitalized after the search.
63. Russian armed forces conducted regular house-to-house searches and identity checks, raising anxiety among the population. A pensioner who resided in Kherson city during its occupation described how the Russian

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<sup>75</sup> Most of these attacks on individual civilians (59 per cent) took place during the final days of February 2022.

<sup>76</sup> IHL requires respect for persons and their honour (Fourth Geneva Convention, art. 27) and prohibits humiliating and degrading treatment (Additional Protocol I, art. 75(2)(b)).

<sup>77</sup> Furthermore, several interlocutors told OHCHR that searches of homes were carried out during curfew, in the night or early morning hours, ensuring that residents would be home.

<sup>78</sup> ICCPR, art. 17; Universal Declaration of Human Rights, art. 12; CRC, art. 16.

<sup>79</sup> Human Rights Committee, General Comment no. 16, para. 8.

<sup>80</sup> Committee Against Torture, Concluding Observations, CAT/C/HKG/CO/4, para. 10.

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military repeatedly surrounded his apartment building to conduct checks, knocking on doors and asking questions. He told OHCHR that such visits sowed fear among the residents. Another resident recalled: “They came every day for someone. I was afraid of every knock.”

64. Sources consistently described how Russian armed forces searched the entire contents of cell phones, raising concerns regarding interference with the right to privacy and respect for the principles of necessity and proportionality. The content of a private text or message to family or friends could result in detention and severe punishment. For example, Russian armed forces stopped and searched a resident on the street in Mykolaiv region. Upon finding a message in a private chat on his phone mentioning the presence of Russian troops in the village, they detained and tortured him for seven days, including by beating him with rifle butts, kicking him, and threatening with a knife to cut off his ears.
65. Merely having a VPN, the “wrong” phone app, social media groups, or “suspicious” photos on a cell phone also endangered residents. During the search of a woman’s home in Kherson region, Russian armed forces became angry at her when they found Ukrainian Government and banking apps on her cell phone; they threatened to rape her. They performed a factory reset of her phone and warned her against installing Ukrainian apps again. Because of these risks, residents were often scared to have any data in their phones. However, having a cell phone without messages or apps, or not having any cell phone, also aroused suspicion.

### Intrusive collection of personal data

66. Many interlocutors reported that Russian armed forces collected extensive personal data on residents of occupied territory, sometimes by use of intimidation, threats or violence. Russian occupying authorities compiled data on persons of interest such as real or perceived pro-Ukrainian activists, civil society representatives, individuals without passports of the Russian Federation, local government representatives, veterans and hunters. They gathered information during ‘filtration’, searches, and interrogations, as well as from official files left behind in police stations and local administration offices.<sup>81</sup> They further collected information from residents and employers who supported the occupying authorities, and directly from individuals in their applications for Russian passports or medical, social or humanitarian assistance. This collection of personal data caused fear because the data could be readily used to target individuals for detention, intimidation and violence, as described above.
67. A resident of Kherson region told OHCHR that her supervisor was required to submit a weekly list of employees indicating who had obtained Russian passports and Russian government health insurance. Another resident who was able to view files belonging to Russian security forces noted that they contained information on every active resident of his city. Based on the notes in the files, he believed the FSB was using the information to determine how much pressure to apply against these persons to compel their cooperation.
68. The Russian occupying authorities actively encouraged residents to surveil each other and report “suspicious” persons, even establishing online submission platforms. In Kherson region, they offered remuneration for such information.<sup>82</sup> Several residents who had been detained or questioned told OHCHR that they believed neighbours reported them for expressing pro-Ukrainian views. Some thought they were turned in by business rivals or due to personal disputes. Others suspected that friends had reported them. For example, a day after a Zaporizhzhia region resident privately texted “Glory to Ukraine” to friends, Russian armed forces stopped him, referred to the text and threatened violence against him and his family.

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<sup>81</sup> In many locations which came under occupation, local administrators took pains to hide official records from Russian armed forces, at great risk to their own safety.

<sup>82</sup> Administration of Zaporizhzhia region, “Where to report information about suspicious persons”, official communication on Telegram channel, 28 July 2023, at [https://t.me/zap\\_admin/4873,%20](https://t.me/zap_admin/4873,%20); DPR Online, “Evening bulletin of the DNR Territorial Defence Headquarters”, official communication on Telegram channel, 28 January 2023, at <https://t.me/dnronline/90427>; Administration of Kherson region, “The civil-military administration of the Kherson region appeals to the residents of the region with a request to provide information for a fee”, official communication on Telegram channel, 12 July 2022, at [https://t.me/VGA\\_Kherson/2476](https://t.me/VGA_Kherson/2476) (last consulted on 26 January 2024).

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## Pillage and requisitions of property

69. Interlocutors consistently reported having experienced or witnessed widespread pillage of private property by members of Russian armed forces at the outset of occupation.<sup>83</sup> A wide range of items were pillaged, including electronics, kitchen appliances, boilers, air conditioners, televisions, jewellery and alcohol. One interviewee described how Russian soldiers “simply took whatever they liked”. Another told OHCHR that from the first days of the occupation, they went from house to house, conducting searches and taking any cash found.
70. In several villages and towns of Kherson and Zaporizhzhia regions, members of Russian armed forces asked residents to identify uninhabited houses, looting them first. One couple told OHCHR that if people refused to provide information about uninhabited houses, they were verbally intimidated or beaten. Russian soldiers also pillaged inhabited houses, arriving when the owners were not home and continuing to remove belongings and load them onto trucks even if the owners returned. The risk of losing any unattended property often influenced residents’ decisions to stay in occupied territory.
71. Russian soldiers pillaged property openly, without any apparent fear of disciplinary measures. In Kharkiv region, a woman watched as Russian soldiers pillaged blankets, alcohol, phones, notebooks, shavers, perfumes, watches, drinks and other belongings during a search of her home. In Zaporizhzhia region, Russian soldiers arrested a man and took all his belongings in public, even removing the boots from his feet.
72. Members of Russian armed forces seized vehicles from homes, private businesses, government facilities and churches, as well as at checkpoints, for both military and personal use. Those confiscating or requisitioning property generally failed to respect procedures prescribed by IHL.<sup>84</sup> In Kherson city, the FSB raided the Toyota dealership and used the vehicles when intimidating and detaining residents. An interlocutor described how, as a result, his family members felt nervous whenever they saw specific Toyota vehicles drive by. An interlocutor from Melitopol (Zaporizhzhia region) witnessed Russian soldiers block a civilian driving in the city centre, order him out of his vehicle, push him to the ground, and drive off in his vehicle.
73. Russian soldiers also took equipment from educational and medical facilities. In Kharkiv region, computers, multimedia equipment, kitchen appliances and furniture were pillaged from schools in three different areas where Ukraine regained control in September 2022. They also looted and destroyed many pharmacies in Kharkiv and Kherson regions, reducing residents’ access to essential medications. In one village of Kharkiv region, residents had to drive to a neighbouring town for medical support after the local ambulatory was damaged and its equipment looted in March 2022.

## Impunity

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*“If you make a fuss about looking for your husband, we’ll come back and take you as well.”*

– A woman describing what Russian soldiers said as they took away her husband, blindfolded and in handcuffs.

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74. The incidents and violations described above occurred in an atmosphere of generalized impunity. OHCHR recorded that, as of 31 December 2023, Russian authorities had initiated criminal investigations in only four instances of alleged misconduct (two cases involving killings, one involving torture, and one involving forced labour). It was otherwise not aware of any measures taken by the Russian Federation to ensure accountability for violations committed by its own forces. On the contrary, the Russian Federation adopted in June 2023 a law which effectively granted amnesty to Russian servicepersons for an overly broad range of crimes, potentially including gross violations of IHRL or serious violations of IHL.<sup>85</sup>

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<sup>83</sup> Pillage is prohibited under all circumstances. Hague Regulations, art. 28; Fourth Geneva Convention, art. 33.

<sup>84</sup> See para. 24, Legal Framework.

<sup>85</sup> Russian Federation, law no. 270-FZ ‘On peculiarities of criminal liability of individuals participating in the special military operation’, adopted on 24 June 2023. See OHCHR, *Report on the Human Rights Situation in Ukraine: 1 February to 31 July 2023*, October 2023, paras. 128-129.

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## The resulting climate of fear

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*"We are so used to whispering due to fear that even now we still whisper."*

– A woman who lived under occupation in Kherson region until November 2023, when she left her home for Government-controlled territory.

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75. Actions by Russian armed forces in the first months of occupation had the cumulative impact of creating a climate of fear: many residents feared detention and torture, including sexual violence; they feared sexual violence in residential areas; they feared the pillage of their homes; they feared checkpoints and searches of their person, homes and cell phones; they feared expressing their opinions even in private communications, which were no longer treated as private. As residents increasingly experienced or witnessed serious human rights violations, or heard about the experiences of their family members, friends, neighbours and colleagues, these fears escalated.
76. Russian occupying authorities weaponized this climate of fear to compel residents' cooperation. One interlocutor noted that "beatings were a way of ruling [our] town by fear". Many interlocutors described how Russian armed forces threatened to send individuals or their relatives "to the basement", widely understood as meaning they would be detained and tortured,<sup>86</sup> to scare them into cooperating with occupying authorities or informing on their neighbours and colleagues.
77. In Kherson region, a person working with the Russian occupying authorities threatened a mayor that if he did not cooperate, "long and cold nights in the basement are what awaits you". In Zaporizhzhia region, Russian armed forces searched the home of a journalist, accused him of being a "partisan" and threatened to take him to "the basement" where he would be raped.
78. Threats to family members caused intense suffering. An interlocutor from Kherson region told OHCHR that the beatings he endured under pressure to cooperate with the Russian occupying authorities did not compare to the terror he felt when members of the FSB threatened to rape his wife. He described it as "the most severe mental suffering of my life".
79. The climate of fear ruptured communities' social fabric and isolated individuals. The Russian occupying authorities cultivated mistrust and unease by pitting neighbours and colleagues against one another. A mother in Kherson region described the constant fear that "there might be trouble" if a neighbour overheard her child say something interpreted as pro-Ukrainian. Under such conditions, organization of any collective action was scarcely possible.
80. Civilians described to OHCHR how the oppressive nature of Russian occupation created an "unbearable" general atmosphere of "anxiety" and "helplessness". In the context of this oppressive environment, many people, fearing for their safety or the safety of their family, felt compelled to cooperate with the occupying authorities, and later to demonstrate allegiance to the Russian Federation. The climate of fear thus created preconditions for the occupation authorities to impose Russian systems of governance and administration.

## C. Imposition of Russian systems of governance and administration in place of existing ones

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*"How could I say no to a man holding a gun at me?"*

– A woman civil servant from Kherson region.

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81. The Russian Federation took three main steps to impose its systems of governance and administration on the occupied territory. First, it used violence and intimidation to compel public workers to continue working in key

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<sup>86</sup> Many detainees were taken by Russian armed forces to the basements of various official and unofficial places of detention, where they were subjected to torture and ill-treatment. Thus, the threat of being taken "to a basement" was universally understood among the population as a threat of beatings, electric shocks, and other serious harm.

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positions for the administration of the territory. Second, leading up to and upon its illegal annexation of occupied territory, it applied Russian law and administrative systems touching all spheres of political, social, cultural and economic life. Finally, it obliged the population to demonstrate allegiance to the new Russian institutions by acquiring Russian passports. Violations of IHL and IHRL occurred at each point.

82. Since IHL requires an occupying Power to administer the territory for the benefit of the local population and allow it to live “as normal a life as possible”,<sup>87</sup> it foresees continuity of public services and the continued service of public workers (for instance judges, teachers, doctors, firefighters). However, public workers must be allowed to work within existing systems, and as protected persons, they must be treated with respect, protected against physical and moral coercion, and not compelled to swear allegiance to the occupying Power.<sup>88</sup> The approach of the Russian Federation violated these provisions. It changed the public service system to align it with Russian standards, used coercion to pressure public workers to continue in key positions and compelled them to show allegiance to Russian institutions. This approach was taken across multiple public sectors.

### Local officials

83. In the initial stages of occupation, Russian armed forces sought local officials to serve the occupation regime. They used lists of local officials (such as mayors, members of town councils, and village heads) and confronted them in their offices and homes to pressure them into cooperating with the Russian occupying authorities. Russian armed forces systematically entered each office of an administration building in Melitopol district (Zaporizhzhia region) to ascertain whether the staff would continue to carry out their functions within Russian institutions and according to law and standards of the Russian Federation.
84. Russian occupying authorities sometimes offered incentives such as promotions, higher salaries and special protection to induce cooperation. In Hola Prystan (Kherson region), Russian armed forces repeatedly offered a local official a promotion to serve as mayor in place of the elected mayor who had refused to cooperate with the occupation and was detained.
85. If persuasion failed, Russian armed forces frequently used intimidation or threats of violence (sometimes against family members), and in some cases, arbitrary detention, torture or ill-treatment. OHCHR documented 37 cases in which local officials (26 men, 11 women) were detained, tortured, ill-treated or received threats against family members, in occupied areas of Kharkiv, Kherson, Mykolaiv and Zaporizhzhia regions.
86. For example, in Kherson region, Russian occupying authorities subjected a village head to increasingly hostile treatment due to his continued application of Ukrainian law and administrative procedures. Initially, he was detained for one day and instructed to accept the authority of the Russian Federation. Next, he was taken for a “conversation” which lasted three days, during which he was detained in the cell of a district court; he was again told to cooperate and questioned about UAF veterans residing in the area. A few weeks later, he was asked again if he would cooperate. He refused and was replaced with a Russian-appointed village head. The next month, the FSB detained him for four days, during which he was interrogated, beaten, subjected to electric shocks, threatened with execution, and accused of being a “Nazi” because of his refusal to cooperate. Upon release, he went into hiding, remaining indoors for 40 days, until Ukrainian forces recaptured the area.
87. Elected officials who refused to cooperate with the Russian occupying authorities were replaced with residents who were prepared to comply or with Russian citizens. For example, at the onset of the occupation, Russian armed forces detained the mayor of Enerhodar, Zaporizhzhia region, who had organized a protest against the occupation. They replaced him first with a member of the city council, then a Russian serviceman, and finally a Russian nuclear worker from Smolensk.

