

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	513
Land:	Ukraine
Kilde:	UN General Assembly
Titel:	Situation of human rights in the temporarily occupied territories of Ukraine, including the Autonomous Republic of Crimea and the city of Sevastopol. Report of the Secretary-General
Udgivet:	3. juli 2024
Optaget på baggrundsmaterialet:	4. oktober 2024

Advance unedited version

Distr.: General
3 July 2024

Original: English

Human Rights Council

Fifty-sixth session

18 June–12 July 2024

Agenda items 2 and 10

**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Technical assistance and capacity-building

**Situation of human rights in the temporarily occupied
territories of Ukraine, including the Autonomous Republic of
Crimea and the city of Sevastopol**

Report of the Secretary-General*

* The present report was submitted to the conference services for processing after the deadline for technical reasons beyond the control of the submitting office.

I. Introduction

1. The present interim report of the Secretary-General on the situation of human rights in the temporarily occupied territories of Ukraine, including the Autonomous Republic of Crimea and the city of Sevastopol, is submitted pursuant to General Assembly resolution [78/221](#), in which the Assembly requested the Secretary-General to submit an interim report to the Human Rights Council at its fifty-sixth session. The same resolution requested the Secretary-General to submit a report on the progress made in the implementation of the resolution at the seventy-ninth session of the General Assembly.

2. In its resolutions [68/262](#), [ES-11/1](#), [ES-11/2](#) and [ES-11/4](#), the General Assembly affirmed its commitment to the territorial integrity of Ukraine within its internationally recognized borders. In the present report, and in line with relevant Assembly resolution, including resolution 78/221, the Autonomous Republic of Crimea and the city of Sevastopol (“Crimea”), and certain areas of the Kherson, Zaporizhzhia, Donetsk and Luhansk regions, Ukraine, temporarily controlled or occupied by the Russian Federation, are referred to as “temporarily controlled or occupied territories of Ukraine.” The organs and officials of the Russian Federation established in temporarily occupied territories of Ukraine are referred to as “occupying authorities of the Russian Federation.”

3. While the General Assembly in past resolutions has requested the Secretary-General to report on the human rights situation in Crimea, resolution 78/221 for the first time requests the Secretary-General to also cover other parts of Ukraine temporarily occupied by the Russian Federation following its full-scale invasion of Ukraine on 24 February 2022. This report has therefore been divided into two sections. The first section covers the human rights situation in areas of Kherson, Zaporizhzhia, Donetsk, and Luhansk regions of Ukraine temporarily controlled or occupied by the Russian Federation. Since this is the first time that the situation in these areas has been included in this report, the first section covers the period from 24 February 2022 until 31 December 2023. The second section covers the human rights situation in Crimea. Since previous reports of the Secretary-General have covered the period from 2014 to 30 June 2023, this section of the report in relation to Crimea covers the period from 1 July 2023 to 31 December 2023.

II. Methodology

4. In its resolution [78/221](#), the General Assembly requested the Secretary-General to seek ways and means, including through consultations with the United Nations High Commissioner for Human Rights and relevant regional organizations, to ensure safe and unfettered access to Crimea and other territories of Ukraine temporarily controlled or occupied by the Russian Federation by established regional and international human rights monitoring mechanisms, in particular the UN Human Rights Monitoring Mission in Ukraine (HRMMU) and the Independent International Commission of Inquiry on Ukraine, to enable them to carry out their mandates. In accordance with this resolution, on 4 March 2024, OHCHR transmitted a note verbale to the Russian Federation seeking its cooperation to conduct a mission in the temporarily occupied territories. On 14 March 2024, the Russian Federation returned the note verbale “without consideration,” informing OHCHR that it would continue to return without consideration all correspondence of the Office that refers to any resolutions of the General Assembly or the Human Rights Council designating “the Republic of Crimea”, the city of Sevastopol as well as the “new Russian regions” as temporarily occupied territories. Given those conditions, OHCHR has so far not been able to find a modality by which to access the temporarily occupied territories in line with General Assembly resolution [78/221](#).

5. The present report includes only verified information. Unless otherwise specified, the verification was done by OHCHR. Findings in this report are based on verified information collected from sources that are assessed as credible and reliable, according to OHCHR methodology. Information is included only where the “reasonable grounds to believe” standard of proof is met. The report is primarily based on direct interviews with victims of alleged human rights violations in the temporarily controlled or occupied territories of Ukraine, whose accounts are further verified with other sources, including through interviews

with relatives of victims, witnesses, human rights defenders, lawyers, and representatives of civil society, along with information obtained from court documents, official records, analysis of relevant legislation, open sources, and other relevant material.

III. The human rights situation in certain areas of Kherson, Zaporizhzhia, Donetsk and Luhansk regions, Ukraine, temporarily controlled or occupied by the Russian Federation (24 February 2022 – 31 December 2023)

A. Background

6. On 24 February 2022, the Russian Federation launched a full-scale invasion of Ukraine. The war in Ukraine led to significant civilian harm and suffering in many places across the country.¹ The battle for and siege of the city of Mariupol, for example, stand out for the immense suffering of its residents.² Russian armed forces eventually established control and occupied parts of Kherson, Zaporizhzhia, Donetsk and Luhansk regions in eastern Ukraine. Prior to the full-scale invasion by the Russian Federation in February 2022, the Ukrainian authorities lost control over parts of Donetsk and Luhansk regions of Ukraine, in some cases since April 2014.³

7. This section covers the human rights situation between 24 February 2022 and 31 December 2023 in the areas of Kherson, Zaporizhzhia, Donetsk and Luhansk regions of Ukraine that have been under the temporary occupation by the Russian Federation.

