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Human rights situation in the territories of Ukraine temporarily controlled or occupied by the Russian Federation

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I. INTRODUCTORY REMARKS

1. In their decision, taken at the 1477th meeting on 4 October 2023, the Ministers' Deputies invited the Secretary General to report on a regular basis, at least once a year, on the human rights situation in the territories of Ukraine temporarily controlled or occupied by the Russian Federation, using all available sources of information, so as to further provide the Committee of Ministers with a basis for an assessment of the situation and possible decisions on action.[1]

2. The present report builds on the previous reporting exercise of the Secretary General on the human rights situation in the Autonomous Republic of Crimea and the City of Sevastopol, Ukraine. It covers the one-year period from March 2023. A Secretariat delegation conducted a fact-finding visit to Warsaw and Kyiv on 9-12 April. The report draws on meetings and discussions with the Ukrainian authorities, international organisations, human rights defenders and civil society activists conducted during that visit, information obtained by relevant Council of Europe bodies, as well as information available in the public domain. The Secretary General also visited Ukraine on 22 March 2024 for high-level meetings touching upon issues that form the subject of the present report. The Secretary General wishes to express her gratitude to the Ukrainian authorities for their support in organising the visits and to all interlocutors for their assistance and valuable contributions.

3. Because of the Russian Federation's ongoing war of aggression against Ukraine and cessation of its Council of Europe membership, meaningful discussions with the Russian Government on the relevant issues at stake, including access, could not be pursued. Impossibility of physical access for the Council of Europe to the territory temporarily controlled or occupied by the Russian Federation creates significant obstacles to monitoring the human rights situation, verifying facts on the ground, and establishing direct contacts with victims of human rights violations. Furthermore, international organisations and Ukrainian human rights defenders reported a general deterioration regarding access to information as one of the consequences of the Russian Federation's full-scale invasion of Ukraine.

4. The present report focuses primarily on human rights issues from a European Convention on Human Rights (hereinafter the Convention) standpoint, as outlined in relevant Committee of Ministers' decisions. To this end it informs about several well-documented patterns and representative cases of human rights violations in the territories of Ukraine temporarily controlled or occupied by the Russian Federation (*rationae territoriae*).[2] While those have been reflected to the extent possible, the report does not purport to provide an exhaustive account of the human rights situation in the territories of Ukraine temporarily controlled or occupied by the Russian Federation.

[1] CM/Del/Dec(2023)1477/2.4.

[2] The exact delineation of territories of Ukraine temporarily occupied or controlled by the Russian Federation is based on the list of Ukraine's Ministry of Reintegration of Temporarily Occupied Territories from December 2022. The list is periodically amended to reflect the situation on the ground.

5. The European Court of Human Rights has recognised the application of the Convention both during peacetime and in situations of international armed conflict and occupation.[3] It is recalled that whereas the Russian Federation ceased to be a party to the Convention on 16 September 2022, the latter remains applicable before this date. To assess the human rights situation on the ground, the Secretariat has relied on the relevant Convention's norms which are also enshrined in other international human rights treaties to which the Russian Federation remains a party. No derogations by the Russian Federation from its obligations under other international human rights treaties are known to have been made to date. The report furthermore relied on the principle of "effective control over the territory" reflected also in the Grand Chamber's admissibility decision on the inter-state case *Ukraine v. Russia* (re. Crimea application nos. 20958/14 and 38334/18) which is pending before the Court.[4] During the preparation of the report, careful consideration was also given to the interplay between international humanitarian law (IHL) and international human rights law (IHRL) in times of international armed conflict and occupation. Both frameworks pursue the common goal of protecting the dignity and integrity of the person and can be mutually reinforcing whereas rules of IHL may be relevant for the interpretation and application of IHRL in specific situations.

6. The report should not be seen as prejudging any possible decisions in the cases pending before the European Court of Human Rights which remains competent to deal with alleged violations of the Convention that occurred before 16 September 2022. To date there are four pending inter-state cases and a total of almost 7 400 individual applications concerning the events in Crimea, eastern Ukraine and also the current Russian military operations in Ukraine that started on 24 February 2022.[5] Furthermore, around 120 interim measures remain valid in applications against the Russian Federation most of which concern the Russian military operations in Ukraine since February 2022.

7. Furthermore, the report does not replace the monitoring procedures established in the Council of Europe. It is recalled that Council of Europe mechanisms currently lack unhindered physical access to the territories of Ukraine temporarily controlled or occupied by the Russian Federation.

8. Nothing in this report should be seen as an infringement of the independence, sovereignty, and territorial integrity of Ukraine within its internationally recognised borders. The Council of Europe fully respects the independence, sovereignty and territorial integrity of Ukraine as repeatedly reaffirmed by the Committee of Ministers and the Parliamentary Assembly.

[3] Under the Geneva Conventions system, the situation in Ukraine is an international armed conflict. See Independent International Commission of Inquiry on Ukraine, "Report to the United Nations General Assembly" (A/78/540), 19 October 2023. The Commission has also found reasonable grounds to conclude that the invasion and attacks by the armed forces of the Russian Federation against the territory and armed forces of Ukraine qualify as acts of aggression against Ukraine. See Independent International Commission of Inquiry on Ukraine, "Report to the Human Rights Council" (A/HRC/52/62), 15 March 2023.

[4] The European Court of Human Rights held a Grand Chamber hearing on the case of Ukraine v. Russia (re Crimea) (applications nos. 20958/14 and 38334/18), on 13 December 2023. See press release, ECHR 352 (2023) of 13 December 2023.

[5] Ibid.

II. BACKGROUND

9. It is recalled that on 30 September 2022, the Russian Federation attempted to illegally annex the regions of Donetsk, Kherson, Luhansk and Zaporizhzhia after conducting so-called "referendums" in violation of the principles and norms of international law emulating the "Crimea scenario" of 2014. At the time of writing the report, the Russian Federation controlled or occupied partially these four regions in addition to the Autonomous Republic of Crimea and the City of Sevastopol. The Russian Federation has further sought to entrench its control over the areas it occupies through the illegal conduct of local elections in September 2023 and most recently, the presidential elections on 17 March 2024.

10. Following the attempted annexation of the newly occupied territories, the Russian Federation's legal, political and administrative systems were imposed in parts of the Donetsk, Kherson, Luhansk and Zaporizhzhia regions, in violation of international obligations incumbent on an occupying power. The acquisition of Russian citizenship was made obligatory for the local population to continue to enjoy access to livelihoods, property and other basic services. The life of the civilians who had already experienced significant loss and harm because of Russia's war against Ukraine was once more affected by new and more severe restrictions. On 20 October 2022, martial law was enacted in the newly occupied territories by a Russian presidential decree and further amended in May 2023. The law authorised curfews, restrictions on public assemblies and other political activities, compulsory resettlement of the population, confiscation of property as well as expanded powers of the occupying authorities to search persons, documentation, belongings as well as vehicles and property.

11. Overall, the occupation of the new territories by the Russian Federation appears to have been forcefully carried out in an atmosphere of generalised violence and fear to coerce the local population to co-operate with the Russian occupying authorities while suppressing their Ukrainian identity and links. Multiple and grave violations of international human rights and humanitarian law have been committed in the process.

12. The human rights issues and the gravity of violations brought to the attention of the Secretariat tend to differ from one region to another, depending on such factors as proximity to frontlines and the duration under occupation.[6] Yet the consistency of patterns across different regions leaves no doubt as to the Russian occupying authorities' official tolerance of certain forms of abuse perpetrated in the occupation context while in some specific cases it may reveal elements of official policy.

[6] For example, the Secretariat was informed that many inhabitants of the newly occupied territories in particular in Kherson and Zaporizhzhia considered Crimea as a relatively safer and more secure place. Yet when attempting to move to the peninsula they were reportedly exposed to a high risk of abuse, especially at the checkpoints installed by the Russian forces. The present report details some of those violations.

13. During the reporting period, the Russian Federation continued to deny physical access to temporarily controlled or occupied territories of Ukraine to international human rights monitoring mechanisms and human rights groups. Despite the extremely challenging situation on the ground, these organisations have continued to remotely monitor the human rights situation in the territories concerned in line with their respective methodologies. Statements of victims and witnesses have proved to be an information source of utmost importance in this context. At the same time, the Secretariat was informed that obtaining first-hand testimonies remained challenging due to significant freedom of movement impediments in the temporarily occupied territories but also the population's sense of apprehension that sharing one's experiences was fraught with retaliation.