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<sup>87</sup> Jean S. Pictet, ‘The principles of international humanitarian law (III)’, *International Review of the Red Cross*, Vol. 6, no. 68, November 1966, pp. 567–581, at 570.

<sup>88</sup> Fourth Geneva Convention, arts. 27 and 31; Hague Convention, art. 45.



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## Law enforcement officials

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*“There is only one choice: to work with them or to die.”*

– A policeman in Zaporizhzhia region who was pressured to continue working in occupied territory under the authority of the Russian Federation.

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88. Russian armed forces used intimidation and violence to compel Ukrainian law enforcement officials to serve in police forces subordinate to the Russian Ministry of Internal Affairs. This requires officials to swear an oath of allegiance to the Russian Federation and its constitution before the Russian flag, and proclaim, “I serve Russia!”<sup>89</sup> Those who refused to switch allegiances had their weapons seized, were detained and often tortured or ill-treated, including by beatings and threats of sexual violence, execution, or violence against family members.
89. Residents (including police officers) of occupied territory consistently described how Russian armed forces and the FSB used lists to actively search for police officers at work and home.<sup>90</sup> For example, Russian armed forces searched the home of a police investigator in Luhansk region and instructed him to work for the Russian Federation. When he refused, they beat him, threatened to shoot him, searched his home and the contents of his phone, and detained him. They warned him that the occupied territory would soon be part of the Russian Federation and he would be unable to leave, so he should agree to join the Russian police. After his release, the Russian armed forces approached him again about joining the Russian police. Soon thereafter, he fled to territory controlled by the Government of Ukraine.
90. In Kharkiv region, Russian armed forces visited a police officer at home and instructed her to report for work under the Russian authorities. She refused and was detained for one week, during which time she was badly beaten and threatened with execution. She continued to refuse until Russian armed forces threatened to take away her young son and showed her a document indicating that a Russian family was ready to adopt him.
91. Russian armed forces also requested many former police officers to work for the Russian authorities. They detained some of those who refused, told them to “reconsider” their choice, and made threats against their family members.

## Teachers and school personnel

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*“I don’t understand how I should enter my classroom and say: ‘Children, from now on we will love Russia.’ I will not say it even at gunpoint.”*

– A teacher from Kherson region explaining why she refused to continue working in her school under occupation.

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92. Russian occupying authorities began approaching teachers and school administrators for their cooperation as early as April 2022. However, as the 2021-2022 school year was almost over, teachers were initially allowed to continue teaching the Ukrainian curriculum, often via online classes due to the security situation. By September 2022, Russian armed forces and occupying authorities had instructed teachers and school administrators to switch to the Russian curriculum, to conduct classes in the Russian language, and to submit formal documents transferring educational facilities and employment contracts to the Russian education system.
93. Russian occupying authorities approached teachers and school administrators to persuade them to cooperate, using enticements such as high salaries, promotions, and new school equipment, or appealing to their sense of duty to the children. Those who refused were taken for “talks”, had their homes and cell phones searched;

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<sup>89</sup> Russian Federation, Federal Law of 30 November 2011 N 342-FZ (amended on 12 October 2023) “On Service in the Bodies of Internal Affairs of the Russian Federation and Amendments to Certain Legislative Acts of the Russian Federation”, art. 28: Oath of an employee of the internal affairs bodies of the Russian Federation, at [https://www.consultant.ru/document/cons\\_doc\\_LAW\\_122329/7a342a4d412a6bbb4704a176165a9544fc9e59b/](https://www.consultant.ru/document/cons_doc_LAW_122329/7a342a4d412a6bbb4704a176165a9544fc9e59b/) (available through a Russian IP only, last consulted on 6 February 2024).

<sup>90</sup> Some police officers hid not only to avoid being forced to work with the Russian occupying authorities, but also to avoid detention, torture and ill-treatment and to protect their families.

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some received threats against themselves or their family members. An FSB officer visited the head of an education department in Kharkiv region and advised her to work for the Russian occupying authorities. When she resisted, he threatened, “if you really want to see your grandchild be born, you better listen”.

94. OHCHR documented 13 cases in which school administrators and teachers (concerning 11 women and 2 men) who refused to teach the Russian curriculum were arbitrarily detained, tortured, ill-treated, and/or threatened with violence. A school director in Kherson region was arbitrarily detained twice (for a total of 40 days), during which he was punched and kicked to pressure him into cooperating. He was told that “schools need to be operational since the Russian Federation is here forever” and warned of the consequences if he were detained a third time. In Zaporizhzhia region, Russian armed forces armed with machine guns spoke individually with each staff member at a school. They offered the school director a higher salary to continue working under the Russian education system, which he refused. Over the next weeks, the FSB arbitrarily detained him on three occasions (for a total of 13 days) and interrogated him about why he would not comply with their orders. During the third detention, they beat him with a baton. Upon release, he fled to territory controlled by the Government of Ukraine.

### Staff of the Zaporizhzhia Nuclear Power Plant

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*“The patient was beaten professionally.”*

– A medical staff discussing a ZNPP staff member who was brought to hospital after being detained by Russian armed forces. The patient died of his injuries.

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95. Active hostilities in the vicinity of a nuclear power plant pose serious risks to the safety of the many people present in adjacent areas and to the environment. On 4 March 2022, however, Russian armed forces conducted a military offensive in the area of the Zaporizhzhia nuclear power plant (ZNPP) in order to take control of the plant.
96. The highly specialized and qualified staff had to continue their critical work to ensure the safety of the plant, despite it having come under occupation. Rather than guaranteeing appropriate working conditions in line with International Atomic Energy Agency (IAEA) guidelines for nuclear safety, the Russian occupying authorities used intimidation, threats, torture, and ill-treatment to compel staff to shift their allegiances and continue working in dangerous and unhealthy conditions.
97. Occupying authorities gave staff an ultimatum to sign new work contracts with the Russian State Atomic Energy Corporation “Rosatom” or leave occupied territory.<sup>91</sup> Russian armed forces pressured workers with intimidation, physical violence, house searches, and threats to seize property. OHCHR conducted 16 interviews with ZNPP employees and their family members, and found that 13 employees (12 men, 1 woman) had been arbitrarily detained (at least 10 held incommunicado), and at least 8 had been tortured (including with electric shocks, mock executions, or beatings) or ill-treated. In addition, Russian armed forces detained the ZNPP Director General from 30 September to 3 October 2022 and the Deputy Director General for Human Resources from 11 to 17 October 2022.<sup>92</sup>
98. OHCHR also verified the case of one ZNPP worker who died from torture. The worker refused to cooperate with new administration and was taken from the plant and detained at the police station. He was severely beaten on his head, body and genitals, causing serious bodily injuries and leaving him in a coma. He was transferred to hospital where he remained unconscious for several days before his death.
99. OHCHR documented two cases of ZNPP employees who were arbitrarily detained by Russian armed forces and have since gone missing.<sup>93</sup> In one case, armed men in balaclavas and camouflage clothing arrested an

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<sup>91</sup> Prior to 24 February 2022, approximately 12,000 staff worked at the ZNPP, employed by the National Nuclear Energy Generating Company “Energoatom”. Due to significant differences in the standard operating procedures of the Ukrainian plant from those of Rosatom, existing ZNPP staff could not be replaced en masse with Russians.

<sup>92</sup> IAEA, *Nuclear safety, security and safeguards in Ukraine, February 2022-February 2023*, 23 February 2023.

<sup>93</sup> See also Industriall Global Union, *Urgent appeal to release workers missing from Ukrainian power plant*, press release, 2 November 2023, at <https://www.industriall-union.org/urgent-appeal-to-release-workers-missing-from-ukrainian-power-plant> (last consulted on 26 January 2024).

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engineer and held him incommunicado. Four months later, a video published online showed Russian military police bringing him to the Vasylivka checkpoint and apparently expelling him from occupied territory. The engineer has not been seen since.

100. Some ZNPP staff who tried to flee Enerhodar city were stopped at checkpoints and prohibited from leaving. For example, a staff member attempting to leave occupied territory was detained at a checkpoint and held incommunicado for over eight months, during which time the FSB interrogated him and subjected him to physical violence.
101. Personnel of the ZNPP had to work in dangerous and stressful conditions, exposing them to severe and life-threatening occupational safety and health risks.<sup>94</sup> Ongoing hostilities, resulting power cuts and supply chain disruptions repeatedly endangered the physical integrity of the plant and the lives and safety of staff. Shelling damaged ZNPP facilities on at least nine occasions, starting fires, causing partial shutdowns and injuring at least one staff member,<sup>95</sup> while mine explosions caused damages on at least two occasions. Atomprofspilka, the Nuclear Power and Industry Workers Union of Ukraine, reported several workers were shot by Russian soldiers or killed by landmines.<sup>96</sup> Furthermore, the plant was occupied by members of the Russian armed forces who failed to respect fire safety regulations and other safety procedures.<sup>97</sup> Their armed presence made work psychologically difficult for the staff.
102. The IAEA concluded that the work environment at the ZNPP has “implications on [workers’] physical and mental health, and increases the risk of a human error, with implications for nuclear safety and security”.<sup>98</sup>

### Other professions

103. Russian occupying authorities and armed forces also targeted persons working in numerous other professions, especially civil servants. They used the coercive methods described above to pressure individuals to continue their work under the authority of the Russian Federation.
104. Penitentiary staff were in a particularly delicate position since it was essential that they remained at their posts for the safety of prisoners held in their institutions and the public at large. Following an order from the Ministry of Justice of Ukraine, penitentiary staff of Penal Colony no. 9 in Kherson continued working under Ukrainian laws and system after the full-scale armed attack by the Russian Federation. In May 2022, the occupying authorities informed the staff that the facility would operate under the Russian Federation commencing on 1 June. On 13 May, the Ministry of Justice ordered the facility’s staff to leave their posts. However, the Russian occupying authorities refused their resignations and threatened to harm them and their families. Russian armed forces told one staff member that they would kill him and his family if he did not continue serving in the colony, told another that if he wanted to keep his family safe, he should go on duty, and warned a third that “we know your family”. Russian soldiers went to the home of a staff member who failed to come to work, handcuffed him and took him to a forest. They ordered him to return to work the following day and threatened that, if he tried to leave occupied territory, he would be stopped at the first checkpoint and forced to watch them shoot his family and throw their bodies into the river.
105. Persons working for emergency services faced similar dilemmas, given the criticality of their role in protecting their communities. OHCHR documented the arbitrary detention of nine employees of the State Emergency Services of Ukraine (SES); in at least eight cases, the individuals were tortured or ill-treated. On 3 August 2022, Russian armed forces entered a fire station in Kharkiv region and forced the staff to line up in the

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<sup>94</sup> The IAEA assessed that each of the seven pillars considered indispensable for ensuring nuclear safety and security in armed conflict had been compromised at the ZNPP. The IAEA pillars are: physical integrity of nuclear facilities; operation of safety and security systems; working conditions; supply chains, communication channels, radiation monitoring and emergency arrangements; and crucial off-site power supply.

<sup>95</sup> IAEA, *Nuclear safety, security and safeguards in Ukraine, February 2022-February 2023*.

<sup>96</sup> *Ibid.*

<sup>97</sup> Interlocutor testimony to OHCHR; ILO brief, “Violations of fundamental principles and rights at work at the Zaporizhzhia nuclear power plant and in Enerhodar city in Ukraine, temporarily occupied by the Russian Federation”, May 2023, p. 4.

<sup>98</sup> The IAEA additionally noted that emergency response and occupational safety and health management systems were no longer functioning effectively at the ZNPP, and that the chain of command and decision-making is unclear with conflicting messages being transmitted to operating staff. IAEA, *Nuclear safety, security and safeguards in Ukraine, February 2022-February 2023*, p. 7.

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courtyard to identify those on their list. One man and one woman were arrested and taken to the police station. The man was detained for 12 days; FSB officers interrogated him and tortured him by applying electric shocks and beating him with a wooden baton. Then he and another male SES colleague were taken to a checkpoint and forcibly expelled to territory controlled by the Ukraine. The woman was detained for 16 days, during which she heard the screams of other detainees. She too was taken to a checkpoint and expelled, together with four other civilian detainees. She suffered such high stress that she was later hospitalized.