B. Rights to life, physical and mental integrity, liberty and security

8. In the areas of Kherson, Zaporizhzhia, Donetsk and Luhansk regions of Ukraine temporarily controlled or occupied by the Russian Federation, OHCHR identified patterns of human rights violations committed by the Russian armed forces, including potential violations of the rights to life, physical and mental integrity, liberty and security of person, particularly during the initial months of the occupation, such as arbitrary detentions, torture and ill-treatment, enforced disappearances, and summary executions.

9. According to OHCHR, the occupying authorities of the Russian Federation arbitrarily detained hundreds of civilians between 24 February 2022 and 31 December 2023.⁴ In many of these cases, Russian armed forces detained civilians for reasons which may be impermissible under international human rights law, as applicable, such as peacefully expressing pro-Ukrainian views or opposition against the occupation, or merely being a military veteran or a family member of a current or former member of the Ukrainian armed forces. Even when the occupying authorities might have had valid security reasons for interning an individual, their internment may not have been consistent with their obligations under international humanitarian law, including providing for the possibility to appeal internment to a competent body, registering internees, holding internees in a recognized place of internment and informing families and the Central Tracing Agency of their whereabouts. People were frequently held incommunicado, sometimes for weeks or months. Many of the arbitrary detentions may also amount to enforced disappearances, as the occupying

¹ See, for example, OHCHR, *Report on the Human Rights Situation in Ukraine, 1 February to 31 July 2022*, 27 September 2022, and OHCHR, *Report on the Human Rights Situation in Ukraine, 1 August 2022 to 31 January 2023*, 24 March 2023.

² See, for example, Report of the Independent International Commission of Inquiry on Ukraine, A/HRC/55/66, paras. 13-24, <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coiukraine/a-hrc-55-66-auv-en.pdf>.

³ For information about the human rights situation in eastern Ukraine from 2014 to 2022, see OHCHR reports on Ukraine at <https://www.ohchr.org/en/countries/ukraine>.

⁴ See OHCHR, *Human Rights Situation during the Russian Occupation of Territory of Ukraine and its Aftermath*, 19 March 2024, paras. 37-43.

authorities refused to acknowledge the detention or concealed the detained person's fate or whereabouts, even when there had been a request from family members.

10. Detainees were often held in unofficial places of detention, particularly in the early stages of their detention, including in houses, basements, barns, garages, warehouses and other buildings. Conditions in these places were often inadequate and, in some cases, so dire that they may amount to torture or other ill-treatment under international law.⁵ Former detainees consistently described serious overcrowding; inadequate food, water, medical care and sanitation; and cold temperatures. In many cases, detainees were eventually transferred to police stations or other official places of detention. In these places, detainees were often held in inadequate conditions. At least six people (all men) died in detention in the temporarily controlled or occupied areas of Kherson, Zaporizhzhia, Donetsk and Luhansk regions of Ukraine between 24 February 2022 and 31 December 2023 as a result of poor conditions, lack of medical attention, injuries from torture or ill-treatment, or a combination thereof.

11. OHCHR has collected credible and reliable information about the use of torture against 108 civilian detainees (73 men, 29 women, and 6 boys) through interviews with former detainees, witnesses, and, in some cases, review of medical documents. The cases showed a consistent pattern of torture or ill-treatment. Victims, mainly men, were subjected to punching; cutting; putting sharp objects under fingernails; hitting with batons and rifle butts; strangling; waterboarding; electric shocks to sensitive parts of the body including genitals, breasts, earlobes, toes and fingertips; stress positions for long periods; taser; prolonged exposure to cold temperatures; solitary confinement in a small area with lack of ventilation and high temperatures ("hot box"); deprivation of water and food; and mock executions or threats.

12. In one case, the occupying authorities in Henichesk, Kherson region, detained a 33-year-old man on 13 December 2022 and held him incommunicado in a boarding house, where he was tortured to provide statements implicating himself in criminal activities against the Russian Federation. The man was subjected to both physical and psychological violence, including electric shocks to various body parts. On one occasion, security officers tied the victim on his back to a bench, taped his mouth shut, and poured water into his nose while a heavy man sat on his chest, simulating drowning. As a result of the torture, the man lost sight in one eye. The man was eventually transferred to the Russian Federation through Crimea. As of 31 December 2023, he was still in detention.

13. According to OHCHR, torture in detention also frequently included conflict-related sexual violence. Thirty-four civilian detainees (21 men, 12 women, 1 boy) were subjected to forms of sexual violence in detention, including rape, threats of rape of detainees or their relatives, beatings and electric shocks to genitals or breasts, forced nudity, unjustified cavity searches, unwanted sexual touching, genital mutilation, attempted castration, and threats of castration.⁶ Because of the stigma surrounding sexual violence, the actual number of victims of sexual violence in detention is likely higher.

14. According to OHCHR, Russian armed forces summarily executed at least 29 civilians (19 men, 7 women, 1 boy and 2 girls) in the temporarily occupied areas of Kherson, Zaporizhzhia, Donetsk and Luhansk regions of Ukraine between 24 February 2022 and 31 December 2023.⁷ Surviving family members, many of them women, were left behind to cope, often on their own, with intense mental trauma and distress, limited family income, and increased caregiver burdens.

15. The majority of the victims were people suspected by Russian armed forces of being opposed to or acting against Russian control and occupation of these areas. Frequent accusations against the victims included that they had transmitted military information, stored weapons or ammunition, or sheltered wounded Ukrainian combatants. In many cases, however, Russian armed forces also targeted people based merely on their profile, in particular veterans of the Ukrainian armed forces, especially those who had fought in the

⁵ Ibid, paras. 41, 76.

⁶ Ibid, para. 40.

⁷ Ibid, para. 42.

eastern part of the country after 2014, and family members of current or former members of the Ukrainian armed forces. Russian armed forces also targeted people who refused to cooperate with the occupying authorities or held or were perceived to hold pro-Ukrainian views.