14. More broadly, the Russian war of aggression has continued to lead to immense human suffering across Ukraine, beyond the territories temporarily controlled or occupied by the Russian Federation. As a result of the ongoing hostilities, the number of civilian casualties, including among women and children, has continued to grow. Since the start of the full-scale military invasion of the Russian Federation against Ukraine until March 2024, the United Nations Human Rights Monitoring Mission in Ukraine (HRMMU) has recorded 31 366 civilian casualties in the country, with 10 810 people killed and 20 566 injured. Of the total number of recorded casualties, 25 399 occurred in Ukraine-controlled territories and 5 967 casualties in territories temporarily controlled or occupied by the Russian Federation. The HRMMU believes that the actual extent of civilian harm is considerably greater as many reports have been impossible to verify due to their large number and lack of access to relevant areas.[7] According to the data provided by the Ukrainian authorities, over 10 million people were affected by large-scale displacement, including 4.6 million internally displaced most of whom are from the temporarily occupied territories. Civilians have continued to bear the brunt of widespread destruction of housing, hospitals, education facilities and critical infrastructure as well as the broader adverse humanitarian and socio-economic impacts of the war.

15. The Russian Federation's unprovoked aggression resulting in the temporary occupation and attempted illegal annexation of the sovereign territory of Ukraine, continues to be widely and resolutely condemned by international and regional organisations as well as individual states, which have called for an immediate, complete and unconditional withdrawal of all of Russian military forces from the territory of Ukraine within its internationally recognised borders. These calls reflect the constant position of the international community in recognising the independence, sovereignty, and territorial integrity of Ukraine within the internationally recognised borders as stipulated by the United Nations General Assembly Resolution 68/262 adopted on 27 March 2014, and confirmed also in subsequent annual resolutions on the human rights situation in the temporarily occupied Autonomous Republic of Crimea and the City of Sevastopol, Ukraine.

[7] See OHCHR, "Ukraine: Protection of civilians in armed conflict – March 2024 Update", 9 April 2024.

III. HUMAN RIGHTS IN THE FRAMEWORK OF LAW ENFORCEMENT

Right to life

16. The right to life is a basic human right and is enshrined in Article 2 of the Convention, which ranks as one of its most fundamental provisions. It comprises two substantive obligations: the general obligation to protect the right to life and the prohibition of intentional deprivation of life. Having regard to its fundamental character, Article 2 also contains a procedural obligation to carry out an effective investigation into alleged breaches of its substantive limb. This includes cases where a person has disappeared in life threatening circumstances. In situations of international armed conflict, those safeguards continue to apply, albeit interpreted against the background of the provisions of international humanitarian law.[8]

17. Available information shows that Russian armed forces in territories of Ukraine temporarily controlled or occupied by the Russian Federation engaged in conduct that resulted in arbitrary deprivation of life. This comprised executions of Ukrainian prisoners of war (POWs)[9] and persons who were ostensibly *hors combat*. In addition, the Russian military repeatedly perpetrated wilful killings of civilians who did not pose an imminent threat. In an episode which caused significant outrage, on 23 October 2023, members of a Russian military unit shot dead nine men and women, including two children, all members of the same family, in Volnovakha, in the occupied Donetsk region, allegedly after their order to vacate the premises was not followed. The Russian authorities later detained two Russian servicemen on criminal charges of murder. While Russian authorities were reportedly investigating other similar cases in the territories of Ukraine they temporarily control or occupy, the Secretariat was not able to establish any steps to ensure accountability for violations of the right to life committed by Russian forces in territories that were later recaptured by Ukraine.

18. In other cases, persons reportedly died in custody after being arbitrarily detained by Russian forces and/or tortured. In one case documented by the OHCHR, the victim – a priest of the Orthodox Church of Ukraine – was detained in February 2024 in the occupied part of the Kherson region by unknown men in military uniform. His death was announced to relatives two days later.[10]

[8] European Court of Human Rights: Guide on Article 2 of the European Convention on Human Rights, updated on 31 August 2022.
[9] On 2 April 2024, in a statement to the 55th Session of the Human Rights Council, UN High Commissioner for Human Rights reported that his office had recorded allegations of the executions of at least 32 captured Ukrainian PoWs in 12 separate incidents in the period December 2023 – February 2024.
[10] See OHCHR, “Report on the Human Rights Situation in Ukraine, 1 December 2023 – 29 February 2024”, 26 March 2024, p. 19.

19. Indiscriminate attacks launched by Russian armed forces stationed in the temporarily controlled or occupied territories of Ukraine using explosive weapons with a wide impact area (including artillery, missiles and unmanned arial vehicles (UAVs)) have resulted in numerous civilian casualties in the government-controlled areas of Ukraine. In one such incident investigated by the Independent International Commission of Inquiry on Ukraine, 21 civilians were killed, and dozens were injured during an artillery attack using a GRAD-type multiple rocket launcher system (MRLS) weapon in the Kherson city and its surroundings, on 3 May 2023. The Commission assessed that the attack had originated from the left bank of the Dnipro River, which was under the control of the Russian army, which furthermore had failed to take precautions to verify that the objectives were not civilian.[11] Conversely, civilian casualties were also reported from attacks with the use of explosive weapons targeting territories under the control of the Russian Federation. On 21 January 2024, artillery shelling of a commercial area in the city of Donetsk killed at least 25 civilians and injured 11 others.[12]

20. Despite the significant loss of life and vast devastation reported in connection with the brutal and protracted fighting in Mariupol and other localities in the Donetsk and Luhansk region in 2022, the Secretariat was not made aware of any information indicative of steps taken by the Russian Federation to investigate. A remote investigation by Human Rights Watch concluded that in Mariupol alone there were at least 8 034 excess deaths above a peacetime rate between March 2022 and February 2023.[13]

21. As previously reported, an increase in the number of enforced disappearances in potentially life-threatening circumstances was observed in the Autonomous Republic of Crimea, temporarily occupied by the Russian Federation, after the outbreak of the full-scale Russian military invasion of Ukraine. Civilians subjected to the so-called "filtration" procedures at checkpoints installed by the Russian forces before entering Crimea, or forcibly removed from regions adjacent to the peninsula, have been particularly exposed. As of 26 February 2024, the HRMMU had documented 104 cases of potential enforced disappearances since the beginning of Crimea's occupation in 2014. In two cases, the victims were found dead, 44 persons were released from arbitrary detention while 37 remained in custody. 21 persons still remain unaccounted for.[14] This appears to include 11 people who went missing in the context of the events that led to the 2014 illegal annexation. Russian authorities reportedly failed to carry out the requisite investigation as well as to provide redress to victims or their families.[15]

22. The Secretariat received information by the Prosecutor of the Autonomous Republic of Crimea that the investigation into the death of one of the victims, a member of the Crimean Tatar community following his enforced disappearance on 3 March 2014 was completed. In October 2023, the three suspects, who at the time were members of the *Crimean Self-Defence*[16] paramilitary formation, were indicted and the case is pending before a court. It is also recalled that a number of applications alleging enforced disappearances in Crimea remain pending before the European Court of Human Rights.

[11] See Independent International Commission of Inquiry on Ukraine, Report to the General Assembly A/78/540, 19 October 2023, p. 6.
[12] OHCHR, March 2024, op. cit. p. 8.
[13] See Human Rights Watch, "Our City Was Gone – Russia's Devastation of Mariupol, Ukraine", February 2024.
[14] 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.
[15] Compare with the similar situation concerning the actions of Russian security forces in the Northern Caucasus, where the European Court found violations in more than 250 cases starting with the case of *Khashiyev and Akayeva v. Russian Federation* (application no. 57942/00), judgment of 24 February 2005.
[16] A pro-Russian paramilitary formation active at the outset of the occupation of Crimea which was later disbanded.

Prohibition of torture and inhuman or degrading treatment or punishment

23. The prohibition of torture and ill-treatment is one of the most fundamental international human rights law norms enshrined in Article 3 of the Convention and it does not provide for exceptions under any circumstances. Together with Article 2, it is considered a peremptory norm which reflects one of the basic values of democratic societies. The procedural obligation under Article 3 continues to apply in difficult security conditions, including in a context of armed conflict.[17] According to the European Court of Human Rights, rape in custody can constitute torture and gives rise to positive obligations under Article 3.[18] Torture and ill-treatment committed during the armed conflict may constitute war crimes and they may constitute crimes against humanity when committed as part of a widespread or systematic attack, with knowledge of the attack, directed against a civilian population.

24. Ukrainian authorities, international human rights bodies and non-governmental organisations have documented a widespread and systematic pattern of torture and other cruel treatment during the occupation, by members of the Russian military, the Russian security service (FSB) and Russian law enforcement in both established and improvised places of deprivation of liberty. Survivors and witnesses have provided harrowing testimonies of methods applied which appeared to be aimed at deliberately inflicting severe physical and psychological harm with profound disdain for humanity and dignity. According to numerous publicly available reports, victims endured severe beatings including by multiple assailants, hooding, prolonged periods of handcuffing, cutting and the placement of sharp objects under fingernails, being hanged upside down and other stress positions, electrocution, simulated drowning, and mock executions as well as other humiliating practices. Others who were not subjected to physical harm were threatened with torture and execution and in some cases made to witness the suffering of other victims, including family members. In several verified cases, a lethal outcome was observed.[19] While practices and techniques of torture varied across different detention facilities, some of them were found to be repetitive, lending further credence to their systematic character.