106. Interlocutors reported a wider variety of practices regarding medical personnel in different settlements in the early stages of occupation. In some places, hospital administrators were pressured to register medical facilities under the Russian administration, doctors were brought in from the Russian Federation, and existing Ukrainian staff were offered employment contracts with the Russian Ministry of Health with salaries paid in Russian rubles. In other settlements, Russian armed forces did not interfere with hospital personnel, so they initially were able to avoid signing contracts with the Russian health system, for instance by delaying the submission of an application or telecommuting from home, until the illegal annexation.
107. In a town hospital in Mykolaiv region, Russian armed forces questioned doctors individually about cooperating with Russian occupying authorities. The head doctor resisted the pressure, was threatened to be “thrown into a pit” and forbidden to transfer patients out of the hospital<sup>99</sup> or to speak Ukrainian. Russian armed forces searched his house and seized electronic devices. They returned a few days later to inform him that he was no longer a doctor. They returned him to his home handcuffed and searched it again. They kicked, punched, and threatened him with torture using boiling water and electric current if he did not participate in pro-Russian mass gatherings and show support for the occupation. The doctor refused and was given 24 hours to permanently leave the settlement.

### Applying Russian law and administrative systems

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*“What’s wrong, don’t you like Russian money?”*

– An entrepreneur telling what Russian soldiers said while they were beating him for failing to register his business under the Russian system.

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108. The Russian occupying authorities began to change the systems of governance and administration to bring them into conformity with Russian laws and standards. For example, in Kharkiv region, local administrators in Kupiansk district were able to continue working under the Ukrainian system until June 2022. However, by 30 June 2022, all pre-existing village councils in the district had been disbanded. Russian armed forces introduced a new structure, with Kupiansk as the administrative centre for the wider area, and appointed persons to hold various positions.
109. The Russian Federation intensified efforts to integrate occupied territory fully into its political, legal, social, economic and cultural sphere after its illegal annexation of the occupied territory on 30 September 2022. At least 32 laws were adopted between October and December 2022 to align administrative processes in occupied territory with Russian systems in wide-ranging areas such as taxation, banking, inheritance, social protection and social services.<sup>100</sup> The Russian Federation altered the time zone of the occupied territory to set clocks to Moscow time.<sup>101</sup> A system was established whereby “patron”<sup>102</sup> regions in the Russian Federation assisted the occupied regions in implementing the required changes in infrastructure, education, healthcare,

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<sup>99</sup> Due to medical needs and for protection, wounded members of the UAF had previously been transferred to other medical facilities.

<sup>100</sup> See for instance Russian Federation, Federal Constitutional Laws N°7-FKZ and N°8-FKZ of 4 October 2022, Federal Laws N°529-FZ of 19 December 2022, N° 564-FZ of 28 December 2022 and N°18-FZ of 17 February 2023, at <http://pravo.gov.ru/> (available only through a Russian IP, last consulted on 6 February 2024).

<sup>101</sup> Russian Federation, Law N°130-FZ of 14 April 2023 “On Amending Article 5 of the Federal Law ‘On the Calculation of Time’”, at [https://www.consultant.ru/document/cons\\_doc\\_LAW\\_444714/#dst100008](https://www.consultant.ru/document/cons_doc_LAW_444714/#dst100008) (available only through a Russian IP, last consulted on 6 February 2024).

<sup>102</sup> Known as “шефство” in Russian, the patron system links sponsoring cities in the Russian Federation with districts of the occupied territory, which channel human resources and financial assistance towards the reconstruction and sustenance of the districts.

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cultural exchange and other sectors; a presidential decree provided financial benefits for Russian civil servants who worked temporarily in the occupied territory.<sup>103</sup>

110. Nearly a year after the illegal annexation, the Russian Federation conducted local ‘elections’ in the occupied territory, as a part of its nationwide elections on 10 September 2023. Russian political parties presented slates of candidates, many of whom were from the Russian Federation, to run for positions in ‘local legislative councils’.
111. The Russian Federation imposed its own legal and judicial system on the occupied territory.<sup>104</sup> In September 2023, the Supreme Court of the Russian Federation announced the operationalization of the Russian court system in the occupied territory of Donetsk, Luhansk, Zaporizhzhia and Kherson regions of Ukraine. By 31 December 2023, it had appointed 436 judges, the majority from the Russian Federation. The establishment of courts presided over by judges from the Russian Federation applying Russian law resulted in complete Russian judicial control projected over occupied territory. Residents faced prosecution for activities that were legal in Ukraine, involved the legitimate exercise of rights, and did not appear to pose a threat to the occupying Power.<sup>105</sup>
112. The Russian Federation imposed its systems for regulating business activities and property. Business owners in occupied territory were required to re-register their businesses under Russian law, pay taxes and obtain permits to conduct their activities. They were also required to hold Russian citizenship or a residence permit to complete the re-registration procedure.<sup>106</sup> Those who refused to comply faced risks, including of detention and violence. OHCHR documented the case of an independent grocer in Kherson region who had resisted registering his business and switching to the Russian ruble. Russian soldiers detained him for four days and severely beat him. He was told he had one month to formalize his business under the Russian system.
113. Landowners faced similar pressure. Russian occupying authorities required individuals to re-register ownership of land in compliance with Russian law. A resident of Zaporizhzhia region told OHCHR that the population was warned that anyone who failed to re-register ownership would have their land confiscated.
114. These far-reaching changes in the laws and administrative arrangements of the occupied territory violated the obligations of the Russian Federation to respect the existing laws and institutions in occupied territory.<sup>107</sup> The changes have significant consequences for the daily lives of residents and will continue to impact them in the future.

### Pressure on residents to obtain Russian passports

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*“I was told to get a Russian passport or they would bring me back to the place where I was tortured... I have a Russian passport now.”*

– A man recalling what FSB officers said when they released him after several days of torture in detention.

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115. Following its illegal annexation of Ukrainian territory, the Russian Federation has intensified pressure on the local population to obtain Russian citizenship and passports, which entailed swearing allegiance to the occupying Power. Those without Russian passports faced discrimination in employment rights, property rights,

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<sup>103</sup> Russian Federation, Decree N°752 of 17 October 2022 ‘On the peculiarities of secondment of persons holding public office of the Russian Federation, federal civil servants, employees of federal state bodies, holding positions that are not federal civil service positions, on the territory of the Donetsk People’s Republic, Lugansk People’s Republic, Zaporizhzhya Oblast and Kherson Oblast’.

<sup>104</sup> Under article 66 of the Fourth Geneva Convention, the occupying Power may establish military courts to sit in occupied territory and apply penal measures adopted in accordance with article 64; however, with regard to all other offences, it should ensure the functioning of regular courts.

<sup>105</sup> OHCHR, *Report on the Human Rights Situation in Ukraine, 1 August to 30 November 2023*, December 2023, para. 42.

<sup>106</sup> Businesses in occupied territory of Donetsk and Luhansk oblasts were required to register by 31 December 2023, and in occupied territory of Kherson and Zaporizhzhia by 30 June 2024. Russian Federal Tax Service, “Entrepreneurship”, n.d., at [https://xn--90aivcdt6dxbc.xn--p1ai/new\\_regions/entrepreneurship/#tab\\_27](https://xn--90aivcdt6dxbc.xn--p1ai/new_regions/entrepreneurship/#tab_27) (available only through a Russian IP, last consulted on 6 February 2024).

<sup>107</sup> ICRC, Commentary of 1958 relative to the Fourth Geneva Convention, art. 47.

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freedom of movement, social security, and access to healthcare and humanitarian aid,<sup>108</sup> in violation of the occupying Power's obligations under IHL and IHRL.<sup>109</sup> Many residents reported feeling compelled to comply given the context of intense fear compounded by significant economic pressure. The Russian occupying authorities used multiple approaches to compel persons to obtain Russian passports.

116. Pressure in the workplace was common. Civil servants were told by their superiors that they had to obtain Russian passports to keep their positions; some were further pressured with threats by Russian armed forces. In Zaporizhzhia region, the head doctor of a hospital warned an engineer he could be dismissed from his job if he did not obtain a Russian passport. Later, the hospital administration warned him that he could be "taken to a basement". In Kherson region, a supervisor told a nurse she would lose her job if she did not obtain a Russian passport. Further, the supervisor stated that an internal order required her to report the passport status of all staff to the Russian occupying authorities on a weekly basis.
117. Economic pressures compelled many to take Russian passports. To continue receiving a salary, civil servants had to agree to work in Russian public institutions; Russian citizenship is required for all public jobs in the Russian Federation.
118. Many pensioners and others dependent on social benefits, including persons with disabilities, could no longer access support from Ukraine because the Ukrainian banking and postal systems no longer functioned in occupied territory. This left them with little choice but to obtain Russian passports in order to be eligible for Russian benefits. The Russian Federation offered residents the opportunity to receive pensions and social benefits through the Russian Promsviazbank (PSB), which is subject to international sanctions;<sup>110</sup> however, opening a bank account requires a Russian passport.<sup>111</sup> The local Russian TV channel broadcasting in Mariupol (Donetsk region) notified that pensioners needed to provide their Russian passport details by 1 January 2024 to receive their benefits.<sup>112</sup>
119. Residents of occupied territory felt economic pressure acutely, because wartime conditions had already reduced access to food, medicine, hygiene products and other essential items, simultaneous with high inflation. Humanitarian aid from the Russian Federation was delivered erratically, frequently of poor quality, and insufficient to cover the needs of the public. The Russian occupying authorities did not provide the United Nations with access to deliver humanitarian assistance.<sup>113</sup> Interlocutors described the situation as "dire", with many shops closed, supply chains disrupted, and families surviving on food from their stockpiles and gardens. This intensified pressure, particularly on older persons and persons with disabilities, to apply for a Russian passport in order to receive public benefits from the Russian Federation.
120. Residents without Russian passports increasingly encountered discrimination in accessing health care in occupied territory. OHCHR documented the case of a woman in Zaporizhzhia region who received hospital treatment in August 2022, but was later refused healthcare services in December 2022 because she did not have a Russian passport. She sought care in a private clinic, but found a shortage of medical specialists. Discrimination in access to health care later became official policy. On 14 February 2023, the Duma of the Russian Federation introduced mandatory Russian health insurance in the occupied territory, effective 1

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<sup>108</sup> OHCHR, *Report on the human rights situation in Ukraine, 1 February to 31 July 2023*, paras. 99-103.

<sup>109</sup> Fourth Geneva Convention, arts. 50, 55 and 56; First Additional Protocol, arts. 14(1) and 69; ICESCR, art. 2.

<sup>110</sup> European Council, *Russia's military aggression against Ukraine: EU bans certain Russian banks from SWIFT system and introduces further restrictions*, press release, 2 March 2022.

<sup>111</sup> In November 2023, the 'ministry of labour and social protection' in the occupied part of the Zaporizhzhia region announced that only people who possess a Russian passport and a bank account in PSB are eligible for social payments.

<sup>112</sup> Mariupol 24 TV, "Bringing the database of regional pension recipients up to date", media article on Telegram channel, 17 January 2024, at <https://t.me/mariupol24tv/49751> (last accessed on 26 January 2024). In occupied areas of Donetsk region, some persons received pensions on the basis of passports issued by the self-proclaimed 'Donetsk people's republic'; however, as of 1 January 2024, the authorities said that Russian passports would be required.

<sup>113</sup> OCHA, *Ukraine: Humanitarian Access Severity Overview*, 25 October 2023; Statement by the Humanitarian Coordinator for Ukraine, 13 June 2023.

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January 2024 (later amended to be effective starting from 1 January 2025).<sup>114</sup> Obtaining the insurance requires a Russian passport, without which free non-emergency healthcare cannot be accessed.

121. In Zaporizhzhia region, humanitarian aid (from the Russian Federation) was denied to residents without a Russian passport. One former resident reported that his 75-year-old mother could not access medical or humanitarian assistance because she had no Russian passport.
122. Interlocutors told OHCHR that over time, Russian soldiers at checkpoints became more aggressive and verbally abusive towards Ukrainian passport holders, singling them out for deeper questioning and searches, requiring them to fill out 'declarations', and sometimes prohibiting them from crossing. One interlocutor witnessed civilians being detained for showing Ukrainian passports at a checkpoint. Another told OHCHR that Ukrainian passport-holders could not pass through the checkpoints that encircled their village in Kherson region, and as a result, they could not access medical care. Other civilians without Russian passports were also targeted for house searches more frequently, and were questioned and intimidated during searches for not having obtained one.

### Risk of conscription and pressure for voluntary enlistment

123. Obtaining Russian citizenship carried serious implications for young men residing in occupied territory. Upon obtaining a Russian passport, they were obliged to present at a military enlistment office for assessment of eligibility for service in the Russian armed forces.<sup>115</sup>
124. On 1 October 2023, Russian authorities launched their annual fall military conscription campaign, which - for the first time - included occupied territory of Donetsk, Luhansk, Kherson, and Zaporizhzhia regions. Men aged from 18 to 27 years old could thus be conscripted for a period of 12 months into an armed force at war with their own country. At the time of publication, OHCHR had not received reports that Russian occupying authorities had compelled protected persons in territory occupied after 24 February 2022 to serve in the Russian armed forces.<sup>116</sup> However, the Russian Federation used pressure and propaganda to secure voluntary enlistment.<sup>117</sup>
125. From October 2023 onwards, Russian authorities intensified efforts to secure voluntary enlistments. Calls to join the Russian armed forces increased in occupied territory, with numerous posters, ads, billboards and leaflets, including in schools, glorifying the Russian army. Propaganda appeared on widely used social media applications, the impact of which was magnified by internet restrictions limiting access to alternative sources of information.
126. Russian authorities required high schools and universities to provide lists of men eligible for conscription. OHCHR documented that young men of conscription age received summonses (*povestka*) to present themselves to military conscription offices to register their personal details. Once registered, they risked conscription into the Russian armed forces.