16. According to OHCHR, to identify people believed to be opposed to or acting against the Russian occupation, the occupying authorities imposed an extensive regime of surveillance and systematic gathering of information. 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.⁸ Through an extensive network of checkpoints, “filtration” procedures, frequent house searches, and invasive systematic collection of private information from residents and employers, the occupying authorities compiled lists of persons of interest. Some of these people were then arbitrarily detained and subjected to other violations of their human rights such as torture or ill-treatment, as outlined above. This extensive surveillance regime, which may be incompatible with the right to be protected against arbitrary or unlawful interference with one’s privacy, family, home or correspondence, created a generalised climate of fear.

17. In addition to conflict-related sexual violence in detention settings, members of the Russian armed forces committed acts of conflict-related sexual violence outside of detention against 16 civilians (14 women, 1 girl, and 1 man).⁹ Fourteen cases occurred in residential areas where Russian armed forces were stationed, and two occurred during “filtration,” a process of security checks and personal data collection.¹⁰ 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.

18. OHCHR considers that these incidents and violations took place in an atmosphere of overall impunity. While OHCHR is aware of a few investigations launched by the Russian authorities into instances of “alleged misconduct” by Russian authorities or armed forces, including the killing of civilians and use of torture, there appears to have been no systematic efforts to prevent the violations described above or hold perpetrators to account. 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). OHCHR was otherwise not aware of any measures taken by the Russian Federation to ensure accountability. A law adopted by the Russian Federation in June 2023 effectively granted amnesty to Russian servicepersons for a broad range of crimes, potentially including gross violations of international human rights law or serious violations of international humanitarian law.¹¹ The law allows for current servicepersons to be exempted from criminal liability for crimes of any severity if they have received a State decoration or completed their military service because of age, injury or the end of martial law or mobilization. Additionally, criminal investigations against such servicepersons may be suspended upon their commander’s request. The law also provides for its retroactive application to individuals prosecuted for criminal offences committed in the temporarily occupied areas of Donetsk, Luhansk, Zaporizhzhia and Kherson regions of Ukraine before 30 September 2022 (prior to the attempted illegal annexation by the Russian Federation).

⁸ Ibid, paras. 3, 37.

⁹ 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.

¹⁰ OHCHR, *Human Rights Situation during the Russian Occupation of Territory of Ukraine and its Aftermath*, 19 March 2024, paras. 44-45.

¹¹ 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.

C. Conduct of the Russian Federation as occupying Power

1. Respecting the laws in force

19. Since 24 February 2022, the Russian Federation has imposed its own political, legal and administrative systems in the occupied areas of Kherson, Zaporizhzhia, Donetsk and Luhansk regions, which may amount to violations of international humanitarian law, which provides that the occupying Power “shall take all the measures in its power to restore and ensure, as far as possible, public order and safety [l’ordre et la vie publics], while respecting, unless absolutely prevented, the laws in force in the country”¹² and that “[t]he penal laws of the occupied territory shall remain in force, with the exception that they may be repealed or suspended by the occupying Power in cases where they constitute a threat to security or an obstacle to the application of the present [sc. Fourth Geneva] Convention”.¹³ The Occupying Power may, however, “subject the population of the occupied territory to provisions which are essential to enable the Occupying Power to fulfil its obligations under the present Convention, to maintain the orderly government of the territory, and to ensure the security of the Occupying Power, of the members and property of the occupying forces or administration, and likewise of the establishments and lines of communication used by them”.¹⁴

20. On 30 September 2022, the Russian Federation adopted legislation purporting to annex these four regions of Ukraine, some of the territory of which was under its control. “Accession treaties” signed between Russian authorities and the Russian-appointed de facto heads of the four regions on the same day declared that Ukrainian penal legislation would be replaced with Russian penal legislation. In addition, since the illegal annexation, the State Duma and the Council of the Federation of the Russian Federation adopted at least 32 laws that changed administrative processes in the temporarily occupied areas of the four regions of Ukraine, aligning them with Russian systems in wide-ranging areas such as taxation, banking, inheritance, social protection and social services.

21. By September 2023, the Supreme Court of the Russian Federation announced that the Russian court system had become operational in the illegally annexed regions. By the end of 2023, it had appointed 436 judges there, the majority from the Russian Federation. The establishment of Russian courts presided over by Russian judges applying Russian law effectively resulted in the complete imposition of the Russian legal system in the temporarily occupied areas of the four regions of Ukraine.

22. The Russian Federation also imposed its own education system. Already in September 2022, the occupying authorities had replaced the Ukrainian curriculum with the Russian curriculum in many schools and pressured teachers, sometimes with physical violence and threats of violence or termination, to accept the new curriculum and teach classes in Russian language. At the same time, occupying authorities targeted teachers providing online classes following the Ukrainian curriculum. The complete replacement of the educational curriculum may deprive students of the right to “culturally appropriate” education which “respects the child’s own cultural identity, language and values”.¹⁵

23. The occupying authorities organized so-called “referendums” and “elections”. In September 2022, they organized a “referendum” on joining the Russian Federation and in September 2023,¹⁶ they organized “local elections” in which they only allowed parties represented in the Russian Duma, all of which support the occupation, to put candidates on the ballot to run for position in “local legislative councils.”

¹² Article 43 of the Regulations respecting the Laws and Customs of War on Land of 1907 (the Hague Regulations).

¹³ Fourth Geneva Convention, art. 64.

¹⁴ Ibid.

¹⁵ Convention on the Rights of the Child, arts. 2 and 29; International Covenant on Economic, Social and Cultural Rights, arts. 2 and 13.

¹⁶ The UN General Assembly condemned the organization of the “referendums” in its resolution ES-11/4.

2. Prohibition on compelling the population of occupied territory to swear allegiance

24. International humanitarian law prohibits the occupying Power from compelling the population of occupied territory to swear allegiance to the hostile Power.¹⁷ The occupying authorities pressured the population in the temporarily occupied areas of Kherson, Zaporizhzhia, Donetsk and Luhansk regions of Ukraine to obtain Russian citizenship. With the imposition of Russian legal and administrative systems, those without Russian passports faced discrimination in the enjoyment of their rights to work and social security, property rights, freedom of movement, and in their access to healthcare and public services.