[17] European Court of Human Rights: Guide on Article 3 of the European Convention on Human Rights, updated on 31 August 2022. See also *Georgia v. Russia* (III), (Appl. no. 38263/08), judgment of 21 January 2021.
[18] See case of *Maslova and Nalbandov v. Russia*, (Appl. no. 839/02), judgment of 24 January 2008.
[19] See Office for Democratic Institutions and Human Rights (ODIHR), Fourth Interim Report on reported violations of international humanitarian law and international human rights law in Ukraine, 12 December 2023, p. 4.

25. Conflict-related sexual violence and gender-based violence allegedly committed by Russian forces remained a particularly grave human rights concern. As of December 2023, the OHCHR had documented 48 cases of sexual violence against civilians in detention, 14 cases in residential areas where the Russian military were stationed and two cases during the so-called "filtration" process. Men and women, elderly and minors were all affected. Reported instances included rape and threat thereof, gang rape, coercion to witness sexual violence against relatives, unjustified searches of cavities, stripping and forced nudity and genital mutilation. Sexual violence against women and girls reportedly took place mainly during house searches; men however were the largest group targeted by sexual violence in custody.[20] It was not infrequent that rape victims were also subjected to other forms of torture and violence and in some cases found dead.

26. The available information strongly indicates that torture and ill-treatment was committed premeditatively, rather than incidentally, with specific motives for exacting punishment, particularly on POWs and civilians perceived as supportive of Ukraine, extracting confessions and information regarding the Ukrainian armed forces during interrogations, but also coercion into co-operation with and allegiance to occupation authorities. The prevalence of torture and ill-treatment appears to have generally contributed to the general atmosphere of fear and to suppressing opposition to occupation policies and processes. During the reporting period, the Independent International Inquiry Commission on Ukraine continued its investigation on whether torture was committed pursuant to a policy, and to determine whether it may amount to a crime against humanity based on the evidence collected.[21]

27. The placement of individuals in harsh physical conditions in identified detention facilities in the temporarily occupied territories has in many reported cases been characterised as tantamount to torture and inhuman treatment. Many were held for prolonged periods in makeshift premises such as basements, garages or placed in overcrowded cells, with no access to proper food, water, healthcare and sanitation[22] and deprived of any links with their families. In some cases, civilians were reportedly held in the same place with prisoners of war, in breach of the norms of international humanitarian law.

[20] See OHCHR, "Human Rights Situation During Russian Occupation and its Aftermath, 24 February 2022-31 December 2023", 20 March 2024, p. 12.
[21] See Independent International Commission of Inquiry on Ukraine, "Report to the Human Rights Council" (A/HRC/55/66), 18 March 2024, p.14 According to the Commission, the investigation focuses on such elements as organisation and division of labour involving different institutions, the hierarchical nature of the services involved in the commission of torture, knowledge of superiors and a prevailing sentiment of impunity.
[22] See OHCHR, March 2024,op. cit. p. 12.

28. As regards the Autonomous Republic of Crimea, serious concerns persisted on the harsh treatment of individuals who were abducted or arbitrarily detained in other temporarily occupied territories, notably in Kherson and Zaporizhzhia and subsequently transferred to detention facilities in the peninsula. According to the HRMMU, unlawful conditions in pre-trial detention centre, facility No. 2, in Simferopol, where they are held, including *incommunicado detention*, denial of the right to outdoor exercise and enforcement of prolonged stress positions may amount to inhuman and degrading treatment and possibly torture.[23] Furthermore, Ukrainian human rights defenders reported on 16 cases where Crimean residents prosecuted on alleged political grounds were subjected to solitary confinement as a punitive measure. In addition, the Secretariat received information indicating that at least 64 individuals detained or imprisoned in allegedly politically orchestrated criminal cases in Crimea or in the Russian Federation suffer from health issues, including disability, with some remaining in need of urgent medical care. In line with a previously reported pattern in breach of international humanitarian and human rights law, the Russian authorities continued to transfer prisoners from Crimea to serve their sentences in the Russian Federation with at least 43 such transfers organised during the reporting period.

Right to liberty and security

29. The Convention guarantees the right to liberty and security to everyone. The authorities have an obligation to ensure that any detention is lawful based on a procedure prescribed by law and to ensure Convention compliant conditions of detention. As regards detention taking place during an international armed conflict, the safeguards under Article 5 of the Convention must be interpreted and applied taking into account the context and the provisions of international humanitarian law.[24]

30. Russian occupation authorities resorted extensively to arbitrary and unlawful detentions in the territories under their control and in the Russian Federation. While it remains impossible to ascertain the total number of detained civilians, it is estimated that thousands may have been targeted since 24 February 2022.[25] Between the outbreak of the Russian full-scale invasion on 24 February 2022 and December 2023, the OHCHR recorded 687 cases of arbitrary detention involving 587 men, 92 women and eight children (seven boys and one girl) in the newly occupied territories, the majority of them in the Kherson region.[26] During meetings in Kyiv, interlocutors further noted the extensive number of places of detention – both "official" and "non-official" ones – where civilians were held across the occupied territories and in the Russian Federation, exemplifying the magnitude of the problem. Estimates vary as to how many detainees have been released.

[23] See UN Secretary General, "Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the City of Sevastopol, Ukraine" (A/78/340), 1 September 2023, p. 8.
[24] See for example, Grand Chamber judgment *Hassan v. the United Kingdom* (Application no. 29750/09), 16 September 2014.
[25] Submission by the Office of the Prosecutor General of Ukraine.
[26] See OHCHR, March 2024, op. cit. p. 11. The statistics include numbers also from parts of the Kharkiv and Mykolaiv regions.

31. As a rule, detentions reportedly occurred during house searches and in workplaces, when crossing Russian-installed checkpoints in Russian-controlled territory and in the context of the so-called “filtration process” without providing information on the reasons. In a most recent case relayed by the OHCHR, in late 2023 local police arrested three residents of a village in the Kherson region without providing reasons for their arrest. They were held in the local military administration office until early 2024 when relatives were told that they had been “taken away”. Their whereabouts remain unknown as of 29 February 2024, despite the efforts of their relatives to obtain information.[27]

32. Current or past affiliation or perceived co-operation with the armed forces of Ukraine was ostensibly one of the main reasons for detention. However, as the occupation unfolded Russian authorities reportedly targeted local officials and law enforcement, journalists and public sector employees, including staff of the Zaporizhzhia Power Plant as well as ordinary civilians to coerce them into co-operation, as a form of reprisal and to instil fear.[28] The latter was further exacerbated by other grave abuses frequently ensuing from arbitrary detention, such as enforced disappearance, forcible expulsions from territory, violence, torture and extrajudicial killings.

33. During the meetings in Kyiv, the Secretariat’s delegation received information about issues arising from the detentions carried out allegedly on security grounds. While internment is envisaged under international humanitarian law for imperative security reasons, the information at hand appears to suggest that civilians who did not represent an apparent threat were amongst those detained whilst applicable procedural safeguards were generally not respected.[29]

34. In Crimea, the Russian occupying authorities continued to arbitrarily detain Crimean Tatars on alleged terrorism charges in connection with their affiliation to *Hizb-ut-Tahrir*, outlawed as a terrorist organisation in the Russian Federation. The Mission of the President of Ukraine in the Autonomous Republic of Crimea/Office of the Crimea Platform and human rights defenders have consistently raised the issue of individuals unlawfully detained in Kherson and Zaporizhzhia regions and forcibly transferred further to Crimea. At least 53 such cases have been verified by Ukrainian human rights defenders involving, among others, local officials and activists, journalists, and retired members of Ukrainian military.[30] Many continued to be held without legal charges at the time of writing the report while others had already been sentenced on allegedly spurious criminal charges by Russian-appointed courts in Crimea.

[27] See OHCHR, March 2024, op. cit. p. 19.
[28] See ODIHR “Report on violations and abuses of international humanitarian and human rights law, war crimes and crimes against humanity, related to the arbitrary deprivation of liberty of Ukrainian civilians by the Russian Federation, by the Mission of Experts established under the Moscow Mechanism”, 19 April 2024.
[29] Ibid.
[30] See Crimea Human Rights Group, “Human Rights and International Humanitarian Law Norms: Crimea situation review, January 2023 – March 2024”, January 2024.