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<sup>114</sup> Russian Federation, Federal law of 14 February 2023 "On the peculiarities of legal regulation in the fields of health protection, compulsory health insurance, medicines and medical devices in connection with the admission to the Russian Federation of the Donetsk People's Republic, Luhansk People's Republic, Zaporizhzhia region and Kherson region", at <https://base.garant.ru/408079035/#friends> (available only through a Russian IP, last consulted on 29 February 2024).

<sup>115</sup> Parliamentary Gazette of the Russian Federation, "What data should be in a Russian passport", 29 April 2023, at <https://www.pnp.ru/social/kakie-dannye-dolzhen-byt-v-pasporte-rossiyanima.html> (available only through a Russian IP, last consulted on 6 February 2024).

<sup>116</sup> OHCHR has previously documented cases of forced mobilization of men in Crimea and in areas of Luhansk and Donetsk occupied by the Russian Federation (former self-proclaimed 'Donetsk people's republic' and 'Luhansk people's republic'), as well as threats and harassments of their relatives. See OHCHR, *Report on the human rights situation in Ukraine, 1 August to 30 November 2023*, December 2023, paras. 43-45; and OHCHR, *Report on the human rights situation in Ukraine, 1 February to 31 July 2023*, October 2023, para. 98.

<sup>117</sup> Article 51 of the Fourth Geneva Convention 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. A violation of this article is also a grave breach of the Convention (art. 147).

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## D. Suppression of expressions of Ukrainian culture and identity

127. While imposing Russian systems of governance and administration in occupied territory, Russian occupying authorities simultaneously sought to suppress expressions of Ukrainian culture and identity, in line with the position of many officials in the Russian Federation. In a July 2021 essay and again in December 2023, the President of the Russian Federation asserted that “Russians and Ukrainians were one people – a single whole”.<sup>118</sup> Russian political leadership praised residents of the occupied territory for “their determination to return to their true historical homeland” and cited a “thousand-year history” and “spiritual connection” that made them Russian in language, culture and traditions.<sup>119</sup> Ukrainians opposing occupation or expressing their identity as Ukrainians were labelled as Nazis. In February 2022, the President of the Russian Federation claimed a “neo-Nazi regime” had overthrown the Ukrainian Government after the 2014 Maidan events.<sup>120</sup> Russian Government officials referred to Ukrainian political leadership and its supporters as “Nazis” and “neo-Nazis”.<sup>121</sup> These invectives resonated deeply in a region marked by immense suffering during the Second World War.
128. OHCHR recognizes that culture in Ukraine is not monolithic and, as elsewhere, is characterized by a complex interplay of diverse elements including language, ethnicity, and religion which shape beliefs, identity, ways of life and feeling of cultural belonging.<sup>122</sup> However, the Russian Federation has adopted a series of policies, outlined below, which have eliminated the right of residents of occupied territory to freely choose their own cultural identity and to access and participate in their chosen cultural life,<sup>123</sup> and obliterated the reality of cultural diversity in Ukraine. The United Nations Special Rapporteur on cultural rights has specifically warned that this denial of Ukrainian identity and history as a justification for war violates Ukrainians’ right to self-determination and their cultural rights.<sup>124</sup>

### Policies targeting children

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*“If you don't send your children to a Russian school, you will be deprived of your parental rights.”*

– A mother of two children recollecting what an employee of a Russian-administered school in Kherson region told parents during a meeting.

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129. Official policies in territory of Ukraine occupied after the full-scale armed attack by the Russian Federation were targeted towards children. In a meeting of the Council on Interethnic Relations of the Russian Federation, a federal official reflected on the need to conduct work “of a systemic nature” to affirm the “idea of ethnic, cultural and historical unity of the Russian and Ukrainian peoples in place of the imported idea of Ukrainianism”, emphasizing that this work “should be started from preschool age”: “It is children and teenagers who are most vulnerable to enemy propaganda based on shameless distortion of history and blatant nationalism”.<sup>125</sup>

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<sup>118</sup> Vladimir Putin, “On the Historical Unity of the Russians and Ukrainians,” 12 July 2021, at <http://en.kremlin.ru/events/president/news/66181> (last consulted on 5 February 2024); Vladimir Putin, “Results of the Year”, media interview, 14 December 2023, at <http://en.kremlin.ru/events/president/news/72994> (last consulted on 5 February 2024).

<sup>119</sup> Vladimir Putin, presidential address, 30 September 2022, at <http://en.kremlin.ru/events/president/news/69465> (last consulted on 9 March 2024).

<sup>120</sup> Vladimir Putin, presidential address, 21 February 2022, at <http://en.kremlin.ru/events/president/news/67828> (last consulted on 5 February 2024).

<sup>121</sup> Vladimir Putin, “Results of the Year”, media interview, 14 December 2023.

<sup>122</sup> The majority of Ukrainian citizens are ethnic Ukrainians, with Russian the second largest ethnic group as well as significant communities of Jews, Belarusians, Crimean Tatars, Bulgarians, Hungarians, Romanians, Poles and other ethnic minorities. Some regions exhibit diverse cultural and linguistic identities, including at the intersection of Ukrainian and Russian influences.

<sup>123</sup> ICESCR, art. 15; Committee on Economic, Social and Cultural Rights (CESCR), General Comment no. 21.

<sup>124</sup> OHCHR, *Ukraine/Russia: Violations of cultural rights will impede post-war healing*, press release, 25 May 2022.

<sup>125</sup> Igor Barinov, Head of the Federal Agency of Nationalities Affairs, remarks at a meeting of the Council of International Relations, 19 May 2023, at <http://www.kremlin.ru/events/president/news/page/28>.



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130. In June 2022, the Russian Minister of Education announced that at the start of the 2022-2023 academic year, all schools in occupied territory of Ukraine would work according to Russian standards.<sup>126</sup> Ukrainian teachers were pressured into implementing the Russian curriculum and holding classes in Russian language, sometimes with physical violence, or were terminated from their positions (see paras. 92-94 above). By September 2022, Russian occupying authorities had replaced the Ukrainian curriculum with the Russian curriculum in many schools, contrary to the occupying Power's obligation not to interfere with the institutions in place in occupied territory.<sup>127</sup> One year later, in August 2023, the Russian Minister of Education stated that "in the new regions of Russia, we are conducting systematic work, we are trying to integrate them as quickly as possible into a unified educational space". He emphasized the "real war over history" and reported that a new program had been established to teach history.<sup>128</sup> On another occasion, members of the Russian cultural society "Znanie", which was established in 2015 by the Russian Ministry of Education and Science, travelled to Zaporizhzhia region to deliver lectures for children on the Russian view of historical and contemporary events regarding the occupied parts of Ukraine.
131. The imposed curriculum, approved by the Russian Ministry of Education, did not represent Ukraine as an independent and unique country. OHCHR analyzed a history textbook distributed to 16 and 17-year-old children in the occupied territory; it stated that "a junta came to power" in Ukraine in 2014 after "a bloody armed rebellion", and that the goal of the 'special military operation' was the "protection of the region of Donbass". The textbook also referred to present-day Ukraine as an "ultra-nationalist State", and declared that "[i]n liberating the cities, our [Russian] soldiers are finding evidence of mass crimes by Ukrainian nationalists who abuse civilians and torture prisoners of war".<sup>129</sup>
132. All States are obligated to provide education that it is "culturally appropriate",<sup>130</sup> "respects the child's own cultural identity, language and values",<sup>131</sup> and does not discriminate on the basis of "race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status".<sup>132</sup> In her report on the writing and teaching of history, the Special Rapporteur on cultural rights stressed the importance for individuals "to have access to and have acknowledged their own cultural heritage, and that of others, in terms of historical narratives".<sup>133</sup> The replacement by the Russian Federation of the curriculum undermined such access for Ukrainian children.
133. To force a complete transition to the Russian curriculum, occupying authorities sought to remove the possibility for children to follow studies according to the Ukrainian curriculum, both by seizing Ukrainian education material (see para. 140 below) and threatening teachers and parents. Teachers who no longer worked in school but taught online classes following the Ukrainian curriculum were sought out and threatened. Russian armed forces arbitrarily detained a teacher in Zaporizhzhia region teaching the Ukrainian curriculum online. They held her for two days, interrogated her about the reasons for her refusal to teach the Russian curriculum, and threatened to shock her with electric current, to throw her in a cold cell with no water or food, and to harm her elderly father. They forced her to sign a paper stating she would not teach Ukrainian classes online. Before releasing her, the soldiers warned that they were monitoring her electronic devices and should she attempt to

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<sup>126</sup> Russian Federation, law "On the peculiarities of the legal regulation of relations in the spheres of education and science in connection with the admission into the Russian Federation of the Donetsk People's Republic, the Lugansk People's Republic, the Zaporozhye region, the Kherson region and the formation of new entities within the Russian Federation - the Donetsk People's Republic, the Lugansk People's Republic, the Zaporozhye region, Kherson region and on amendments to certain legislative acts of the Russian Federation", at <https://sozd.duma.gov.ru/bill/271063-8> (available only with a Russian IP).

<sup>127</sup> Fourth Geneva Convention, art. 47.

<sup>128</sup> Kremlin.ru, "Meeting with members of the government", 2 August 2023, at <http://kremlin.ru/events/president/news/71892> (available only through a Russian IP, last consulted on 6 february 2024).

<sup>129</sup> Medinsky, Torkunov, *Russian history: 1945 - early XXI century. 11th grade*, basic level, 2023, pp. 398, 304, 306 and 307.

<sup>130</sup> CESCR, General Comments no. 21 on "Right of everyone to take part in cultural life", para. 26 and no. 13 on "Right to education", para. 6.

<sup>131</sup> CRC, art. 29; Committee on the Rights of the Child, General Comment no. 1 on "the aims of education", para. 4; CESCR, General Comment no. 21 on "right of everyone to take part in cultural life", para. 15. See also Committee on the Rights of the Child, General Comment no. 1, para. 9 (regarding quality of education, "the curriculum must be of direct relevance to the child's social, cultural, environmental and economic context").

<sup>132</sup> ICESCR, art. 2; CRC, art. 2.

<sup>133</sup> A/68/296.

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teach the Ukrainian curriculum online again, she would be “brought to the basement and will not come out”. OHCHR also received information about other teachers in Zaporizhzhia region being threatened with expulsion and other reprisals for teaching Ukrainian classes online.

134. OHCHR received reports from three separate interlocutors in Zaporizhzhia and Kherson regions that Russian armed forces threatened parents that their children would be taken away if they were not sent to Russian schools. OHCHR also received information that Russian armed forces searched children’s mobile phones for a Ukrainian application used to attend remote classes delivered by the Ukrainian Ministry of Education.
135. Russian occupying authorities also implemented policies militarizing children. A teacher reported that youth were encouraged to join groups such as the “Youth South” movement, which, as stated by the Russian-appointed “minister of youth affairs” of Zaporizhzhia region, includes branches that “provide assistance in maintaining public order” and “interact directly with our brothers who are fighting on the frontline”.<sup>134</sup> OHCHR documented the enlistment of children in similar Russian youth movements in Zaporizhzhia and Kherson regions, contrary to the IHL prohibition on the occupying Power to enlist children in formations or organizations subordinate to it.<sup>135</sup> These groups, including Yunarmia, Movement of the Firsts, and Eaglets of Russia, aim to instil a worldview “based on traditional Russian spiritual and moral goals” in children aged 6 to 18 years. Movement of the Firsts is headed by the President of the Russian Federation. Yunarmia, under the auspices of the Russian Ministry of Defense, aims to prepare children for serving in the Russian Armed Forces. These youth movements organize activities within schools to mark key events and celebrate Russian historical and contemporary figures. They also conduct excursions and camps in the Russian Federation, where children attend “patriotic education” classes, hold “patriotic conversations”, and receive paramilitary training.
136. As stressed by the Special Rapporteur on the right to education, education must be free of propaganda and must always imply access to information and a focus on the free development and exercise of critical thinking.<sup>136</sup> Since children play a fundamental role as the bearers and transmitters of cultural values from generation to generation,<sup>137</sup> these policies can readily have long-lasting consequences.

### Removal of objects of Ukrainian cultural heritage from public spheres of life

137. Russian authorities undertook several measures to remove items, expressions and symbols of Ukrainian cultural heritage from public spheres of life in occupied territory. Using the Ukrainian language for official purposes was prohibited, as Russian legislation stipulates that only the State language (Russian) should be used for Government correspondence.<sup>138</sup> Monuments and memorials of significance to Ukrainian history were destroyed, Ukrainian literature and artefacts were seized, and Ukrainian national symbols were removed.<sup>139</sup>
138. For example, in November 2023, the occupation administration in the Ivanivskyi district of Kherson region announced the demolition of 14 memorials dedicated to the Holodomor<sup>140</sup> famine suffered between 1932

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<sup>134</sup> Minister of Youth Affairs of the occupied Zaporizhzhia region, communication on official Telegram channel, 21 March 2023, at <https://t.me/AntonTitski/676> (last consulted on 27 January 2024).