25. Residents also recounted how security forces at checkpoints and border crossings singled out people without Russian passports, questioning their loyalty, searching their personal belongings and phones, and sometimes prohibiting them from passing or crossing. Some people reported receiving direct threats seeking to compel obtaining of Russian citizenship. For example, parents were threatened that their children would be taken away from them if they did not obtain Russian citizenship for them. Many residents therefore felt compelled to obtain Russian citizenship.

3. Transfers of civilians

26. After the beginning of the occupation, authorities in the temporarily occupied areas of Kherson, Zaporizhzhia, Donetsk and Luhansk regions of Ukraine transferred civilians, including children, within the temporarily occupied territories of Ukraine or transferred civilians to the Russian Federation.

27. While it is difficult to ascertain the exact number, among those transferred were unaccompanied children, many of whom were in institutionalized care, for instance in institutions for children with physical or intellectual disabilities.¹⁸ International humanitarian law obliges the occupying Power to facilitate the identification of unaccompanied children and the registration of their parentage,¹⁹ and return to their families.²⁰ It also forbids the occupying Power from changing the personal status of children.²¹ Russian authorities failed to take steps to return children to Ukraine, instead taking steps to permanently change their status by instituting a simplified adoption procedure and imposing Russian citizenship on some of them. Bureaucratic obstacles delayed or prevented the return of children with identified family members in Ukraine.²²

28. In November 2022, the occupying authorities transferred hundreds of civilian prisoners who had been serving sentences in various penal colonies in Kherson region of Ukraine, since before February 2022 to penal colonies in the Russian Federation.²³ Those who completed their sentence have faced significant hurdles in returning to Ukraine.

29. The occupying authorities also transferred civilians from the temporarily occupied territories to territory controlled by the Government of Ukraine. In most of the cases verified by OHCHR, the occupying authorities transferred people who refused to cooperate with the occupying authorities or expressed opposition to the occupation. Such transfers were generally preceded by detentions, enforced disappearance, torture or ill-treatment, or intimidation and threats.

30. In April 2023, the Russian Federation adopted a decree stipulating that residents of the temporarily occupied areas of Zaporizhzhia, Kherson, Donetsk and Luhansk regions of Ukraine who had not obtained Russian citizenship were to be considered as “foreigners”,

¹⁷ Hague Convention (IV) respecting the Laws and Customs of War on Land, art. 45.

¹⁸ OHCHR has collected information about eight situations in which a total of 200 children from Donetsk, Kharkiv, Kherson, and Kyiv regions were transferred to other regions in the temporarily occupied territories, to the Russian Federation, or Belarus.

¹⁹ Fourth Geneva Convention, art. 50 (2).

²⁰ Additional Protocol I, art. 78 (3).

²¹ Fourth Geneva Convention, art. 50 (2).

²² See OHCHR, *Report on the Human Rights Situation in Ukraine, 1 February 2023 to 31 July 2023*, 4 October 2023, paras. 91-97.

²³ Ibid, para. 66.

thereby increasing the risk of further transfers. The provision was expected to be given effect from 1 July 2024, but the deadline was moved to 31 December 2024.

D. Freedoms of opinion, expression, peaceful assembly, and religion

1. Freedom of opinion and freedom of expression

31. The extensive surveillance regime put in place by the occupying authorities seeking to identify people holding pro-Ukrainian opinions or opposed to the occupation had a substantial impact on freedom of opinion and freedom of expression.

32. From the outset of the occupation, Russian authorities seized control of the means of mass communication, interrupting access to Ukrainian internet and mobile networks, television and radio channels, and shutting down or taking over local media stations. By July 2022, the occupying authorities had rerouted all internet traffic in the temporarily controlled or occupied territories through Russian networks, which allowed them to control information accessible online. Residents could no longer access Ukrainian news sites, certain search engines or previously accessible and widely used social media platforms, which impacted the ability of the population to receive information from independent news sources, families or friends.

33. Russian armed forces seized and disconnected local Ukrainian television channels and radio stations and replaced them with Russian state or pro-government media. Ukrainian authorities reported that as of 27 April 2022, 164 Ukrainian radio broadcasters had stopped transmitting on temporarily controlled or occupied territories, and 284 frequency assignments had been captured.

34. The occupying authorities also used violence and threats against journalists. OHCHR verified the arbitrary detention of 16 journalists and media workers by the occupying authorities in the temporarily controlled or occupied territories since 2022.²⁴ In several of these cases, the journalists and media workers were threatened or tortured for writing “pro-Ukrainian” articles or to force them to work for the occupying authorities.

35. The imposition of the Russian legal system also resulted in a growing number of people being prosecuted for expressing what were deemed as pro-Ukrainian or anti-Russian views. In one case, a court in Donetsk region fined a woman for posting on social media a video of herself dancing to popular Ukrainian songs; the court deemed this “public calls for the commitment of acts aimed at violating the territorial integrity of the Russian Federation”.²⁵ Another court in Donetsk fined two priests for mere membership in the Orthodox Church of Ukraine, which it deemed to have an “anti-Russian and extremist character”²⁶ and ordered the priests be expelled to territory controlled by the government of Ukraine.

2. Right of peaceful assembly

36. The occupying authorities have also severely limited the right to peaceful assembly. Russian armed forces used force to quash peaceful protests and assemblies, resulting in injuries and growing fear among residents to demonstrate or express themselves freely.²⁷

37. In the first weeks of the occupation, residents of several cities, including Enerhodar, Nova Kakhovka, Melitopol, Kherson and Skadovsk, peacefully demonstrated against the Russian occupation. Protestors waved Ukrainian flags, played Ukrainian songs and the anthem, and called for Russian troops to leave. While initially Russian soldiers only observed the demonstrations, after a few days, their responses escalated from calling for protesters to disperse to firing smoke grenades and live ammunition.