35. In April 2024, the Mission of Experts mandated under the OSCE Moscow Mechanism, established that since deprivations of liberty of civilians in the occupied territories "either do not meet the lawful grounds for detention under IHL and IHRL, or do not satisfy the procedural guarantees imposed by the same two bodies of law, or both, they are arbitrary" and therefore the victims are entitled to immediate release. The Mission further concluded that such practice has revealed signs of a systematic, consistent and deliberate pattern of conduct specifically targeting Ukrainian civilians and that therefore a crime against humanity may have been committed. It further recommended steps to ensure accountability of perpetrators as well as redress for victims.[31]

Right to a fair trial

36. The right to a fair trial includes a specific set of minimum rights to be ensured to persons charged with criminal offences. It also comprises the right to an impartial and independent tribunal.[32]

37. The Russian Federation laws were extended to the newly controlled or occupied territories deriving from their illegal annexation. Following a transitional period, the Russian federal court system commenced working in the temporarily occupied territories of Donetsk, Luhansk, Zaporizhzhia and Kherson regions of Ukraine as of 21 September 2023. As of January 2024, close to 450 new Russian federal judges[33] had been reportedly appointed representing almost half of the total number of judicial posts to be filled.[34] While contravening the obligations of the Occupying Power *ipso facto*, the imposition of Russian legal order and its application in the occupied territories resulted in prosecutions of Ukrainian citizens for actions that would otherwise not be unlawful under Ukrainian law and can be considered as legitimate exercise to one's rights. Examples reportedly included sanctions for violation of the Russian Federation's stringent legislation on the fight against extremism, public assemblies, and freedom of expression. The Russian law was reportedly applied with retroactive effect while criminal sentences were reclassified to the detriment of the defendants'/prisoners' rights.

38. According to OHCHR, the Russian-appointed courts in the temporarily occupied territories continued to convict Ukrainian POWs on various charges with a significant increase in such cases (151) observed in late 2023 compared to the previous three months. While limited information was available on those cases, concerns have been raised about the fairness of their trial given shortcomings documented in the past including lack of access to legal counsel, visible bias from judges, and lack of adequate time and facilities to prepare their defence.[35] The Secretariat received information suggesting similar irregularities relating to criminal prosecution of a number of Crimean Tatars and Ukrainians – 31 in total – for their alleged membership in the Noman Çelebicihan battalion, a Crimean Tatar formation involved in the 2016 blockade of the peninsula from the government-controlled Kherson region and banned as a terrorist organisation by the Russian Federation following the launch of the full-scale invasion.

[31] See ODIHR, April 2024, op. cit.
[32] See Guide on Article 6 of the European Convention on Human Rights, Right to Fair Trial (criminal limb), updated on 31 August 2022.
[33] See OHCHR, March 2024, op. cit. p. 16.
[34] According to Russian media, the total number of judges to be appointed equals 1 115. See https://www.kommersant.ru/doc/6224447?ysclid=lwfysgfeb9641073380, last accessed 21 May 2024.
[35] See OHCHR, "Report on the Human Rights Situation in Ukraine, 1 August 2023 – 30 November 2023", 12 December 2023, p. 17.

39. In line with previously reported patterns, the Russian occupying authorities in Crimea noticeably failed to uphold due process rights during administration of justice in alleged terrorism and extremism-related cases. According to the Mission of the President of Ukraine in the Autonomous Republic of Crimea/Office of the Crimea Platform and Ukrainian human rights defenders, the Russian authorities continued to prosecute individuals on criminal charges deemed politically or religiously motivated. They maintained that 200 individuals as a result remained deprived of their liberty in the peninsula as well as in the Russian Federation. Among them are Crimean Tatar and Ukrainian activists, journalists, and bloggers, as well as members of the Jehovah's Witnesses. Proceedings in those cases were reported to be fraught with numerous irregularities which violated equality of arms, casting doubts on the impartiality of accusations and final convictions of defendants. As a rule, the occupying authorities continued to transfer Ukrainian nationals charged with terrorism to the jurisdiction of military courts in the Russian Federation in contravention of international humanitarian law.[36]

40. Lawyers, in particular the ones representing defendants in the afore-mentioned cases, remained unable to exercise their profession freely and were ostensibly persecuted solely for their professional activity. In one telling case, on 13 October 2023, the counter-extremist police unit in Simferopol arrested a prominent Russian lawyer working as legal counsel for Crimean Tatar activists, journalists, Ukrainian POWs and others including in cases of detainees who were transferred to the Russian Federation. The Russian occupation authorities accused him of administrative offences of "discreditation of the Russian Armed Forces" and "propaganda or public demonstration of Nazi or extremist symbols" allegedly in connection with posts in social networks. On the same day, he was sentenced to a 14-day administrative detention and a fine in a process that was marred by procedural violations. The Russian-appointed Supreme Court of Crimea later upheld the verdict while the occupation authorities also warned that he would be stripped of his licence.[37] Another prominent Crimean Tatar human rights lawyer was arrested on administrative charges in February 2024, following consistent and repetitive reprisals in the past. In 2023, Russian authorities reportedly disbarred several prominent Crimean human rights lawyers from criminal cases while also coercing defendants to dismiss privately hired lawyers.[38]

[36] Following legislative amendments which entered into force in November 2023, the jurisdiction of the Southern Regional Military Court of the Russian Federation (Rostov-on Don) was extended to the occupied territories in Donetsk, Kherson, Luhansk and Zaporizhzhia in addition to the Autonomous Republic of Crimea.
[37] See Amnesty International Public Statement, 27 October 2023.
[38] See UN Secretary General, September 2023, opp. cit.

IV. PROHIBITION OF DISCRIMINATION

Consequences of extending Russian citizenship

41. During the visit of the Secretariat's delegation to Kyiv, attention was drawn to the policy of issuance of Russian passports[39] to Ukrainian nationals in the newly occupied territories in a continued violation of applicable norms of international law.[40] The conferral of Russian citizenship was not automatic;[41] however the conditions created by the Russian occupation authorities seem to have reduced the free choice of citizenship to a formality. While it appears to be currently possible for Ukrainian nationals to still retain a Ukrainian passport after acquiring Russian citizenship, this requires filing a declaration of unwillingness to be considered as a citizen of Ukraine.[42]

42. Furthermore, the available information is indicative of strong coercion on Ukrainians to accept Russian citizenship. This reportedly included various threats such as termination of employment, confiscation of property and deportation. In some cases, Ukrainian citizens were subjected to violence and ill-treatment in case of refusal.[43] The inability to produce a Russian passport at Russian checkpoints in occupied territory could result in lengthier and more detailed checks and was a reason for detention.[44] More broadly, lack of Russian citizenship appeared to adversely affect the local population's access to employment and other types of livelihood, education, social services, healthcare, property rights and other services giving rise to unequal treatment. In one reported case in the Luhansk region, diabetes patients complained of an inability to receive insulin due to a lack of medical insurance which is available to Russian citizens.[45] Humanitarian challenges created by the Russian Federation's prolonged full-scale military invasion of Ukraine added to the factors of pressure. As transfers of social payments, including pensions, from Ukraine became technically impossible due to the war, entitlements from the Russian Federation remain the only source for socially vulnerable individuals who can however only access them with a Russian passport.

[39] In 2022, the Russian Federation extended the application for Russian citizenship to all citizens of Ukraine under a fast-track scheme. Following the new round of illegal annexation in 2022 and pursuant to changes to the federal legislation framework, residents of the concerned territories of Ukraine were recognised as Russian citizens with the only requirement being the taking of an oath.

[40] Such principles stem from Geneva Conventions and include the aforementioned obligation of an occupying power to preserve the status quo ante, prohibition of forcing the population in occupied territories to force allegiance to the enemy state, including via the transfer of citizenship.

[41] The only conditions included the taking of an oath and submitting an application unlike the approach followed in Autonomous Republic of Crimea where Russian citizenship was automatically imposed with a limited opt out possibility.

[42] See Ukraine 5 AM Coalition, "Imposing the citizenship of the Russian Federation on citizens of Ukraine in the occupied territories and in the Russian Federation", Analytical Report.

[43] See ODIHR, 12 December 2023, op. cit. p. 37.

[44] Ibid.

[45] Ibid.

43. In April 2023, a Russian presidential decree was issued stipulating that unless they had obtained Russian citizenship, Ukrainians in the temporarily occupied Donetsk, Kherson, Luhansk and Zaporizhzhia regions would be considered as "foreigners" and be obliged to obtain a permanent residence permit. While the latter could be received under a simplified procedure, Ukrainian human rights defenders have cautioned that the measure would formalise existing disparities in the occupation context. Furthermore, the decree envisages that Ukrainians without a Russian passport who are suspected of "extremism/terrorism", making calls for violent overthrow of constitutional order, crimes against public order and safety as well as participation in unsanctioned rallies, may be deported generating further concerns given the broad scope of corresponding provisions and the risk of abusive enforcement.

Persons belonging to minority communities and indigenous people

44. In the Autonomous Republic of Crimea, ethnic Ukrainians and indigenous Crimean Tatar people who expressed dissent with the occupation continued to be faced with reprisals and systematic curtailment of their rights. Following a decade of occupation in the peninsula, their identity, culture and other human rights have been suppressed. Their situation has reportedly grown increasingly precarious in the context of the Russian Federation's full-scale military invasion and the prevailing Russian military-patriotic narrative, which contributes to their perception as disloyal and to further stigmatisation.