<sup>135</sup> Fourth Geneva Convention, art. 50. This clause is intended to prevent a repetition of the forcing of young people en masse to join various organizations and services such as took place during the Second World War. During that conflict, large numbers of children were enlisted in organizations and movements devoted largely to political aims. ICRC Commentary of 1958, p. 288.

<sup>136</sup> A/74/243, para. 36.

<sup>137</sup> CESRC, General Comment no. 21 on Right of everyone to take part in cultural life, para. 26.

<sup>138</sup> Russian Federation, Law no. 1807-1 of 25 October 1991 (amended on 13 June 2023) “On the languages of the Russian Federation”. With the accession laws, which were adopted when the Russian Federation annexed new territory of Ukraine in September 2022, all Russian legislation became applicable in occupied territory. See for instance Federal Constitutional Law N°8-FKZ of 4 October 2022 “On the admission of the Kherson region to the Russian Federation and the formation of a new subject within the Russian Federation - the Kherson region”, art. 4, part 1.

<sup>139</sup> In addition, UNESCO has verified damages to 337 cultural sites across all of Ukraine since 24 February 2022 (including religious sites, historical buildings, museums and monuments) due to hostilities, including some of which may have been intentionally targeted and others resulting from indiscriminate and disproportionate attacks against urban areas. <https://www.unesco.org/en/articles/damaged-cultural-sites-ukraine-verified-unesco?hub=66116>.

<sup>140</sup> See European Parliament resolution of 23 October 2008 on the commemoration of the Holodomor, the Ukraine artificial famine (1932-1933) section C, which states that “whereas the Holodomor famine of 1932-1933, which caused the deaths of millions of Ukrainians, was cynically and cruelly planned by Stalin's regime in order to force through the Soviet Union's policy

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and 1933. One month later, the Russian Military Historical Society announced the restoration of Soviet and Russian monuments and memorials in Luhansk region. OHCHR also received reports that the Russian occupying authorities of the city of Vovchansk (Kharkiv region), had announced that all street signs would be changed from Ukrainian to Russian, and that any “Neo-Nazi” symbol, including the blue-yellow colours of the Ukrainian flag, would be banned.

139. Russian-appointed officials and pro-Russian media in occupied territory have reported on the removal – which they called “evacuation” – of Ukrainian cultural artefacts from museums, often without clarity as to the reasons for doing so or the place they would be stored.<sup>141</sup> The potential loss of these artefacts or their damage could significantly diminish the cultural resources on which people rely to maintain, express and develop their cultural practices, enjoy their cultural life in its full diversity, and memorialize past events.<sup>142</sup>
140. Russian occupying authorities have also targeted Ukrainian textbooks and literature for removal or seizure. In Kharkiv region, orders to seize and put into storage Ukrainian literature, textbooks, teaching aids, “propaganda materials” (such as posters, stands, etc.), signs, and school documentation were carried out in August 2022. In Luhansk region, occupying authorities instructed the removal from educational facilities of items considered to be “extremist” or “portraying the ideology of Ukrainian nationalism”, including comic books, literature about events since 2014, teaching guides, literature about the Holodomor, and “propaganda of European gender values”.<sup>143</sup> Occupying authorities in Melitopol announced they had removed “pseudo-historical books promoting the idea of nationalism” from the central library, replacing them with books “that tell the true story”.<sup>144</sup> An interviewee told OHCHR that Russian armed forces had seized books on Ukrainian history as they searched his house. The removal and destruction of literature without clear criteria for what is deemed “extremist” or “nationalist”, may have long-term implications for the preservation of Ukrainian heritage and the right to people to access to and enjoy their own cultural heritage as well as that of others.<sup>145</sup>

## Expressions of Ukrainian identity

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*“You need to forget the Ukrainian language and focus only on Russian, since this will all be Russia.”*

– A man who was arbitrarily detained and beaten, explaining what a Russian soldier told him.

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141. In the first months following the full-scale invasion by the Russian Federation, Russian armed forces conducted searches and inspections to identify individuals perceived as holding pro-Ukrainian views or identifying themselves as Ukrainians. In several cases, they detained or beat individuals who had written pro-Ukrainian comments on social media, or had Ukrainian symbols tattoos on their body, on their cell phone or in their homes. Prohibiting individuals from expressing elements of their cultural identity contravenes their cultural rights,

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of collectivisation of agriculture against the will of the rural population in Ukraine”. Source: [https://www.europarl.europa.eu/doceo/document/TA-6-2008-0523\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-6-2008-0523_EN.html), last accessed 28 January 2024.

<sup>141</sup> Russian Ministry of Culture of Kherson region, “Today with the assistance of the Ministry of Culture of Kherson region evacuation of the Kakhovka History Museum took place”, publication on official Telegram channel, 18 November 2022, at <https://www.rbc.ru/politics/19/11/2022/637860f39a7947e6fc4072fa>; and Vesti Krym, “In Crimea they want to show paintings from Kherson museums saved from shelling and flood”, media article, 3 March 2023, at <https://vesti-k.ru/news/2023/09/03/v-krymu-hotyat-pokazat-spasyonnye-ot-obstreliv-i-potopa-kartiny-hersonskih-muzeev/> (last consulted on 19 December 2023).

<sup>142</sup> According to the Ministry of Culture of Ukraine, there are 67 museums located in occupied territory.

<sup>143</sup> Olexi Artyukh, “Allegations of removal of books”, media article on Telegram channel”, 21 January 2023, at <https://t.me/raspisnoyredaktor/5414> (last accessed on 6 February 2024).

<sup>144</sup> Melitopol Administration, “Today pseudo-historical books were withdrawn from the city’s central library network” and “Books were discovered in the city’s central library”, official communications on Telegram channel, 13 May 2022, at <https://t.me/melitopoladmin/579> and <https://t.me/melitopoladmin/576> (last accessed on 6 February 2024).

<sup>145</sup> As noted by Special Rapporteur in the field of cultural rights (A/71/317), “the right of access to and enjoyment of all forms of cultural heritage is guaranteed by international human rights law, including the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights”.

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including the right to take part in cultural life.<sup>146</sup> As stated by the Special Rapporteur on cultural rights, “[s]elf-identification is the paramount expression of these [cultural] rights.”<sup>147</sup>

142. In three separate cases, civilians told OHCHR that during their detention, members of Russian armed forces beat them or tased them with a shocking device every time they answered in Ukrainian. One of the victims, in an acute state of stress, was simply not able to speak Russian at that time. OHCHR also documented the case of a 36-year-old man in Mariupol (Donetsk region) who was arrested twice by the Russian armed forces specifically because of his tattoos depicting the Ukrainian flag and coat of arms. He spent 53 days in detention between March and May 2022, during which time he was brutally beaten, kicked, struck with batons, and threatened with execution. He also witnessed the execution of another detainee. During an interrogation, members of the Russian armed forces accused him of being a “Nazi” and beat him in an attempt to solicit information regarding the UAF, resulting in three broken ribs.

### Weakening of links with Ukrainian communities outside of occupied territory

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*“I had a Russian SIM card because it was the only way to speak to my mother on the left bank. We had no alternatives to communicate with family. What choice did we have? We had to eat Russian products to survive. Is that a crime, too?”*

– A woman from Kherson region, charged with “collaboration activities”.

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143. Russian authorities have made it difficult for residents of occupied territory to maintain ties with their Ukrainian relatives, friends and communities living in territory controlled by the Government of Ukraine. They blocked Ukrainian communication networks and closed checkpoints that allowed crossings through the frontline.<sup>148</sup> IHL provides that under occupation, family honours and rights must be respected.<sup>149</sup>
144. In the spring and summer 2022, Russian armed forces progressively restricted, and then cut off mobile and internet connectivity to Ukrainian operators completely, compelling residents to buy SIM cards of Russian operators and internet service providers (see para. 51 above). These disruptions not only hindered the free exchange of information, but also severely restricted communication between residents in occupied territory and their loved ones living in Government-controlled territory of Ukraine, infringing on family life, home, and correspondence.<sup>150</sup>
145. Even where the internet was accessible, residents of occupied territory believed Russian armed forces monitored their communications.<sup>151</sup> Because of their fear of surveillance, residents were cautious about the content of their communications, which further contributed to their isolation. A woman residing in Kyiv told OHCHR that she spoke only about neutral matters on the phone with her father who remained in occupied territory. They used codes, such as referring to the weather – “it is sunny here” or “it is cloudy” – to express whether they were fine or not, because they feared their correspondence could put the father at risk if Russian

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<sup>146</sup> ICESCR, art. 15.

<sup>147</sup> OHCHR, *Ukraine/Russia: Violations of cultural rights will impede post-war healing* – UN expert, press release, 25 May 2022.

<sup>148</sup> Before the armed attack by the Russian Federation, people were able to cross between Government-controlled territory and self-proclaimed ‘republics’ in Luhansk and Donetsk through Entry-Exit Checkpoints (EECP). Measures restricting freedom of movement were nonetheless common and many EECPs closed during the Covid-19 pandemic, resulting for instance in families being separated and older persons unable to access their pensions (OHCHR, *Report on the Human Rights Situation, 16 February to 31 July 2020*, September 2020). After the armed attack, the only remaining crossing point through the frontline, located in Vasylivka (Zaporizhzhia region), closed in autumn 2022. As of 31 December 2023, people who want to reach Government-controlled territory from occupied territory must travel through the Russian Federation and re-enter Ukraine at the border crossing point in Krasnopillia (Sumy region).

<sup>149</sup> Hague Regulations concerning the Laws and Customs of War on Land, art. 46; Fourth Geneva Convention, art. 27.

<sup>150</sup> The occupation also effectively cut ties between members of the scientific and research community located on opposite sides of the front line. According to the Ministry of Education of Ukraine, at least 266 research workers remained in occupied territory as of 2023, without access to resources and equipment located in Government-controlled territory. Thus, those who wished to continue their research would need to either work within the proposed framework of the Russian occupying authorities or leave their homes and become internally displaced.

<sup>151</sup> *Ibid.*, paras. 62-63. See also Decree no. 357 of the self-proclaimed ‘Donetsk people’s republic’, which allows for military censorship by FSB of postal, digital and phone communications in occupied territory of Donetsk oblast.

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armed forces found or intercepted it. Such measures have profound and long-term consequences for the social fabric of Ukraine.

## Changing demographics of occupied territory

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*"Children must obtain Russian documents – Russian birth certificates and passports. Otherwise, they will be deported as foreigners."*

– A mother quoting what a staff member of a Russian-appointed school administration told parents in occupied territory of Kherson region.

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146. Large movements of population, including the fleeing or evacuation of Ukrainian civilians from areas affected by hostilities and the forced transfer or deportation of protected persons by Russian authorities, have resulted in substantial demographic changes in the occupied territory of Ukraine.
147. At the onset of the full-scale armed attack by the Russian Federation, and at every large-scale military offensive that followed, large numbers of civilians fled or were evacuated from areas affected by hostilities. The International Organization for Migration (IOM) reported that by October 2022, there were 3.8 million internally displaced persons (IDPs) in Ukraine from the eastern regions of Dnipropetrovsk, Donetsk, Kharkiv, Luhansk, and Zaporizhzhia, representing 67 per cent of the total number of IDPs in Ukraine.<sup>152</sup> In May 2023, the top five regions of origin of IDPs were Donetsk, Kharkiv, Kherson, Luhansk, and Zaporizhzhia.<sup>153</sup> People also fled abroad. By the end of 2022, 5.7 million Ukrainians had become refugees, mainly in Europe.<sup>154</sup> In 2022, Ukrainian refugees living in European countries came mostly from Dnipropetrovsk, Kyiv, Kharkiv, Odesa, and Zaporizhzhia regions.<sup>155</sup> Additionally, in 2022, the Russian Federation recorded the presence of more than 1.2 million Ukrainians under various forms of stay.
148. Amidst these significant population movements, OHCHR has collected information about some 200 children from occupied territory who were transferred individually or in groups to other regions in Russian-occupied territory, to the Russian Federation, or to Belarus.<sup>156</sup> Many of these children were in institutionalized care, for instance in institutions for children with physical or intellectual disabilities. Some children were also orphaned or deprived of parental care, rendering the process of tracing them more difficult. These transfers, some of which may amount to forced transfers or deportations, resulted in families being separated and in children being apart from their parents for long periods of time.<sup>157</sup> OHCHR has received more allegations of children being moved, but the scale of forced transfers and deportations remains difficult to ascertain.
149. OHCHR documented that approximately 1,600 civilian prisoners, who had been serving sentences in different penal colonies in the Kherson region before February 2022, were transferred to penal colonies in the Russian Federation.
150. In some cases documented by OHCHR, Russian armed forces expelled persons from occupied territory to territory controlled by the Government of Ukraine, usually after a period of detention (see paras. 55, 99 and 105 above).