²⁴ Ibid, paras. 53-54.

²⁵ OHCHR, *Report on the Human Rights Situation in Ukraine: 1 August to 30 November 2023*, 12 December 2023, para. 42.

²⁶ Ibid.

²⁷ OHCHR, *Human Rights Situation during the Russian Occupation of Territory of Ukraine and its Aftermath*, 19 March 2024, paras. 46-49.

38. Within a month of its 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. Russian armed forces also arrested people who had merely participated in the peaceful protests.

39. On 19 October 2022, the Russian Federation declared martial law in the “annexed” regions of Ukraine, which inter alia provides for a wide range of measures that may be implemented “if required”, including curfews, property seizures, internment, and restrictions on freedom of movement, freedom of assembly, and activities of political parties and other public associations.²⁸

3. Freedom of religion

40. Religious communities in Ukraine have also been affected by the Russian occupation. In several places, occupying authorities put pressure on religious leaders from different congregations to support the occupation. In Tokarivka, Kherson region of Ukraine, for example, in August 2022 the occupying authorities detained a priest from the Orthodox Church of Ukraine, interrogating him about why he gave sermons in Ukrainian and whether he prayed for Ukraine and the Ukrainian armed forces. They detained him for approximately nine months, subjecting him to beatings during his detention, denied him medical care for injuries from the beatings, and deprived him of adequate food. In November 2022, occupying authorities detained three priests from the Greek-Catholic church in Zaporizhzhia region of Ukraine, accusing them of being pro-Ukrainian. One priest was expelled from the temporarily occupied territory. The two others remain missing.

41. OHCHR has also verified that the occupying authorities have closed several places of worship, including at least three places of worship used by Jehovah’s Witnesses, three places belonging to the Baptist community in Melitopol and the premises of the “Melitopol Christian Church”.

IV. The situation in the Autonomous Republic of Crimea and city of Sevastopol (1 July 2023 – 31 December 2023)

A. Rights to life, physical and mental integrity, liberty and security

42. OHCHR verified possible violations to the rights to life, physical and mental integrity, and liberty and security by the occupying authorities of the Russian Federation in Crimea, including 55 cases of torture and ill-treatment (48 men and 7 women) and 104 cases of enforced disappearances (95 men and 9 women) since the beginning of the occupation in 2014²⁹. The occupying authorities targeted persons perceived as opposing the occupation, including bloggers, journalists, supporters of the Mejlis of the Crimean Tatar people, pro-Ukrainian activists, as well as persons considered to advocate for stricter compliance with Islamic beliefs. More recently, individuals perceived as opposing the full-scale invasion of Ukraine by the Russian Federation have also faced repressive measures.

43. In the reporting period, Russian armed forces committed possible violations of the rights to life, physical and mental integrity and liberty and security against 73 people (68 men and 5 women) in Crimea. The actual figures are likely higher, given the lack of access of regional and international human rights monitoring mechanisms to the peninsula.

44. On 24 August 2023, following house searches, the Federal Security Service of the Russian Federation (FSB) arrested six Crimean Tatar activists of the public movement

²⁸ Russian Federation, Decree No. 756 ‘On the imposition of martial law in the territories of the Donetsk People’s Republic, Luhansk People’s Republic, Zaporizhzhia and Kherson oblast’.

²⁹ 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, paras. 24-25.

"Crimean Solidarity"³⁰ residing in Bakhchisarai city and Bakhchisarai district of Crimea on suspicion of membership in Hizb ut-Tahrir, an Islamic religious group designated a "terrorist organization" under Russian law, but not under Ukrainian law. All six men had previously experienced intimidation and harassment by the occupying authorities in Crimea. According to the latest in the case, the FSB forced the detained men to undergo psychiatric examinations in Simferopol and the court extended their detention until 22 April 2024.

45. On 25 August 2023, the Kievskiy district court of Simferopol conducted bail hearings regarding three of the Crimean Tatars arrested the day before on suspicion of membership in Hizb ut-Tahrir. Relatives and friends of the arrested men came to the court to express support and find out the results of the court hearings. Police arrested 22 men and charged them with "mass simultaneous gathering of people in public places causing violation of public order or hindrance to movement of pedestrians".³¹ Two men were additionally charged with disobedience to police officers.³² On 26 August 2023, the court remanded into custody all 22 men for a period ranging from one to seven days.³³

46. OHCHR verified torture or ill-treatment by Russian law enforcement officers of four civilian men, all of whom were detained and accused of subversive activities against the Russian Federation in Crimea. In one case, FSB officers detained a man in Simferopol for allegedly blowing up a railway track in Crimea. They interrogated and tortured him with electric shocks, beatings to different body parts, threats of rape and threats of harming his family. He subsequently pleaded guilty and was transferred to a pre-trial detention centre.

B. Freedoms of opinion, expression, peaceful assembly and association, religion, and movement

47. The occupying authorities continued to prosecute Crimean residents for expressing their views and opinions, applying several articles of the criminal and administrative codes of the Russian Federation. During the reporting period, courts in Crimea found 219 people (130 men and 89 women) guilty of "discreditation of the Russian Armed Forces", including three of them under the criminal code.³⁴ Convicted persons were sentenced to fines from 30,000 to 50,000 rubles and imprisonment from one to one-and-a-half years. The number of such convictions in the reporting period doubled in comparison to the preceding six months (1 January-30 June 2023).

48. Under these articles, Crimean residents were convicted, *inter alia*, for various verbal and non-verbal expressions, such as referring to the Russian presence in Crimea as "occupation", criticizing the invasion of Ukraine by the Russian Federation or revealing anti-war views, wearing clothes with Ukrainian State symbols or in the colours of the Ukrainian flag, or displaying such colours on social media accounts.