45. The Secretariat received information that the number of ethnic Ukrainians who were prosecuted for their pro-Ukrainian stance continued to increase in the aftermath of the full-scale military invasion by the Russian Federation. This appeared to be mainly due to the extensive application of the Russian legislation forbidding actions directed at discrediting the Russian armed forces. As previously reported, the law's scope has extended not only to messages expressing support to Ukraine, but also the public display of the Ukrainian flag and its colours, national anthem and other songs in the Ukrainian language which form part of Ukrainian identity.[46] Other alleged violations during the reporting period emerged pursuant to a decree issued by the occupation State Council of the Republic of Crimea on 24 May 2023 paving the way for the "nationalisation" and the sale of a property owned by Ukrainian political leaders, public figures and institutions.

[46] See Crimea SOS, "Crimea 2023, the Second Year of the Full-Scale War", 21 February 2024.

46. Crimean Tatars affiliated with the Mejlis, the self-governing body of the Crimean Tatar people, remained a main target of reprisals while attempts persisted to compel them to switch their allegiance to the Spiritual Direction of the Muslims of Crimea and the City of Sevastopol, perceived as more loyal to the occupation authorities.[47] They continued to be disproportionally affected by intrusive searches of private properties, mosques and Islamic schools carried out by local police and the FSB. Apart from significant interference with the right to respect for private and family life and privacy, many such cases during the reporting period ended in arbitrary detentions, criminal prosecutions and lengthy convictions of members of the community on spurious anti-extremism and counter-terrorism charges. When attending legal proceedings, defendants in some cases were reportedly prohibited to use their native Crimean Tatar language, despite its recognition as an official language, and were removed from the hearings.

47. The Mejlis remains banned as an "extremist organisation" by a decision of the Russian Supreme Court. In its judgment of 31 January 2024, the International Court of Justice ruled that the Russian Federation had violated its order to restore the Mejlis.[48] As part of the "nationalisation decree" of 24 May 2023, the Russian occupation authorities appropriated buildings belonging to the Mejlis. Prominent community leaders, including the Head of the Mejlis, remained subject to entry bans to Crimea and were compelled to exercise their functions from Ukraine-controlled territory. In November 2023, the Russian occupying authorities transferred the imprisoned First Deputy Head of the Mejlis of the Crimean Tatar People to a penal colony in the Krasnoyarsk region of the Russian Federation. Others have been forced to leave their ancestral land to avoid conscription or because they were assigned to military units in the Russian Federation. During the Secretariat delegation's meetings with Crimean Tatar leaders in Kyiv, the latter noted that pressure and intimidation could not be seen as separate from the deliberate policy to alter the ethnic make-up of the peninsula as illustrated by the ongoing pattern of deportations to the Russian Federation from the peninsula and, conversely, the inflow of Russian citizens. They cautioned about the risk that this would pose to the future cohabitation in the peninsula while stressing the need to look for human rights compliant solutions.

[47] On 18 April 2023, the CoE Commissioner for Human Rights published a report on the human rights situation of Crimean Tatars in Ukraine's Autonomous Republic of Crimea and the city of Sevastopol, illegally annexed by the Russian Federation intended to increase public awareness of the plight of the Crimean Tatar people throughout their history, with a special focus on the situation following the occupation and illegal annexation of Crimea in 2014 by the Russian Federation and Russia's full-scale invasion of Ukraine, in February 2022.

[48] See International Court of Justice, Application of The International Convention for the Suppression of the Financing of Terrorism and Of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation), 31 January 2024.

48. According to Ukraine's Parliament Commissioner for Human Rights, persons belonging to ethnic groups in other regions of Ukraine temporarily controlled or occupied by the Russian Federation continued to find themselves in a vulnerable situation. The Russian Federation's war of aggression against Ukraine and occupation have significantly affected the ethnic Greeks in and around Mariupol, in the Donetsk region. Some of the community's members were killed and many more fled during the Russian assault of the city, which appears to have disrupted community efforts to preserve its language and cultural heritage.[49] Russia's war of aggression has also severed the community life of and created artificial barriers between Meskhetian Turks, the majority of whom, prior to the occupation, lived in the Kherson region in places close to the frontlines. According to information from open sources, the Roma living in the Donetsk region face increasingly dire living conditions due to the dangers of Russia's war of aggression against Ukraine, including violence and shortage of goods. Their extreme poverty and difficulties accessing identification documents appears to have constrained their ability to flee the war.[50]

Access to education, including right to mother tongue-based education

49. The right to education is enshrined in Article 2 of Protocol 1 to the Convention and is considered indispensable in the furtherance of other human rights. According to the European Court of Human Rights, this article must be interpreted in harmony with other rules of international law. Most importantly it is closely linked with the right of everyone, including parents and children, "to respect for his private and family life", "freedom of thought, conscience and religion", and "freedom to receive and impart information and ideas". In addition, Article 2 of Protocol No. 1 is also closely linked to Article 14 of the Convention and to the prohibition of discrimination.[51]

50. The armed hostilities unfolding in the context of Russia's full-scale military invasion, have resulted in the destruction and damage of hundreds of education institutions across the country, including in Ukraine's territories temporarily occupied or controlled by the Russian Federation, notwithstanding the protection afforded to such facilities under international law. Following the significant disruption witnessed in early 2022, the education process in the newly occupied territories has restarted since the 2022-2023 school year. In February 2023, federal legislation was enacted to pave the way for the integration of the newly occupied territories into the education system of the Russian Federation aiming for full transition to Russian education standards by 2026.[52] This also involved the transfer of education property to Russian ownership.

[49] See Ukraine Parliament Commissioner for Human Rights, "National minorities and indigenous people under occupation: the struggle for survival", reporting period February 2022 – August 2023.
[50] See *https://theins.ru/en/society/266251*, last accessed 21 May 2024.
[51] See Guide to Article 2 of Protocol 1 to the Convention, last updated 31 August 2022.
[52] As previously mentioned, the imposition of the Russian Federation system conflicts with the obligations of the occupying power under international law.

51. The adoption of Russian policies, national curricula and textbooks has profoundly affected the enjoyment of the right to education in the occupied territories.[53] One direct consequence of the switch was the introduction of Russian language instruction in almost 700 schools at the expense of the Ukrainian language. Although the Ukrainian native language appears to be formally allowed as a facultative subject, it is either virtually not taught, as in the schools situated in the Russian-controlled parts of Donetsk and Luhansk, or the number of its weekly classes has been significantly reduced in the schools in the occupied territories of Kherson and Zaporizhzhia. More generally, a negative attitude towards the Ukrainian language continues to be publicly expressed by the Russian occupation authorities. In the Autonomous Republic of Crimea, education in the Ukrainian language is offered in one school – in addition, only one Ukrainian class is offered in a Russian-language school in Simferopol.[54] In its judgment of 31 January 2024, the International Court of Justice (ICJ) found that the Russian Federation had violated the International Convention on Elimination of Racial Discrimination (ICERD) in relation to education in the Ukrainian language in Crimea. The ICJ found that the Russian Federation's changes to the educational system in Crimea had resulted in "a steep decline in the number of students receiving their school education in the Ukrainian language".[55] By contrast, instruction in Crimean Tatar remained accessible in 16 schools, although it is impossible to confirm if this applies to all classes.

52. Assimilation attempts into a dominant Russian identity and culture remained prevalent in the education field. It is reported that schoolchildren following the Russian curriculum are subject to indoctrination into a pro-Russian perspective at a great detriment to the Ukrainian identity particularly through history teaching[56] and the banning and removal of Ukrainian books. Special military-patriotic education lessons tailored to all education levels and aimed at forging a sense of duty to defend Russia entailed also endorsing and cultivating a positive attitude towards the Russian invasion of Ukraine in violation of the rights of the child.[57] More direct involvement of schoolchildren in support of the war was promoted via state-led youth organisations such as *Movement of the First* and *Young Army (Iunarmia)* whose prominence in the education environment and general upbringing of children in the occupied territories appears to be rapidly growing. Although various figures have been provided, according to Ukrainian NGOs, during the reporting period both organisations opened hundreds of branches in Ukraine's territories temporarily controlled or occupied by the Russian Federation, and their membership is estimated in tens of thousands of children. Examples of their activities included meetings with Russian soldiers and writing them support letters but also weapon and military training and organisation of war games which appear intended to strengthen the children's motivation. Children and parents were also offered direct incentives to apply to Russian security and military education institutions resulting in some of them moving to the territory of the Russian Federation.