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<sup>152</sup> IOM, EUAA, OECD, *Forced displacement from and within Ukraine: Profiles, experiences, and aspirations of affected populations*, October 2022, at [https://dtm.iom.int/sites/g/files/tmzbd11461/files/reports/2022\\_10\\_25\\_Forced\\_Displacement\\_Ukraine\\_Joint\\_Report\\_EUAA\\_IOM\\_OECD.pdf](https://dtm.iom.int/sites/g/files/tmzbd11461/files/reports/2022_10_25_Forced_Displacement_Ukraine_Joint_Report_EUAA_IOM_OECD.pdf) (last accessed on 17 January 2024)

<sup>153</sup> IOM, *Ukraine Snapshot report: Population Figures and Geographic Distribution, General Population Survey Round 13*, May 2023, at <https://dtm.iom.int/reports/ukraine-snapshot-report-population-figures-and-geographic-distribution-general-population?close=true> (last accessed on 17 January 2024).

<sup>154</sup> UNHCR, *Global Trends: Forced Displacement in 2022*, p. 19, at <https://www.unhcr.org/global-trends-report-2022> (last accessed on 9 March 2024).

<sup>155</sup> IOM, *Ukraine Response Regional Annual Overview: Ukrainian Refugees and TCNs crossing to Ukraine in 2022*, 20 April 2023, at <https://dtm.iom.int/reports/ukraine-response-regional-annual-overview-ukrainian-refugees-and-tcns-crossing-ukraine-2022> (last accessed on 18 January 2024).

<sup>156</sup> See OHCHR, *Report on the human rights situation in Ukraine, 1 February to 31 July 2023*, para. 91.

<sup>157</sup> The legal qualification of these transfers as forced transfers and deportations requires careful factual determinations based on the individual circumstances of each adult or child. However, they constitute violations of the rights to respect of family life and to know the fate and whereabouts of missing relatives, as well as the rights of children to preserve their identity and to family reunification under IHRL.

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151. In April 2023, the Russian Federation adopted a decree on the legal status of individuals without Russian citizenship in the occupied territory of Ukraine, which puts some Ukrainians at risk of deportation.<sup>158</sup> As an effect of this decree, Ukrainians residing in the occupied areas of Zaporizhzhia, Kherson, Donetsk and Luhansk regions became considered as “foreigners”, unless they had obtained Russian citizenship. Apart from exerting pressure on Ukrainian citizens to obtain Russian passports, the decree also imposed specific restrictions on those Ukrainian citizens whose place of residence was registered elsewhere than in occupied territory prior to 2022.<sup>159</sup> These Ukrainian citizens must apply for a residence permit from the Russian occupying authorities or face risk of deportation from occupied territory, starting from 1 July 2024. The decree also provides that Ukrainian citizens residing in occupied territory without a Russian passport may be deported if their “extremist activities” threaten national security. Given the broad definition of the term “extremist activities” in Russian legislation,<sup>160</sup> persons may risk deportation for expressing pro-Ukrainian views or criticizing official Russian narratives regarding the war.
152. Russian authorities have established and maintained a repressive environment for persons living under occupation. They have targeted persons opposed to the occupying authorities’ policies and narratives, adopted policies aimed at ensuring and institutionalizing Russian systems of governance, and suppressed the right of people to freely express their Ukrainian cultural identity. The cumulative effect of these policies and practices has led many people to flee their home in occupied territory for Government-controlled territory. Combined with mass displacement due to protracted hostilities, this will profoundly reshape the cultural and identity configurations of people residing in occupied territory for years to come.

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<sup>158</sup> Russian Federation, Presidential Decree no. 307 of 27 April 2023 “On peculiarities of the legal status of certain categories of foreign citizens and stateless persons in the Russian Federation”, at <http://actual.pravo.gov.ru/text.html#pnum=0001202304270013> (accessible only with a Russian IP, last consulted on 18 January 2024).

<sup>159</sup> In Ukraine, citizens and foreigners must register an official place of residence for administrative purposes. Many Ukrainians currently residing in Zaporizhzhia, Kherson, Donetsk and Luhansk oblasts still have their place of residence registered in other oblasts of Ukraine. The decree made a distinction between Ukrainian citizens whose place of residence was registered in Zaporizhzhia, Kherson, Donetsk and Luhansk oblasts, and Ukrainian citizens whose residence was registered elsewhere.

<sup>160</sup> The Venice Commission has criticized the Russian anti-extremism legislation for its “broad and imprecise wording [...] thus leading to arbitrariness”. According to the Venice Commission, activities defined as extremist “do not all contain an element of violence and are not defined with sufficient precision to allow an individual to regulate his or her conduct”, raising problems in the light of inter alia the freedom of expression. See CDL-AD (2012)016-e, Opinion on the Federal Law on Combating Extremist Activity of the Russian Federation adopted by the Venice Commission at its 91st Plenary Session (Venice, 15-16 June 2012), paras. 74-75.

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## VII. THE END OF THE OCCUPATION AND ITS AFTERMATH IN MYKOLAIV, KHARKIV AND KHERSON REGIONS

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*"I wish someone would make a movie about our village, so people can understand what we went through during the eight months of occupation, without any outside assistance, without any income."*

– A woman from Mykolaiv region charged with "collaboration activities".

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153. In the second half of 2022, Ukrainian armed forces regained control over Mykolaiv region, as well as parts of Kharkiv and Kherson regions, where occupation lasted between seven and nine months. The capture, occupation and recapture of these areas left behind a legacy of destruction - ruined homes and infrastructure, land contaminated by mines and explosive remnants of war (ERW), pillaged public buildings, as well as a devastated local economy and a wary, traumatized population. Additionally, some areas over which Ukrainian armed forces regained control have come under intensified shelling by Russian armed forces.
154. In the aftermath of occupation, Ukrainian authorities began to provide afresh for public order and services, and to investigate war crimes and human rights violations committed during the occupation. They also brought charges of collaboration against residents who had cooperated with the Russian occupying authorities. Because Ukrainian law defines "collaboration" broadly and due process was not observed in many cases, these prosecutions often led to instances of double victimization – persons suffered human rights violations first under the Russian occupation and then again in the course of being prosecuted for collaboration. These prosecutions risk weakening social cohesion.

### A. The aftermath of occupation

#### Intensified shelling and widespread mine contamination

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*"People here cannot wait. They live off the land."*

– The head of a village in Kherson region regarding dangerous attempts by locals to demine their fields themselves.

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155. As Russian armed forces retreated from large areas of Kharkiv and Kherson regions, they intensified military attacks on previously occupied territory from their new positions, severely impacting the lives of residents who had already been living through occupation. For example, in Kherson city, OHCHR recorded 4 civilian casualties during the occupation; however, shelling and multiple launch rocket system attacks after the end of occupation until 31 December 2023 killed 178 civilians and injured 716. OHCHR also documented that at least 26 educational and 22 medical facilities were destroyed and at least 22 educational and 19 medical facilities were damaged in Kherson city after the retreat of Russian armed forces. A Kherson official told OHCHR that there was not a single healthcare facility that had not been shelled in Kherson city. This severely restricted the right of residents to access healthcare. In Kupiansk (Kharkiv region), OHCHR recorded no civilian casualties during the occupation and 33 killed and 104 injured after the end of occupation until 31 December 2023. At least 18 educational and 1 medical facilities were destroyed or damaged in Kupiansk after the retreat of Russian armed forces, while none had been impacted under occupation.
156. Moreover, widespread contamination of the land with mines and ERW presented a grave risk to the life and safety of residents. Mines and ERW caused 484 civilian casualties (131 killed<sup>161</sup> and 353 injured<sup>162</sup>) in formerly occupied areas of Kharkiv, Kherson and Mykolaiv regions, from the retreat of Russian armed forces in autumn 2022, until the end of 2023. ERW and mine-related incidents disproportionately affected men and

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<sup>161</sup> These include 116 men, 8 women, 4 boys, 1 girl and 2 adults whose sex is not yet known.

<sup>162</sup> These include 283 men, 21 women, 21 boys, 6 girls, as well as 3 children and 19 adults whose sex is not yet known.

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boys, who accounted for 92 per cent of the casualties (of them, 94 per cent were men and 6 per cent were boys).<sup>163</sup> They also posed a grave risk to children. For example, on 3 February 2023, seven children (four girls and three boys) were injured in Izium (Kharkiv region) when they found a PFM-1 “butterfly” mine and it detonated.

157. Mine and ERW contamination particularly threatened farmers who worked the land, making it risky for them to secure their livelihood. OHCHR documented that 10 farmers were killed and 47 injured (46 men, 1 woman), comprising 12 per cent of the total number of civilian casualties caused by ERW and mine-related incidents in Kherson, Mykolaiv and Kharkiv regions from autumn 2022 to 31 December 2023. All were killed or injured while ploughing their fields with a tractor. On 21 December 2022, a farmer was injured by a mine in Novyi Burluk village (Kharkiv region), underwent surgery and was hospitalized for three weeks due to skull fractures. On 17 September 2023, a 45-year-old farmer was killed and a 26-year-old farmer injured near Maksyma Horkoho (Kherson region), when their field work caused a mine to explode. On 28 September 2023, near Nova Husarivka (Kharkiv region), two farmers, aged 31 and 68, sustained multiple injuries when their tractor ran over a mine. Persons engaged in emergency response and demining were also particularly at risk. OHCHR documented that 21 were killed and 29 injured (all men) in Kherson, Mykolaiv and Kharkiv regions from autumn 2022 to the end of 2023, comprising 10 per cent of the total number of civilian casualties caused by mine-related incidents.
158. Mine contamination hindered rehabilitation of vital civilian infrastructure since it posed risks to workers conducting repairs. Despite mine clearance conducted on the roads and villages in the area surrounding Izium, on 8 November 2023, two road construction workers were killed and a further two injured (all men) when their repair work activated a mine.

## Economic and community life

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*“Since Russian forces shell any gathering of people, we deliver humanitarian aid to people’s homes. People often wait their turn, hiding in the hallways.”*

– A volunteer in Government-controlled areas of Kherson region regarding the dangers of distributing humanitarian aid.

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159. In areas over which Ukraine regained control, the combined damage from hostilities was extensive, seriously diminishing the standard of living of the population.
160. Between November 2022 and August 2023, OHCHR visited over 60 formerly occupied villages and towns in Kharkiv region and observed large-scale damage to public administration buildings, homes and apartment buildings, churches, as well as electrical and water infrastructure and bridges. In these formerly occupied communities, OHCHR also documented damage or destruction of 64 educational facilities (45 schools and 19 kindergartens) and 27 medical facilities. In at least 50 of the villages and towns visited, local officials estimated that between 40 to 90 per cent of buildings had been damaged. Some of them were a moonscape of devastation: over 90 per cent of all buildings in Kamyanka village were destroyed or heavily damaged.
161. Moreover, the pillage of property by members of Russian armed forces upon their retreat left communities without access to essential equipment. For example, on the night before Russian armed forces left Bilozerka village (Kherson region), they took the residents’ private generators. Since the village lacked electricity, the loss of generators left residents in darkness, and without the ability to pump water from their wells. Interlocutors reported that office equipment and furniture were pillaged from public buildings, which later complicated efforts to re-establish public order and services.
162. As a result of the destruction, pillage and mine contamination, people in communities over which Ukraine regained control lacked adequate housing, consistent utilities (such as electricity and internet), food and employment. Many residents, in particular older persons, needed urgent humanitarian assistance.<sup>164</sup>

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<sup>163</sup> The percentage is calculated on the basis of recorded casualties for which sex is known.

<sup>164</sup> HRMMU, *Update on the human rights situation of older persons in Ukraine in the context of the armed attack by the Russian Federation*, May 2023.



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163. After Ukrainian armed forces regained control over parts of occupied territory, Ukrainian authorities reassumed responsibility for ensuring public order and providing services to the population, including by delivering humanitarian assistance, removing landmines and ERW, ensuring emergency and medical services, restoring documents, pensions and social benefits, repairing critical infrastructure and reopening schools. The scope of this recovery work is detailed in the Rapid Damage and Needs Assessment.<sup>165</sup>
164. The communities underwent substantial demographic changes as a result of both the occupation and the Russian retreat. Many people left during the occupation, especially those targeted by the Russian authorities, as described above. When Russian armed forces retreated, some residents with close links to the Russian occupying authorities also left, fearing they would face charges of collaboration after the Ukrainian authorities returned. Older persons were more likely to remain given their strong attachment to land and home. The resulting post-occupation population was both older and smaller. For example, on 13 December 2023, OHCHR spoke with every resident of Ternovi Pody village (Mykolaiv region). The village, which previously had a population of over 5,000, now has only eight residents, all over the retirement age. Shelling, mines and destruction deter people from returning. OHCHR visited the town of Bilozerka (Kherson region), which had a pre-occupation population of 11,400 people, but where only 5,500 (including up to 320 children) remained after occupation. Similarly, in Kharkiv region, only 10,000 to 12,000 remained in Iziium in September 2022, a town with a population of 49,400 before occupation.<sup>166</sup> These changes complicated recovery efforts, since communities had many vulnerable persons needing humanitarian support and relatively few persons to do the heavy physical work of rubble removal and reconstruction or to re-establish public services.
165. The climate of fear prevailing during the occupation has also left behind a social legacy of mistrust. Some community members had cooperated with the Russian occupying authorities, either willingly or under duress. Some had denounced pro-Ukrainian neighbours to the occupying authorities; many pro-Ukrainian neighbours had fled, but some returned home in the aftermath of occupation. This has created uncertainty about how communities in previously occupied areas, now comprising individuals with different wartime experiences and decisions, will manage to live together harmoniously.