49. After 24 February 2022, the occupying authorities in Crimea also started to extensively prosecute individuals for "propaganda or public display of Nazi paraphernalia or symbols" and "distribution ... of information ... that demonstrates disrespect for society, the state, official state symbols of the Russian Federation, the Constitution of the Russian Federation or official authorities".³⁵

³⁰ Crimean Solidarity is a civic group organized by families of Crimean Tatar detainees, which operates as a platform to exchange information, mobilize support, and reach out to lawyers and human rights defenders.

³¹ Punishable under the Russian Federation Code of Administrative Offenses, art. 20.2.2.

³² Ibid, art. 19.3.

³³ In another similar case, on 27 July 2023, Russian police arrested 13 Crimean Tatars (including 10 men and 3 women) who were present in the vicinity of the so-called "Supreme Court of the Republic of Crimea" to express support at the appeal hearings in the case of three Crimean Tatar activists.

³⁴ This act was criminalized in amendments to Russian legislation adopted in 2022. It is punishable under the Russian Federation Code of Administrative Offenses, art. 20.3.3, the Russian Federation Criminal Code, art. 207.3 and art. 280.3.

³⁵ Punishable under the Russian Federation Code of Administrative Offenses, art. 20.3 (1) and art. 20.1 (3).

50. Since the Russian full-scale invasion of Ukraine on 24 February 2022, at least 58 Crimean residents (41 men and 17 women) have been found guilty under Russian legislation for criticizing the Russian President or occupying authorities in Crimea on social media, posting on social media pictures with the Ukrainian State emblem, having a tattoo with the emblem or a flag in red and black colours (used by the Ukrainian Insurgent Army), singing or dancing to the Ukrainian patriotic song “Chervona Kalyna” or simply having stickers with the logo of certain social media platforms on one’s personal camera (since Meta Inc. was declared an extremist organization by the Tverskoy district court in Moscow, the Russian Federation). The sentences ranged from fines of 1,000 to 100,000 rubles and imprisonment from 1 to 15 days. In some cases, the abovementioned offences were applied in addition to the “discreditation of the Russian armed forces” twenty-eight convictions took place in the reporting period.³⁶

51. Detentions and subsequent sentences under the legislation mentioned above appear arbitrary and may infringe on the legitimate exercise of freedom of expression, rendering the corresponding convictions possible violations of international human rights law.³⁷

52. Occupying authorities continued to enforce a blanket requirement of prior authorization of public assemblies in Crimea, undercutting the right to peaceful assembly.³⁸ There were 10 cases in 2023 (compared to 28 cases in 2022) of convictions of participants in unauthorized peaceful assemblies, resulting in fines, community service, and imprisonment.³⁹ In one case, on 27 July 2023, Russian police arrested 13 Crimean Tatars (10 men and 3 women) who had assembled in the vicinity of the supreme court of Crimea to express solidarity and support at the appeal hearings of three well known Crimean Tatar activists. Those arrested included two journalists of “Crimean Solidarity” and a known human rights defender. While eight people were released without charges, the remaining five (including two women) were charged with the administrative offence of having engaged in a “mass simultaneous gathering of people in public places causing a violation of public order or hindrance to the movement of pedestrians.”⁴⁰

53. Religious groups and individuals in Crimea continued to be prosecuted based on their perceived religious practices, possibly entailing violations of international human rights law.⁴¹ All congregations of the Jehovah’s Witnesses religious group in Crimea remained under a blanket prohibition as “extremist organizations”. During the reporting period, OHCHR verified prosecutions against 11 Jehovah’s Witnesses (10 men and 1 woman). According to the occupying authorities, the Jehovah’s Witness adherents were suspected of “extremist activities” because they conducted worship gatherings and discussed religious literature. Fearing criminal prosecutions, three of them (all men) decided to leave the peninsula.

54. In November 2023, the Alushta City Court detained three members (all men) of the Muslim religious community “Alushta” for 10, 5 and 2 days. Two of them were arrested for

³⁶ In other cases, the offences were applied to actions that took place before the enactment of the amendments to the Code of Administrative Offences on “discreditation” in March 2022, i.e. in substitution of “discreditation” offence.

³⁷ The application of such legislation in Crimea limits the right to form and hold opinions without interference under ICCPR, art. 19(1); ICERD, art. 5(d)(viii); ICESCR, art. 15(3); ICRMW, art. 13(1); CRPD, art. 21; UDHR, art. 19.

³⁸ The Human Rights Committee has noted that legislation requiring prior permission of State officials to hold any assembly “undercuts the idea that peaceful assembly is a basic right”. CCPR/C/GC/37, para.70.

³⁹ See, *Situation of Human Rights in the Temporarily Occupied Autonomous Republic of Crimea and the City of Sevastopol, Ukraine: Report of the Secretary-General*, A/HRC/53/64, 26 May 2023, para. 27.

⁴⁰ Russian Federation, Code of Administrative Offences, art. 20.2.2.

⁴¹ International human rights law protects the right to have or to adopt a religion or belief of one’s choice, and to manifest it in worship, observance, practice and teaching. See ICCPR, arts. 18(1)-(2).

publishing a post on social media with Islamic content,⁴² a photo of a white flag depicting the creed of Islam in Arabic in 2013 (even before the occupation or the unlawful imposition by the Russian Federation of its legislation in temporarily occupied Crimea) and a video with a man with a flag in the background that “presumably is the symbols and attributes” of the Congress of the Peoples of Ichkeria and Dagestan. The third person, an imam, was detained⁴³ on suspicion of conducting missionary activity in violation of Russian legislation. He refused to sign the protocol of administrative offense and was instead given two days of administrative detention for disorderly conduct⁴⁴ because he allegedly swore at the police department.

55. The occupying authorities continued to restrict freedom of movement to and from Crimea, further weakening social links between residents of Crimea, and the rest of Ukraine, including the temporarily controlled or occupied areas of Kherson, Zaporizhzhia, Donetsk and Luhansk regions.