[53] See UNESCO's action in Ukraine 42 C/57, 25 October 2023.
[54] 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.
[55] Note: by contrast the Court did not uphold similar claims with respect to the Crimean Tatar language: See International Court of Justice, Application of The International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation), 31 January 2024.
[56] See Amnesty International: "Ukraine/Russia: New history textbook is a blatant attempt to unlawfully indoctrinate school children in Russia and Russian-occupied Ukrainian territories", 1 September 2023.
[57] The right to preserve own identity and preparing a child for life in a free society in the spirit of understanding, peace, tolerance and friendship amongst all peoples under the Convention for the Rights of the Child.

53. As in other fields, occupation authorities sought to secure the allegiance of teachers and school administrators through financial incentives but also through threats and intimidation. Refusal to comply was followed by retaliation. The 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.[58] In another case from the early days of the occupation, four school headmasters who refused to obey the orders of the Russian-appointed administration in Melitopol were arbitrarily detained for several days in April 2022 and later issued deportation orders. They subsequently relocated with their families to Ukraine-controlled territory. The occupying authorities also continued to facilitate the relocation of teachers from the Russian Federation's regions to teach in the educational institutions in the occupied territories. Implemented for the first time in Crimea, such programmes are now available for other occupied territories.[59] The replacement of local teachers with those from the Russian Federation is understood to have further isolated schoolchildren from the Ukrainian education environment while also potentially affecting the quality of education. [60]

54. The Ukrainian Government continued to provide opportunities for online attendance of Ukrainian education programmes for schoolchildren from occupied territories. While this remains the only way to preserve the Ukrainian identity, in practice following such programmes has become more and more difficult due to the risk of being perceived as disloyal and the strict enforcement of the parents' obligation to ensure children's regular school attendance in occupied territories. In some cases, parents were threatened for "failure to fulfil parental duties", which under Russian law[61] can lead to fines, detention, and even deprivation of parental rights (cf. also p. 11 on effects of extending Russian citizenship). Attempts to dissuade parents from withdrawing their applications for Ukrainian and Crimean Tatar language classes, with the view to their subsequent discontinuation, continued to be reported. It has been noted that the current atmosphere of fear and repression is detrimental for the development of each individual child, and together with the effects of indoctrination and propaganda may have lasting effects not only on each child but also the Ukrainian society as a whole.[62]

Freedom of thought, conscience, and religion

55. The enjoyment of religious rights was reported to have significantly worsened since the escalation of 24 February 2022. Widespread violations of the right to freedom of religion or belief varied from destruction of religious places of worship and their seizure, to enforced disappearances and violence against clergy as well as the prosecution of individuals exercising this right.

[58] OHCHR, March 2024, opp. cit. p. 22.
[59] See https://zemteacher.apkpro.ru.
[60] See Almenda, "Crimea scenario": how the Russian Federation is destroying the Ukrainian identity of children in the occupied territories", Kyiv, 2023.
[61] Code of Administrative Offences and Family Code of the Russian Federation.
[62] See Amnesty International, "Ukraine: Children's Education is one more casualty of Russian aggression", 11 December 2023.

56. In the aftermath of the attempted illegal annexation by the Russian Federation of the Donetsk, Kherson, Zaporizhzhia and Luhansk regions, religious organisations exercising their activities in these territories were requested to re-register with the Russian Ministry of Justice. In Zaporizhzhia, as of December 2023, most of the re-registered communities appeared to concern the newly created dioceses of the Russian Orthodox Church (18) with the rest belonging to Protestant (5) and Pentecostal churches (1). At the same time, several religious communities in Zaporizhzhia, including the Ukrainian Greek Catholic Church remained banned as of end-2022 leading to their forcible closure and confiscation of their property.[63]

57. Parishes and clergy of the Orthodox Church of Ukraine (OCU) reportedly became targets of reprisal in the newly occupied territories. During the visit to Kyiv, the Secretariat's delegation received information about the recent cases of two OCU priests from the Donetsk region who were detained in September 2023 and charged under Russian legislation banning irregular "missionary activities" as defined by the 2016 Russian Federal Law No. 374.[64] They were later fined and deported to Ukraine via third countries respectively in February and March 2024. The court decisions reportedly portrayed the activities of the OCU as anti-Russian and extremist.[65] In the Kherson region, the death of a local OCU priest was reported in February 2024 following his incommunicado detention (see also the above section on "The Right to Life"). In Crimea, following the occupation, authorities nationalised the Cathedral of Sacred Equal Apostles St. Prince Volodymyr and St. Princess Olga in Simferopol, the main place of worship and a social centre of the Ukrainian Orthodox community due to lack of registration following many years of litigation. The Secretariat's delegation formed the impression that the community's life in Crimea after ten years of occupation had been shattered, as illustrated by the fact that by February 2024 there remained only seven parishes out of 49 and only four clergymen from an original 23.

58. Within the scope of actions aimed at establishing a controlled environment, the broad provisions of Russian anti-extremist legislation and anti-missionary legislation continued to be applied to target religious organisations and their members. Crimean Tatar Muslim individuals continued to be portrayed by the Russian occupation authorities as violent extremists and terrorists over their alleged involvement in religious political Islamic organisations, notably *Hizb-ut-Tahrir*, and faced recurrent repressions. According to the Mission of the President of Ukraine in the Autonomous Republic of Crimea/Office of the Crimea Platform, during the period March 2023 – March 2024, occupation authorities carried out searches in the places of residence of 22 Crimean Tatar Muslims in the peninsula in apparent violation of the right to privacy and family life. In August 2023, following searches of their private residences, six Crimean Tatars were detained on charges of alleged involvement in *Hizb ut-Tahrir*, including five members of the human rights initiative "Crimean Solidarity". More searches occurred in the mosques, during Friday prayers, in May 2023. Occupation authorities also continued to target members of other Muslim communities such as the Alushta who were later charged of proselytising. As of late 2023, at least 109 Crimean Muslims remained deprived of liberty.

[63] See Forum 18, "Occupied Ukraine: Detained, fined, ordered "deported"", 24 October 2023.
[64] Law no 374 FZ introduces the "missionary activities" concept, with these activities performance area to be limited to cult buildings, structures or land plots owned by religious organisations, on the cemeteries and at the pilgrimage places. The law also introduces specific requirements for publications considered as part of the missionary activity.
[65] Forum 18 opp. cit.

59. The activities of Jehovah's Witnesses remained subject to a blanket ban in the temporarily occupied territories pursuant to the Russian Supreme Court's decision of 20 April 2017.[66] Their property was transferred to the ownership of the occupation authorities. Individual members continued to face criminal prosecutions – in Crimea alone Ukrainian human rights defenders were able to document at least four criminal sentences meted out against individual members of the community bringing the total number of those who have been convicted to 30. Of those, 11 remain deprived of their liberty.

Cultural heritage

60. The Russian Federation's policies in the field of citizenship, education and minority rights combined with harsh restrictions on civil and political liberties described further in this report, have significantly undermined the free expression of identity of Ukrainians in the territories of Ukraine temporarily controlled or occupied by the Russian Federation, and their sense of belonging to a culturally diverse society. At the same time, the way that Russian occupying authorities have dealt with cultural property in the areas under their control appears indicative of attempts to deny the existence of Ukrainian culture outright or portray it as subordinate to Russian culture. The occupation authorities reportedly removed Ukrainian national symbols from public display and destroyed monuments commemorating significant Ukrainian history such as Holodomor. In contrast, erection of monuments to Soviet-era events was observed.

61. On 18 March 2023, the Russian Parliament adopted a law allowing the transfer of Ukraine's museum and archival property in the occupied Donetsk, Kherson, Luhansk and Zaporizhzhia regions to the Russian Federation's Museum and Archival Fund. Prior to that, in an emblematic case, the occupying authorities organised the transfer of collections from the Regional Art Museum and State Archives of Kherson to Crimea prior to the recapture of Kherson City by the Ukrainian army in late 2022 citing the risk from the hostilities. It is estimated that 10 000-15 000 objects from the museum and nearly 70% of the State Archives were affected. Moreover, from the public statements made by the Russian occupying authorities it could be inferred they considered the objects as part of Russian cultural heritage. In early 2024, the International Independent Commission of Inquiry on Ukraine which examined both cases found that the Russian Federation does not seem to have engaged with Ukraine on the purported preservation measure as legally required and that the newly adopted law had the effect of appropriating such objects, concluding that the war crime of stealing enemy property had been committed.[67]

[66] On 20 April 2017, the Supreme Court declared the Administrative Centre of Jehovah's Witnesses in the Russian Federation an extremist organisation and ordered its liquidation together with all 395 local organisations of Jehovah's Witnesses, as well as the confiscation of their property. The European Court found violations in respect of this denomination on the territory of the Russian Federation on account of the dissolution of the applicant community and the banning of its activity already in the case of *Jehovah's Witnesses of Moscow and Others v. the Russian Federation*, application no. 302/02, judgment of 10 June 2010.
[67] See Independent International Commission of Inquiry on Ukraine, March 2024, op. cit. p. 10.