## B. Prosecution for crimes committed during the occupation

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*"All the people who left town during occupation feel like heroes nowadays, but those of us who stayed and provided basic services vital for civilian lives, we are considered enemies and collaborators."*

– A civil servant who continued working to ensure the population's access to water during occupation, now charged with "collaboration activities". Russian armed forces had arbitrarily detained him, beat him and threatened to castrate and execute him.

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166. Ukrainian authorities have had to contend with the continuing legacy of IHL and IHRL violations that occurred during occupation. This included the investigation of war crimes and other violations of the law. Ukrainian law enforcement collected physical evidence left behind by the retreating Russian troops and conducted interviews with victims and witnesses. For example, in Iziium, the Kharkiv Regional Prosecutor organized the exhumation of 451 bodies that had been buried in a forest, mainly in unmarked graves. Forensic analysis was done to identify the remains and establish the cause of death. While some had died from the hostilities or natural causes, the Regional Prosecutor reported that at least 17 bodies showed indications of potential homicide. The Office of the Prosecutor General of Ukraine reported that it had launched 21,500 criminal cases relating to the occupation in Kharkiv region.<sup>167</sup>

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<sup>165</sup> World Bank, Government of Ukraine, European Commission and United Nations, *Ukraine: Rapid Damage and Needs Assessment, February 2022-December 2023*, February 2024.

<sup>166</sup> Figures provided to OHCHR by officials of the towns during visits and interviews there.

<sup>167</sup> As of 16 January 2024.

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## Collaboration in Ukrainian law

167. After the retreat of Russian troops, Ukrainian authorities began opening investigations into allegations that residents had committed criminal offences of collaboration by cooperating with the Russian occupying authorities. Ukraine defined the offence of collaboration in its legal code after the full-scale invasion of 2022. Notably, on 3 March 2022, 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, including “propaganda aimed at facilitating the armed aggression”, “acts aimed at implementing the educational standards of the aggressor state”, “transfer of material resources”, “commercial activities in cooperation with the aggressor state”, and “carrying out of information activities in cooperation with the aggressor state”.<sup>168</sup> The language is vague and imprecise.<sup>169</sup> Further, the law potentially criminalizes virtually all employment or business activities in the occupied territory, regardless of whether these actions resulted in any negative consequences for the State (for instance disclosure of sensitive information, direct advantage to the belligerent party or repression of other residents). Convictions carry significant consequences, including deprivation of liberty of up to a life sentence, prohibition from holding public posts for up to 15 years, and property confiscation.
168. The Ukrainian law on collaboration also risks criminalizing conduct which the occupying Power can lawfully compel individuals to carry out in accordance with the law of occupation under IHL and which might be essential for or benefit the normal life of the population of the occupied territory. IHL obliges the occupying Power to maintain conditions in the occupied territory to permit as normal a life as possible.<sup>170</sup> It must administer temporarily the occupied territory for the benefit of the local population and ensure the continued functioning of educational and medical facilities.<sup>171</sup> IHL permits the occupying Power to compel protected persons to perform work necessary for public utility services or for the feeding, sheltering, clothing, transportation, or health of the population of the occupied territory.<sup>172</sup> Further, while IHL does not prohibit Ukraine from punishing public officials who breached their duty of allegiance toward Ukraine, such as by swearing an oath to the Russian authorities, due consideration should be given to individual circumstances of each case – inclusive of threats and violence, the overall climate of fear and the imposition of Russian systems – which may have amounted to coercion or duress.

## Prosecutions for “collaboration activities”

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*“People who had the means to leave during occupation were able to do it. Now they come back as ‘heroes’. How could we leave with sick parents? We were mostly women staying behind, older women, with no money.”*

– A woman who distributed humanitarian aid for occupying authorities in Mykolaiv region, now charged with “collaboration activities”.

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169. The Office of the Prosecutor General reported that, as of 31 December 2023, it had opened a total of 6,762 criminal cases for “collaboration activities” under article 111-1.<sup>173</sup> Ukrainian courts issued verdicts in 1,010 of these cases, including 216 for actions committed in Kharkiv region, 92 in Kherson region, and 35 in Mykolaiv region. Nearly all collaboration charges resulted in guilty verdicts: since May 2022, Ukrainian courts issued guilty verdicts in all cases, except three, tried under article 111-1 of the Criminal Code of Ukraine for collaboration, convicting 638 men, 380 women and 1 boy.

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<sup>168</sup> Ukraine, Law no. 2108-IX “On Amendments to Certain Legislative Acts of Ukraine on Criminalization of Collaboration Activities”.

<sup>169</sup> See OHCHR, *Report on the human rights situation in Ukraine: 1 August 2022 – 31 January 2023*, paras. 119-122.

<sup>170</sup> Hague Convention IV, Hague Regulations Concerning the Laws and Customs of War on Land, art. 43.

<sup>171</sup> Fourth Geneva Convention, arts. 50 and 56.

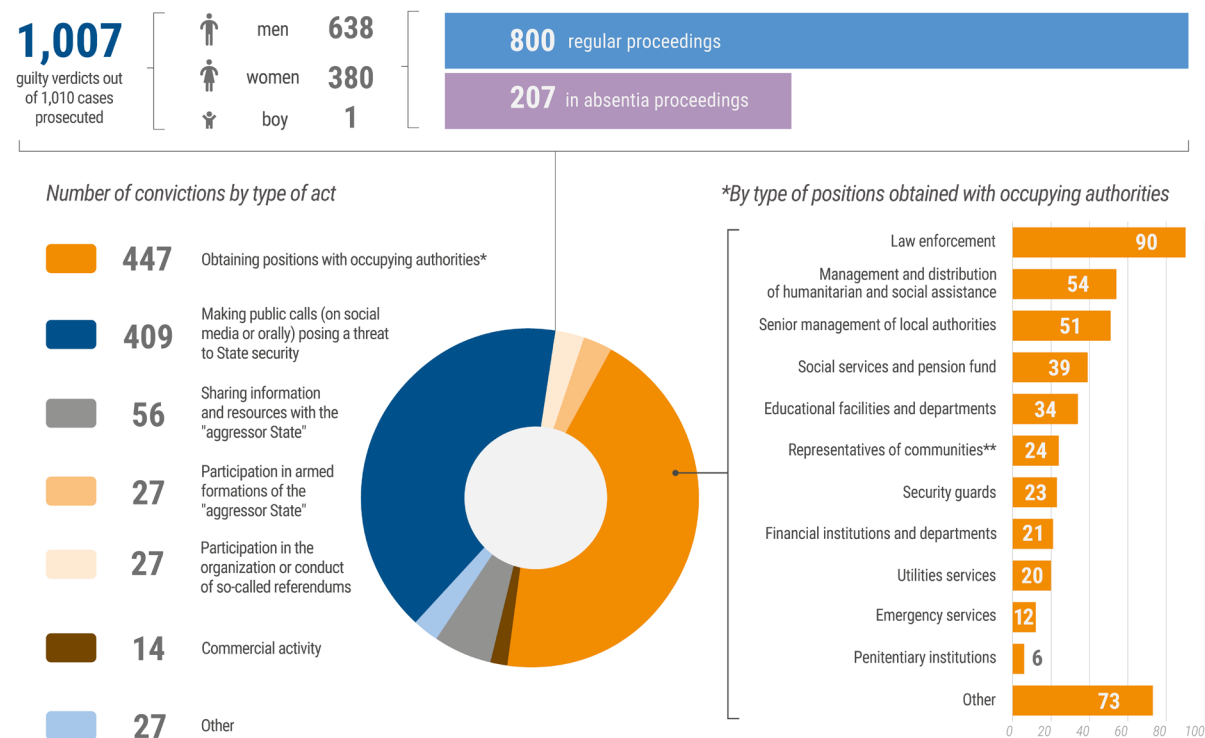
<sup>172</sup> Fourth Geneva Convention, art. 51.

<sup>173</sup> Criminal cases have also been opened under article 111 (treason defined as “an act intentionally committed by a citizen of Ukraine to the detriment of the sovereignty, territorial integrity and inviolability, defense capability, state, economic or information security of Ukraine” and article 111-2 (cooperation with the ‘aggressor state’).

170. Through analysis of those 1,010 publicly available court verdicts rendered in 2022 and 2023 involving charges under article 111-1, OHCHR identified 447 guilty verdicts for obtaining positions with Russian occupying authorities. Of those, 91 women and 52 men (or 32 per cent) were convicted for performing work that the occupying Power may require under IHL to maintain public order and life. For instance, people were prosecuted for working in emergency services, schools, water services, humanitarian relief and garbage removal. In most of these cases, individuals were sanctioned with a prohibition from holding public posts for up to 10 years.

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

From 1 May 2022 to 31 December 2023



Creation Date: 15 March 2024  
Source: OHCHR HRMMU

\*\* Unofficial positions. These people usually represent residents of settlements, areas or streets before occupying authorities, including providing them with the information on humanitarian needs but also report on residents who left or returned to the area.

171. For example, a woman in Kharkiv region explained to OHCHR that the Russian occupying authorities pressured her to continue to work for a gas company. She agreed mainly because she wanted to ensure that residents of her town had heating during the winter. In Mykolaiv region, after witnessing hardships faced by residents who could no longer access Ukrainian pensions or social assistance, a woman agreed to deliver cash payments in rubles to pensioners on behalf of the occupying authorities. In another case, a man in Kherson region agreed to work in a ministry established by the occupying authorities to help ensure the population's continued access to food. He worked in the ministry for only 10 days before the occupation ended, and now faces 10 years in prison: "one year for each day I worked in the ministry".
172. In cases involving "collaboration activities" analyzed by OHCHR, prosecutors and judges typically gave insufficient attention to the criminal intent (*mens rea*) of the accused, particularly whether the individual had acted under conditions of coercion or duress, including threats or violence, the dire economic situation, inability to leave the occupied territory, and the climate of fear. OHCHR interviewed 11 persons detained on these charges who said they had agreed to show allegiance under conditions of coercion or duress. Additionally, through analysis of court documents, OHCHR identified 42 persons who reported such coercion or duress.
173. Some residents in occupied territory agreed to work or provide services only after they experienced violence or received threats that they would be killed or beaten, that their family members would be killed or otherwise physically harmed, that their house would burn down or be hit by a shell, or their relatives would be conscripted.

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174. Others agreed to carry out specific tasks for the Russian occupying authorities because of dire financial pressures. For example, collaboration charges were brought against a 68-year-old woman with severe health issues who carried ballot boxes during the so-called referendum in Kherson region. She explained that she needed the compensation received to pay for her medical treatment. Several defendants reported that they had not left occupied territory because they feared losing their home, needed to care for older or sick relatives, lacked financial means to pay for transport to Government-controlled territory, or were unable to cross checkpoints where Russian armed forces had lists of people not permitted to leave.
175. As a result, persons who cooperated under coercion, duress or other forms of extreme pressure during the occupation are now being prosecuted for “collaboration activities”; they have suffered twice. For example, above at para. 90, the report describes how Russian armed forces arbitrarily detained a woman police officer for one week, interrogated her, beat her, and threatened to hand over her son for adoption in the Russian Federation, in order to coerce her to resume employment as a police officer. When Ukraine regained control over the town in autumn 2022, the SBU arrested her and charged her with collaboration. As of 31 December 2023, she was being held in a SIZO awaiting trial and had not seen her son in over a year.
176. As described in para. 104, penitentiary staff in Kherson region continued their work under occupation at the orders of the Ukrainian Ministry of Justice until 13 May 2022, when they were ordered to halt their duties. At that point, they had no way to depart from occupied territory because Russian armed forces at multiple checkpoints had lists of people, including penitentiary staff, who were prohibited from leaving. After the facility started operating under the Russian Federation, on 1 June 2022, one staff member objected vocally and was detained; one month later, his body was found. Others who tried to stop working were detained by Russian armed forces, beaten, subjected to mock executions, and received threats against their families including rape.<sup>174</sup> Because of the fear instilled by this violence, other staff members continued working. As the Russian armed forces retreated, they offered the penitentiary staff to evacuate with them. The penitentiary staff refused, not anticipating that they would face prosecution. OHCHR has interviewed seven penitentiary staff members from this facility charged with high treason by Ukrainian authorities.

### Incommunicado and arbitrary detention, torture and fair trial concerns

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*“The SBU told me – ‘If you plead guilty [to “collaboration activities”], you will get 6.5 years, we do not take your property, and we do not touch your son. You will then only spend 3.5 years in detention. If you do not plead guilty, we will take your son and your property, and you will get 10 years. The choice is yours.’”*

– A woman in pre-trial detention, charged with “collaboration activities”, whose son is of conscription age.