56. According to OHCHR, during the reporting period, the occupying authorities continued to conduct “filtration” (a system of security checks) at crossing points on the Administrative Boundary Line (ABL) with Crimea. During “filtration”, Russian armed forces often subjected persons, particularly men, to body searches, sometimes involving forced nudity, and detailed interrogations about their personal background, family ties, political views and allegiances. The practice involved possible violations of a number of human rights, including to the rights to liberty, security of person and privacy. For example, “filtration” was often used to obtain asserted “evidence” of a person’s pro-Ukrainian views. In one case, FSB officers discovered that a man had a tattoo of a trident, a Ukrainian national emblem, during “filtration”. The following day, the Armianskyi city court convicted him of public display of “forbidden” symbols and fined him 1,500 rubles. In another case, a woman was convicted and fined by the same court after a search of her mobile phone revealed that she had criticized the Russian President on social media.

78. In some cases, those who failed to pass “filtration”, for example for being perceived to have pro-Ukrainian views, were subjected to arbitrary detention, ill-treatment and enforced disappearance. In one case, FSB apprehended a man during “filtration” at the ABL, apparently because they found contact information of people working for the Ukrainian police and security service in his phone. The man was arbitrarily detained for 19 days, during which he was interrogated and beaten with batons.⁴⁵

C. Property rights

58. The occupying authorities continued practices of confiscating property belonging to States and to nationals of such States that had allegedly committed “unfriendly acts” against the Russian Federation or its entities.⁴⁶ During the reporting period, the “State Council of the Republic of Crimea” expropriated, without compensation, at least 689 real estate properties, affecting 77 individuals and legal entities in Crimea. The nationalized property included agricultural enterprises, financial institutions, sports and rehabilitation centres, and other facilities.⁴⁷ According to the Russian-appointed head of the “Republic of Crimea”, in 2023, the occupying authorities procured 2.3 billion rubles from the sales of nationalized property

⁴² The religious Muslim community “Alushta” conducts rituals for Muslims: prayers, marriages, naming, funerals, wakes, etc. The activities of the community do not violate the laws of the Russian Federation and are not prohibited by law.

⁴³ Punishable under the Russian Federation Code of Administrative Offences, art. 20.3(1).

⁴⁴ Ibid, art. 20.1(1).

⁴⁵ See, *Situation of Human Rights in the Temporarily Occupied Autonomous Republic of Crimea and the City of Sevastopol, Ukraine: Report of the Secretary-General*, A/HRC/53/64, 26 May 2023, paras. 31-32.

⁴⁶ Ibid, para. 34. The list of States that commit “unfriendly acts” against the Russian Federation is approved by decree of the Government of the Russian Federation No. 430-r of 5 March 2022.

⁴⁷ See resolutions of the “State Council of Crimea” No. 1885-2/23 of 08.09.2023, No. 1924-2/23 of 20.09.2023, No. 1925-2/23 of 20.09.2023, No. 1976-2/23 of 26.10.2023, No. 2066-2/23 of 26.12.2023. <https://tass.ru/ekonomika/19566073>.

in Crimea.⁴⁸ Under international humanitarian law, an occupying Power may not confiscate private property,⁴⁹ but may requisition it in accordance with and subject to the specific conditions set out in the provisions of Article 52 of the 1907 Hague Regulations.

59. Landowners in Crimea without Russian citizenship, including Ukrainian citizens, continued to be at risk of losing their land as a result of decree No. 201 of the President of the Russian Federation, which restricts land ownership to Russian citizens and legal entities in 27 territories of Crimea. As of 31 December 2023, the number of plots owned by non-Russian citizens had decreased from 13,859 in 2020 to 7,003 (5,803 in Crimea⁵⁰ and 1,200 in Sevastopol).⁵¹ Under the decree, the Russian authorities assert the right to initiate the forced sale or transfer of land plots to state or municipal authorities of the Russian Federation in court. Between the introduction of the decree in 2020 and 1 September 2023, courts in Crimea issued 138 decisions compelling owners to dispose of their land plots within a specified period and 80 decisions compelling the forced sale of land plots (through auctions without the participation of owners). Of these 218 decisions, 167 affected Ukrainian owners.⁵²

60. In December 2023, the occupying authorities announced that Russian war veterans in Ukraine had received about 730 land plots,⁵³ pursuant to a law adopted by the “State Council of the Republic of Crimea” in December 2022, which provided for the free transfer of land to Russian servicemen taking part in hostilities, those disabled due to their wounds, and family members of those killed in hostilities in Ukraine.⁵⁴

V. Conclusions and recommendations

61. The end of February 2024 marked ten years of illegal occupation of Crimea by the Russian Federation and two years since the full-scale invasion of Ukraine by the Russian Federation, in violation of the UN Charter and international law.

62. In nine annual resolutions since 2018, the General Assembly has requested the Secretary-General to report on the human rights situation in Crimea. In the nine ensuing reports, numerous violations were verified and a number of recommendations made.

63. This tenth report highlights continued potential violations of international human rights law and international humanitarian law by the Russian Federation in Crimea. It also shows that since the full-scale invasion of 24 February 2022 and in the course of the establishment of temporary control or occupation of certain areas of Kherson, Zaporizhzhia, Donetsk and Luhansk regions of Ukraine, the Russian Federation has potentially committed similar violations of international human rights law and has potentially committed violations of international humanitarian law in those areas. The verified pattern of possible violations has often been even more severe in these latter regions than that verified in Crimea, in particular with respect to alleged patterns of torture or ill-treatment, including sexual violence, arbitrary detention and summary executions. These violations have occurred in an atmosphere of general impunity.

⁴⁸ <https://tass.ru/ekonomika/19622285>.

⁴⁹ Article 46 of the 1907 Hague Regulations.