62. During the visit to Kyiv, NGOs provided the Secretariat delegation with information on the potential risks posed to archaeological sites by the ongoing large-scale infrastructure projects launched by the Russian Federation in the occupied territories of Ukraine. They expressed particular concerns about the ongoing excavations related to the construction of a highway along the Sea of Azov coast, which could result not only in the destruction of cultural artifacts but also in their unlawful removal and potentially illicit trafficking. The delegation was also informed by Ukrainian NGOs about a new Russian state programme that seeks to relocate employees working in the field of cultural infrastructure, museums, archives, libraries from the Russian Federation to the occupied parts of Kherson and Zaporizhzhia.

63. As regards the situation in Crimea, the Mission of the President of Ukraine in the Autonomous Republic in Crimea/Office of the Crimea Platform and representatives of the Crimean Tatar Community drew attention to certain monuments which appeared to be endangered by the construction of military fortifications such as the Perekop Fortress built in 1509, or inadequate restoration works, as in the example of the Bakhchysarai Palace of the Crimean Khans.

V. CIVIL AND POLITICAL RIGHTS

Freedom of expression

64. The media landscape in the newly occupied territories was profoundly impacted as occupation authorities established full control. The latter reportedly misappropriated transmission centres and equipment and destroyed or seized Ukrainian media premises and other property. Ukrainian channels were switched off, their broadcast frequencies were seized and assigned to Russian federal channels and regional channels that diffused pro-Russian narratives. These measures led to the closure of a significant number of media actors with 234 recorded in total by the Ukrainian authorities. While some relocated to Ukraine-controlled territory and were able to continue their activity, their outreach was hampered by the occupation authorities who limited the ability of the Ukrainian population in territories under their control to receive independent information and news including by blocking Ukrainian websites as well as social networks.[68]

[68] See OHCHR, March 2024, op. cit. p. 14.

65. The Russian occupying authorities continued to widely apply Russian legislation outlawing "public actions aimed at discrediting Russian Armed Forces" to censor virtually all public expressions of real or perceived criticism of the war.[69] Compared with Russian Federation regions, where such cases appeared to decrease compared to 2022, Crimea reportedly recorded the highest number of prosecutions in 2023.[70] According to the Mission of the President of Ukraine in the Autonomous Republic of Crimea/Office of the Crimea Platform, 737 administrative cases were launched as of March 2024. Over 600 of them reportedly resulted in a fine, while in other cases administrative arrest was imposed. In several cases defendants were fined up to three times for the same type of offence. In addition, at the time of writing the report, at least two criminal cases were known for repetitive violations. Many of the alleged offences involved simple calls such as "No to War" or "Stop War". The display of the Ukrainian flag or the expression "Glory to Ukraine" gave rise to secondary administrative charges under legislation prohibiting the "propaganda or public display of Nazi symbols". The threat of criminal prosecution for "public dissemination knowingly of false information about the use of the Russian Armed Forces"[71] had a strong chilling effect in the territories of Ukraine temporarily controlled or occupied by the Russian Federation resulting in journalists self-censoring their public social media accounts and suspending the activities of their websites.[72] At the beginning of 2024, new forms of punishment were introduced through the law on the confiscation of property obtained by committing offences relating to the "spread of knowingly false information" and "public calls against the security of the state" resulting in "personal gain". Such application of Russian legislation in the territories of Ukraine temporarily controlled or occupied by the Russian Federation continued to represent a violation of the latter's obligations as an Occupying Power under international humanitarian law.

66. Threats, arbitrary detentions (including enforced disappearances) as well as torture and ill-treatment of journalists who chose to stay in the territories of Ukraine temporarily controlled or occupied by the Russian Federation were reportedly widespread. The Council of Europe Platform to promote the protection of journalism and safety of journalists (hereinafter "the Platform") currently lists 21 journalists and other media actors detained by the Russian forces on the temporarily occupied territories of Ukraine.[73] The Platform alerts highlighted a systematic pattern of journalists detained by the Russian military and security agents transferred to undisclosed locations, as well as journalists detained in Crimea and sentenced by the Russian occupation courts. Cases of detention of journalists' family members have also been reported.

[69] Article 280.3 to the Criminal Code and article 20.3.3 to the Code of Administrative Offences. First-time offences entail an administrative fine while a repetitive violation within the same year can lead to criminal charges punishable with up to three years in prison. Aggravating grounds apply for both administrative and criminal offences resulting in higher fines and an increase in prison sentences of up to five years.
[70] See OVD Info, "Persecution of the anti-war movement report. Two years of Russia's full-scale invasion of Ukraine", February 2024, last consulted on 7 May 2024.
[71] New Article 207.3 of the Russian Criminal Code envisages substantial fines and up to three years of imprisonment. Aggravating grounds comprise an "official position", "organised group", "motivation by political, ideological, racial, ethnic and religious hatred or hatred against a social group" as well as "grave consequences", and envisage a harsher punishment of up to 15 years in prison as well as a ban on carrying out a profession or certain activities.
[72] See, OHCHR, March 2024, opp. cit. p. 15.
[73] As of February 2024. See https://fom.coe.int/en/pays/detail/11709594.

67. In August 2023, the Russian Federal Security Service (FSB) in the Zaporizhzhia region detained two journalists associated to the media outlet RIA-Melitopol. The current location of the journalists is unknown.[74] In another case, a Ukrainian freelance journalist (who planned to travel to the occupied territories of eastern Ukraine via the Russian Federation to report on the situation there) went missing on 3 August 2023. According to the Ukrainian authorities, she was detained by the Russian military. She had been previously detained for 10 days in 2022 while reporting and her car was shot at by the Russian military in Zaporizhzhia.[75] On 6 October 2023, a court in Simferopol sentenced a Ukrainian journalist and writer from Nova Kakhovka in a closed hearing to 13 years of penal colony on charges of espionage. He has been unaccounted for since 12 March 2022, following his detention in the temporarily occupied Kherson region. Concerns have been raised about information that he was coerced to extract statements. A journalist colleague of his was also subsequently detained after being contacted by Russian forces and told to arrive at a specific location.[76]

68. In Crimea, the troubling media situation and the persecution of dissenting voices persisted throughout the reporting period. According to the Platform, due to restrictions on access to Ukrainian and international media and the re-registration requirements, the number of media outlets has reportedly been reduced by more than 90% since 2014. Civil journalists and bloggers who criticised the occupation authorities continued to be targeted with prosecutions and searches. In a case in point, on 22 February 2024, masked officers in Dzhankoi raided the home of a Crimean Tatar woman citizen journalist and confiscated phones, flash drives, a laptop and a video recorder. She was taken to the Simferopol police department and released after questioning. The next day, she was charged with “misuse of freedom of mass media” under Article 13.15 of the Code of Administrative Offenses of the Russian Federation for her Facebook posts. This was her second detention in less than six months (see also section below on “Freedom of Association”).[77] The Platform currently lists the cases of 16 journalists, civil journalists and bloggers (of which 11 are Crimean Tatars) sentenced to lengthy prison-terms on allegedly politically motivated criminal charges.

[74] CoE Safety of Journalists’ Platform Alert No. 64/2024. See also Alert No. 147/2023 on detention of Iryna Levchenko.
[75] See Alert No. 228/2023.
[76] See Alert No. 236/2023.
[77] See Alert No. 189/2023 (updated 22 February 2024).

Freedom of assembly and freedom of association

69. Available information indicates that freedom of peaceful assembly remained suppressed throughout the territories of Ukraine temporarily controlled or occupied by the Russian Federation. While the outset of the aggression was marked by largely peaceful protests in a number of cities, including Kherson, Berdyansk, Melitopol and Enerhodar against the occupation and actions of the Russian forces, these were quelled by the Russian army allegedly through disproportionate use of force. According to witnesses interviewed by ODIHR, Russian forces used tear gas, stun and smoke grenades, rubber bullets as well as artillery to fire warning shots. At least in one case, during a protest in Enerhodar in the Zaporizhzhia region in February 2022, lethal force was used resulting in wounded and dead persons. Demonstrations were reportedly followed by widespread intimidation, harassment and detention of organisers and participants,[78] who were subjected to enforced disappearances, torture and other forms of ill-treatment. The cumulative effect of such measures was a reigning climate of fear which largely dissuaded the organisation of rallies. Interlocutors of the Secretariat noted that even a photo from 2022 protests could serve as a pretext for detention. According to the OHCHR, no pro-Ukraine demonstrations were reported in these occupied regions from April 2022 onwards. [79]

70. In Crimea, public assemblies remained subject to a blanket ban and could not proceed without prior permission from the Russian occupying authorities. Individual exceptions were reportedly made only for events which expressed support to the Russian President, the Russian armed forces and the "special military operation" in Ukraine, as well as official public events co-ordinated with occupation authorities.[80] During the reporting period, the occupying authorities continued to arbitrarily detain Crimean Tatars who gathered in spontaneous rallies. On 27 July 2023, police detained at least 14 Crimean Tatars, including two citizen journalists, during an appeal hearing of three Crimean Tatar activists in Simferopol. They were convicted of administrative offences of violating legislation on public assemblies and received sentences ranging from fines to administrative detention.