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177. OHCHR documented cases of torture and ill-treatment, arbitrary detention and violations of fair trial rights in 12 criminal proceedings by Ukrainian authorities against individuals accused of “collaboration activities”. This represented 27 per cent out of the total of 44 criminal proceedings that it followed. At least 9 persons were held incommunicado before their detention was formalized, and these cases may amount to arbitrary detention. At least 5 people were subjected to torture or ill-treatment to force confessions of collaborating with Russian armed forces or occupying authorities. In one case in Kharkiv region, Ukrainian authorities arrested a former police officer who had been detained and tortured by Russian armed forces during the occupation. In September 2022, after Ukraine had recaptured the area, unknown armed men came to his house and brought him blindfolded to an unknown place, where they beat him with a rifle stock. He was then taken to the local premises of the State Bureau of Investigation, where he was formally interrogated. He was awaiting trial in a SIZO as of 31 December 2023 on charges of collaboration.
178. In cases documented through interviews, OHCHR found that courts generally ordered the accused to remain in custody pending trial, often for extended periods of time.<sup>175</sup> IHRL provides that it should not be a general

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<sup>174</sup> One interlocutor noted to OHCHR that personnel files had remained in the detention facility, which contained addresses and information of family members of staff, placing them at risk.

<sup>175</sup> Pursuant to art. 176, para. 6 of the Criminal Procedure Code of Ukraine.

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practice to subject defendants to pre-trial detention, and that detention pending trial must be based on a determination of individual circumstances.<sup>176</sup> Furthermore, many people prosecuted on collaboration charges had allegedly cooperated with Russian occupying authorities for actions that can be lawfully compelled under IHL or showed allegiance under duress. Individuals described that pre-trial detention placed substantial pressure on them to confess to lesser charges in order to be released and sanctioned with non-custodial measures.<sup>177</sup> Many defendants interviewed by OHCHR reported that they faced pressure from prosecutors to plead guilty or agree to plea bargains, which may amount to a violation of their right not to be compelled to confess guilt.<sup>178</sup>

179. Defendants complained to OHCHR about the poor quality of free legal aid, saying that public defenders frequently insisted they agree to plea bargains. In one case, a woman charged with having participated in the so-called referendum in September 2022 drew her lawyer's attention to the fact that her case file included documents describing events that had never happened. Nevertheless, her lawyer advised her to plead guilty, reminding her that law enforcement knew about her son's location, which she perceived as an implicit threat.
180. Other defendants were forced to confess without the presence of a lawyer.<sup>179</sup> For example, the SBU arrested a woman in Kherson for having participated in an election commission during the so-called referendum and compelled her to make self-incriminating statements on video, instructing her what to say. No lawyer was present. She was charged with "collaboration activities" and was still detained in a SIZO as of 31 December 2023. She explained to OHCHR that she had agreed to participate in the election commission only after the Russian occupying authorities had threatened to conscript her son.
181. As a result of all these factors, nearly all collaboration charges resulted in guilty verdicts (see para. 169). Guilty verdicts carry severe legal consequences, with some being manifestly disproportionate to the gravity of the offence. For example, in September 2023, a court in Mykolaiv region sentenced a woman to six years in prison and confiscation of property for having distributed social payments and pensions to older persons under occupation.
182. The prosecutions stigmatize residents who lived under occupation as lawbreakers and traitors for carrying out work, often of an essential character or under coercion or duress. The risk of being prosecuted for these offenses spreads unease among the people living on territory still occupied and reinforces divisions. Since 28 March 2022, Ukrainian lawmakers have registered at least nine draft laws proposing amendments to article 111-1 of the Criminal Code, however not one has yet been tabled for a vote.

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<sup>176</sup> The Human Rights Committee stated that "detention pending trial must be based on an individualized determination that it is reasonable and necessary taking into account all the circumstances, for such purposes as to prevent flight, interference with evidence or the recurrence of crime." General Comment no. 35, para. 38.

<sup>177</sup> OHCHR, *Detention in the context of the armed attack by the Russian Federation*, para. 113.

<sup>178</sup> ICCPR, art. 14; Human Rights Committee, General Comment no. 32, para. 41.

<sup>179</sup> Under the Code of Criminal Procedure (art. 615, para. 11), during the period of martial law, a court may rely on the testimony of a suspect only if that testimony was given in the presence of a lawyer.

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## VIII. CONCLUSION

183. The Russian occupation of Ukrainian territory caused deep wounds and painful divisions on both sides of the frontline. This report illustrates how actions by the Russian Federation in violation of IHL and IHRL had a rapid and dramatic impact on the everyday life of residents of occupied territory. Many people living under occupation endured intimidation and repression, facing a constant threat of violence, detention, and punishment, in a situation where no one was held accountable for serious and widespread violations of IHL and IHRL. Russian armed forces and occupying authorities stifled free expression and restricted access to information. The result was a generalized climate of fear. The occupying authorities dismantled Ukrainian systems of governance, administration, justice, and education, imposed Russian systems in their stead, silenced opposition and dissent, and suppressed expressions of Ukrainian culture and identity by prohibiting the Ukrainian language and media, among other measures. People living under occupation had to adapt to the conditions of life under Russian systems, acquire Russian passports, and refrain from expressing a Ukrainian cultural identity. The long-term consequences of the changes to the education system to promote Russian policy are profound.
184. Historical examples of occupation and its aftermath demonstrate the challenges of rebuilding communities and restoring social cohesion after occupation.<sup>180</sup> Beyond the physical destruction resulting from hostilities, requiring substantial humanitarian assistance, mine clearance, and reconstruction of shattered homes and infrastructure, Ukrainian authorities and communities must reckon with the legacy of the imposition of Russian governance and administrative systems. Victims of cumulative injustices and violence require avenues for accountability that go beyond criminal responsibility and include measures promoting truth, reparation and the rights and reintegration of people who have experienced occupation.
185. IHL provisions that govern occupation, in particular the requirement that the occupying Power must minimize changes to the status quo ante, are designed to safeguard people's rights during occupation and to preserve legal and administrative systems, as far as possible, creating the conditions for the territory's reintegration. However, the imposition of Russian systems has created—and continues to create—a legacy of deeply divisive and complex “facts on the ground”. Local public servants work in Russian State institutions. Marriages, divorces, births, and deaths are being registered in Russian systems. Children study in the Russian language and are taught the Russian interpretation of history and bring home report cards and diplomas certified in the Russian educational system. Prisoners serve sentences handed down under Russian laws. Businesses and properties are registered according to Russian systems. Illegally seized property is in new hands. Russian citizens have started to move to occupied territory where they will build relationships and start families. The passage of time embeds and exacerbates the longer-term effects of all these patterns of life. In the aftermath of occupation, Ukraine will need to address this complex legacy in order to reintegrate residents of the occupied territory and restore their rights.

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<sup>180</sup> Tony Judt, *Postwar: A History of Europe Since 1945* (Penguin Books, 2006), ch. 1.

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## IX. RECOMMENDATIONS

186. To prevent further harm to persons living in occupied territory, the Russian Federation should cease its armed attack, comply with its obligations under international law, and respect the human rights of people living in occupied territory. It should also provide remedy and reparation for the violations that have been committed.
187. To come to terms with the violations committed in territory over which Ukraine has regained control, and to prepare for the future, Ukraine should adopt a comprehensive approach to accountability, based on broad and inclusive consultations with victims and other stakeholders.<sup>181</sup> Truth-seeking is a critical element of this comprehensive approach. Victims, their relatives, and the public must be able to seek and obtain information about human rights violations, as well as the fate and whereabouts of victims. Moreover, a comprehensive approach to accountability must be based on an accurate understanding of the context of life in occupied territory, as documented in this report and others by Ukrainian civil society. Through its policies, Ukrainian authorities, working closely with civil society, should facilitate the emergence of a comprehensive account.
188. Criminal accountability is another indispensable element of coming to terms with the legacy of occupation. States are obliged to investigate, prosecute and punish gross violations and abuses of IHRL and serious violations of IHL. Bringing alleged perpetrators to trial in accordance with due process and fair trial guarantees, and seeing them adequately punished if convicted, help strengthen societal trust and the rule of law.
189. However, the prosecution of civilians under the overbroad and vague law on “collaboration activities”, without due consideration of the context and realities of occupation, jeopardizes the mending of fractured communities.
190. Reparation for serious violations is critical to help victims, survivors, families, and communities overcome the devastating impact of the armed conflict and the occupation. Making reparation a practical reality for victims will require financial measures, material support, and services (including psychosocial assistance), as well as symbolic measures, such as memorials and museums. Considering the urgency of victims’ needs and how long it may take to deliver justice and reparations, it is critical to ensure rapid delivery of vital services to persons who have experienced violations under occupation.
191. In addition, a series of measures need to be put in place to facilitate the reintegration of occupied territory and to prevent future injustices against its residents. This includes legal and administrative procedures, such as those that allow for swift and simplified reissuance of civil status and property documentation. It also includes social and cultural measures that foster tolerance, avoid stereotypes and rebuild trust and ties with persons who have lived through occupation.
192. A comprehensive approach to accountability that includes measures promoting the victims’ rights to truth, justice and reparation, as well as their reintegration, will require policy planning and resources. It is recommended that the international community supports Ukraine in this aspect of its recovery, while avenues for comprehensive reparations from the State responsible for the harm are pursued.
193. To the Russian Federation:
- a) **Immediately, completely and unconditionally cease the use of force against Ukraine and withdraw all its military forces from the territory of Ukraine within its internationally recognized borders, in line with United Nations General Assembly Resolutions ES-11/1 (2022) and ES-11/4 (2022), thereby ending the occupation of Ukrainian territory;**
  - b) **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;**
  - c) **Immediately cease practices of arbitrary detention and torture, including all forms of sexual violence, and release all persons who have been arbitrarily detained;**

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<sup>181</sup> United Nations, Guidance Note of the Secretary General, *Transitional Justice: A Strategic Tool for People, Prevention and Peace*, June 2023.

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- d) Ensure timely and effective investigations into all allegations of unlawful killings, enforced disappearances, arbitrary detentions, torture or ill-treatment;
  - e) Provide OHCHR and independent international monitors with safe and meaningful access to the occupied territory for the purpose of monitoring the human rights situation, including in places of detention;
  - f) Allow the United Nations and other impartial humanitarian organizations to carry out humanitarian activities for the protection and relief of persons living in occupied territory, in accordance with the four Geneva Conventions;
  - g) Cease the implementation of all measures that compel protected persons formally to swear allegiance to the Russian Federation, as well as measures of pressure and propaganda which aim at securing voluntary enlistment in its armed forces;
  - h) End discrimination against Ukrainian citizens who have not taken Russian citizenship in occupied territory, ensuring that Ukrainian citizens currently within effective Russian control have equal access to public services, employment and freedom of movement;
  - i) Respect and protect the fundamental rights of all individuals and groups in occupied territory, including the rights to freedom of opinion and expression, peaceful assembly, association, thought, privacy, conscience and religion;
  - j) Cease practices of enlisting children in formations or organizations subordinate to the Russian Federation; ensure that children may study according to the Ukrainian curriculum, and teachers may teach it, without fear of retaliation or reprisal;
  - k) Protect the right of persons in occupied territory to choose and express their identity, engage in the cultural practices of their choice and express themselves in their own language; and
  - l) Make full reparation for all harm caused by IHL and human rights violations committed during the occupation by providing due restitution, compensation and/or satisfaction.

194. To Ukraine:

- m) Align the law 'On Collaboration Activities' with international law by defining precisely all elements of the criminal offence to prevent an overly broad interpretation of the law, and ensuring that the law does not encompass conduct which may be lawfully compelled by the occupying Power under IHL;
- n) Ensure that in cases of "collaboration activities", prosecutorial and judicial practice pays due attention to factors indicating that persons acted under coercion, duress or other forms of extreme pressure when carrying out work for the occupying Power;
- o) Fully uphold due process and fair trial guarantees for all individuals charged in conflict-related criminal cases, and approve non-custodial measures of restraint for persons awaiting trial on collaboration charges;
- p) Ensure that all survivors of torture and sexual violence can access adequate medical and psychological services, including sexual and reproductive health services, taking into account the diverse and specific needs of men, women, girls and boys, as well as LGBTQI+ persons;
- q) Take steps, to the fullest extent possible, to simplify access of current and former residents of occupied territory to all public services, including education, banking services, identification documents, social security, and civil registration;
- r) Conduct broad and inclusive consultations, ensuring the participation of women, men, girls and boys who have resided in occupied territory, for the development of a comprehensive approach to accountability, which includes measures promoting the victims' rights to truth, justice and reparation; and
- s) Design and implement urgent reparations programmes for victims, including those in in vulnerable situations, notably survivors of sexual and gender-based violence. These



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programmes should encompass health care, mental health and psychosocial support as well as provisions of housing and sanitation, among other necessary services.

195. To the international community:

- t) Urge the Russian Federation to fulfil its obligations under IHL and IHRL in the territory under its occupation;
- u) Call on the Russian Federation to provide OHCHR and independent international monitors with safe and meaningful access to the occupied territory for the purpose of monitoring the human rights situation and compliance with IHL, and to provide access for the United Nations and humanitarian organizations to deliver humanitarian assistance in occupied territory, according to need;
- v) Call on Ukraine to align the law 'On collaboration activities' in line with international law and to fully uphold due process and fair trial guarantees for all people prosecuted under charges of "collaboration activities";
- w) Provide financial and technical assistance to the Government of Ukraine to support the development of a comprehensive approach to accountability promoting truth, justice and reparation, including urgent measures such as mental health and psychosocial support programs for victims and survivors, and measures restoring the rights and facilitating the inclusion of persons who have resided in occupied territory; and
- x) Assist in enhancing the capacity for safe, efficient, and effective demining operations, and support programs to educate civilians about the risks posed by mines and ERWs.



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*Ukraine*

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