⁵⁰ <https://archive.ph/qR9Hy>.

⁵¹ <https://archive.ph/s81zL>.

⁵² Non-governmental organizations also continued to report on patterns of property rights violations in Crimea as a result of decree No. 201. For example, see Regional Center for Human Rights, “Standing Against Discrimination: Human Rights Abuses in Crimea”, p. 50, available at <https://krymbezpravil.org.ua/en/analytics-en/standing-against-discrimination-human-rights-abuses-in-crimea/>.

⁵³ <https://crimea.ria.ru/20231214/uchastnikam-svo-v-krymu-vydeleno-uzhe-730-zemelnykh-uchastkov--aksenov-1133556408.html>.

⁵⁴ <http://crimea.gov.ru/app/17850>.

64. I continue to offer my good offices and pursue discussions with all relevant stakeholders relating to access to and violations verified in the temporarily occupied territories of Ukraine and to convey the concerns raised by the General Assembly in its resolution 78/221. During briefings to the Security Council on the situation in Ukraine, the Secretariat continued to refer to developments in the temporarily controlled or occupied territories of Ukraine, as appropriate, consistently reaffirming the commitment of the United Nations to the sovereignty, independence, and territorial integrity of Ukraine within its internationally recognized borders, in accordance with relevant General Assembly and Security Council resolutions and in line with the United Nations Charter.

65. The lack of mutually acceptable terms to ensure unimpeded access by OHCHR and other international and regional human rights monitoring mechanisms to the territories of Ukraine temporarily controlled or occupied by the Russian Federation is regrettable. Such access is important to ensure comprehensive first-hand monitoring and reporting, in the interests of all parties. I urge the Russian Federation and Ukraine to make every effort to ensure unfettered access by OHCHR and other international and regional human rights monitoring mechanisms to the temporarily controlled or occupied territories, in order to enable the effective implementation of the relevant General Assembly resolutions. I will continue to seek potential opportunities and identify practical avenues in this regard.

66. I call upon the Russian Federation to fully uphold its obligations under international law, including the United Nations Charter, international human rights law and international humanitarian law, including throughout the territories of Ukraine. In particular, the Russian authorities should comply fully with the absolute prohibition of torture, or other forms of ill-treatment, and ensure the independent, impartial and effective investigation of all allegations of torture, ill-treatment, sexual violence, arbitrary arrest and detention, or other serious violations. The Russian Federation has the obligation to ensure that the rights of persons deprived of liberty are fully respected. No individual should be subjected to enforced disappearance. I call on the occupying authorities to investigate all cases of alleged enforced disappearance effectively and promptly. Lawyers must also be able to perform their professional functions without intimidation, hindrance, harassment or improper interference, and defendants must have their right to be defended by the lawyers of their choosing respected.

67. Individuals should be able to exercise their right to freedom of movement unless reasonably justified for security reasons and should not be subjected to any arbitrary or unlawful interference with their privacy and family, including during so-called practices of “filtration” of travellers at the administrative boundary line with Crimea. I also call upon the Russian Federation to end the transfers of protected persons, including those who are detained, within and outside the temporarily occupied territory unless the security of the civilians involved or imperative military reasons so demand. The Russian Federation should ensure that any protected persons previously transferred from certain areas of Kherson, Zaporizhzhia, Donetsk and Luhansk regions of Ukraine to Crimea and from such regions and Crimea to the Russian Federation are allowed to return to their homes.

68. I further urge the Russian Federation to ensure that the rights of peaceful assembly and to freedoms of expression and opinion, association, thought, conscience and religion can be freely exercised by all individuals and groups in the temporarily occupied territories, without discrimination on any grounds or unjustified interference. In particular, individuals must be able to peacefully express political dissent, alternative political opinions and opinions that may be critical of the Russian temporary occupation, Russian authorities and the armed conflict in Ukraine without fear of retaliation, imprisonment or other sanctions.

69. I also call upon the Russian Federation to enable a safe environment for independent media outlets and civil society organizations in the temporarily occupied territories, and to refrain from any retaliation or suppression of critical and alternative views in the territories of Ukraine it temporarily controls or occupies. I urge the Russian

Federation to respect and protect human rights defenders, including women human rights defenders, and to not restrict their work, including during peaceful assemblies, beyond the permissible limits of international law.

70. No individual should be criminally charged or detained simply for practicing his or her religion or belief, without risk to others, including in the form of collective worship and proselytizing. Religious groups should enjoy access to their places of worship and should be able to gather freely for prayer and other religious practices. The occupying authorities of the Russian Federation must also ensure the availability of education in the Ukrainian language and that instruction in and learning of the Crimean Tatar language satisfies the demand for such education options.

71. I urge the Russian Federation to provide full information on Ukrainian children transferred to the Russian Federation or transferred within the territories of Ukraine temporarily occupied by the Russian Federation, to refrain from forcible transfers and deportations of children and to refrain from imposing Russian citizenship on them. I urge all parties to uphold the principle of the best interest of the child, facilitate family tracing and reunification of unaccompanied and/or separated children who find themselves across borders or lines of control without their families/guardians, including by giving child protection actors access to facilitate reunification. I strongly urge the Russian Federation to cooperate with the UN for the return and reunification of Ukrainian children. I also encourage Ukraine to continue its active cooperation with the UN on this important issue.

72. I appeal to the Russian Federation, to prevent, investigate and prosecute all alleged cases of violations committed by their respective forces, including conflict-related sexual violence, hold perpetrators to account and ensure due reparations for victims. I call on the Russian Federation to actively cooperate with relevant UN entities in that regard.

73. I call upon all Member States to support human rights defenders who work for the protection of human rights and to continue to support the work of the United Nations to ensure respect for international human rights law and international humanitarian law. It remains essential for Member States to renew discussions to facilitate unimpeded access to the temporarily occupied territories by international and regional human rights monitoring mechanisms.