71. The Secretariat received information about the application of Russian legislation on "foreign agents" and "undesirable organisations" in relation to occupied territories. In at least one case reported via the Council of Europe Safety of Journalists' Platform on 23 April 2024, a district court in Sevastopol registered a case of "participating in an undesirable organisation" (Article 20.33 of the Russian Code of Administrative Offences) against a freelance reporter for allegedly publishing in the *Meduza* outlet.[81] The reporter was earlier listed as "foreign agent" in 2023. Russian authorities also listed two additional human rights groups working on Crimea from the Ukraine-controlled territory as "undesirable organisations".

[78] See ODIHR, December 2023, op. cit. paragraphs 96-100.
[79] See OHCHR, March 2024, op. cit. p. 13.
[80] See OHCHR, "Detention of civilians in the context of the Russian armed attack, 24 February 2022 – 23 May 2023", 27 June 2023.
[81] In 2022, the Prosecutor General of the Russian Federation designated Meduza under the law on undesirable organisations.

Freedom of movement and relocations of civilians in the conflict context

72. International human rights law guarantees everyone the right to freedom of movement within the borders of the state where they are located, and the right to leave and enter their own country which includes freedom to choose one's residence. Restrictions placed on the exercise of these rights must be in accordance with law, and necessary in a democratic society in the interests of national security or public safety, for the maintenance of *ordre public*, for the prevention of crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.[82] In addition, collective expulsions are expressly prohibited.[83]

73. The protracted full-scale military invasion of Ukraine by the Russian Federation has led to significant internal and external displacement and population relocations, including forcible transfers which are unlawful under international law and may constitute war crimes. According to the OHCHR, the 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 occupation authorities, have resulted in substantial demographic changes in the territories of Ukraine temporarily controlled or occupied by the Russian Federation.

74. It is reported that, while large numbers of civilians were evacuated by the Russian occupying authorities due to the immediate danger of hostilities, many civilians (including children) were allegedly transferred by force within the occupied territories or deported to the Russian Federation and to the Republic of Belarus. Their exact numbers have been impossible to ascertain. Relocations to the Russian Federation also concern persons deprived of their liberty, including those allegedly detained arbitrarily and prisoners sent to serve their sentences in the penitentiary facilities of the Russian Federation. Yet many others appear to have left the occupied territories at their own initiative. As reasons for leaving they have cited restrictions imposed by the occupying authorities, loss of livelihood, challenging living conditions, refusal to co-operate with the occupation forces, fear of conscription, intimidation, detention, ill-treatment as well as the aftermath of ecological disasters (such as the destruction of the Kakhovka dam in June 2023). It has been noted that even when departures are organised voluntarily, displacement can still be considered forcible due to the coercive environment created by the occupying power. Such displacement therefore remains unlawful under international humanitarian law.[84]

75. Russian occupying authorities also reportedly resorted to the practice of deporting Ukrainians from the territories of Ukraine temporarily controlled or occupied by the Russian Federation, mainly as a form of punishment for refusal to co-operate but also loosely defined acts such as "insults" or "discrediting the Russian state". In an interview to the Russian media, in February 2024, the Russian-appointed governor of Zaporizhzhia publicly commented that entire families who were opposed to the "special military operation" had been expelled, in an apparent indication of an established policy in the region, especially at the outset of the Russian full-scale military invasion.

[82] See Article 2 of Protocol No. 4 to the Convention.
[83] See Article 3 of Protocol No. 4 to the Convention.
[84] See ODIHR, December 2023, opp. cit. p. 4.

76. Movement within the territories of Ukraine temporarily controlled or occupied by the Russian Federation remained significantly restricted due to the presence of Russian checkpoints where individuals reportedly endured invasive searches and interrogations and serious human rights violations. Journalists, activists, former government and security force employees, and former members of the armed forces were all at great risk. The imposition of Russian citizenship in the occupied territories significantly affects freedom of movement. As previously mentioned, the April 2023 Russian presidential decree concerning Ukrainians in the temporarily occupied Donetsk, Kherson, Luhansk and Zaporizhzhia regions who are unwilling to obtain Russian passports provides grounds for deportation (see also section on "Consequences of extension of Russian citizenship").

77. During the reporting period, Russian occupation authorities closed the remaining checkpoint in Vasylivka in the Zaporizhzhia region with movement between occupied territories and the rest of Ukraine becoming virtually non-existent and resulting in almost total isolation of the former. At the time of the Secretariat delegation's visit, reaching government-controlled territories was only possible via the Russian Federation and Kolotilovka-Pokrovka border crossing point in the Sumy region which remains open for humanitarian passage or travelling through third countries in the EU, South Caucasus, or Central Asia. This also appears to concern expulsions.

78. According to the delegation's interlocutors the transit journey could take many days and was characterised as costly and fraught with the risk of significant abuses. Before entering the Russian Federation from occupied territories,[85] a "filtration" procedure appears to be mandatory. It reportedly involves searches of personal belongings, including phones, answering questionnaires on attitudes towards Ukraine, Russia and the war, registration of personal data as well as confiscation of Ukrainian documents. Obstacles in obtaining documents that would allow people to return to Ukraine were also frequently reported.

79. The Secretariat was further informed that restrictions imposed by the Russian Federation in the territories of Ukraine it temporarily controls or occupies continued to obstruct the delivery of humanitarian assistance, contributing to a deterioration of the local population's access to livelihoods, medication and other basic necessities in some areas.[86]

[85] All Ukrainian citizens and residents of temporarily occupied territories entering Russian Federation have to pass through a filtration procedure.
[86] Submission by the Office of Ukraine's Parliament Commissioner on Human Rights.

VI. OTHER HUMAN RIGHTS ISSUES

Forcibly transferred and unlawfully deported children

80. The return of children of Ukraine, who were forcibly transferred within the territories of Ukraine temporarily controlled or occupied by Russia or unlawfully deported to the Russian Federation and Belarus has remained a high priority for the Ukrainian Government. Their situation also continued to receive attention internationally, including within the Council of Europe context.[87] In addition to potential violations arising under international humanitarian law, forcible transfers constitute violations of several provisions of the United Nations Convention on the Rights of the Child. From the standpoint of the European Convention on Human Rights, the separation of children from their parents may give rise to violations of the right to private and family life (Article 8).

81. Based on the latest figures from the official Children of War portal, [88] there are currently 19 546 children who are considered deported or forcibly displaced, including 3 700 children who are orphans or deprived of parental care. The Ukrainian authorities informed the Secretariat's delegation that their identities and personal data have been verified by the National Information Bureau of Ukraine. It is understood that the children have been transferred in a variety of situations.[89]

82. It is reported that a total of 388 children had returned to Ukraine, including children who were initially placed in Russian institutions or in foster care in Russian families. Ukraine's Parliament Commissioner on Human Rights, several NGOs and third countries were involved in facilitating returns. At the time of writing the report, the reunification of an additional 29 Ukrainian children with their families was facilitated by the Government of Qatar on 25 April 2024. More broadly, the Ukrainian Government undertook initiatives to facilitate returns such as the "*Bring Kids Back UA* initiative", followed by the establishment of an International Coalition for the Return of Ukrainian Children in December 2023. At the same time, the lack of clarity and transparency regarding the circumstances and categories of children transferred is understood to pose an impediment to a well-functioning return process.[90] A mechanism for returns based on recommendations made by international organisations, including the Council of Europe Commissioner for Human Rights, remains to be put in place.

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[87] On 8 December, the Commissioner addressed the human rights situation of Ukrainian children transferred to Russia or to territories of Ukraine temporarily occupied by Russia in a speech entitled "Let us keep doing our utmost to bring all Ukrainian children back home", delivered via video message at the inaugural meeting of the International Coalition of Countries for the return of Ukrainian children organised in Kyiv. During its January 2024 part-session, the Parliamentary Assembly of the Council of Europe adopted Resolution 2529 (2024) and Recommendation 2265 (2024) on the "Situation of the children of Ukraine" under urgent procedure.

[88] See https://childrenofwar.gov.ua/en/, last consulted on 7 May 2024.

[89] According to the Independent International Commission of Inquiry on Ukraine, the Russian authorities transferred children who had lost parents or contact with them during hostilities, who were separated following the detention of a parent, and who were in institutions. See IICIU, A/78/540, op. cit. p. 16.

[90] Ibid.

83. In this context, Russia's persistent failure to return children who might have been forcibly transferred within the territories of Ukraine it temporarily controls or occupies, or unlawfully deported to the Russian Federation resulted in other serious human rights violations. The Russian Federation continued to refuse access to international organisations and human rights defenders to the institutions where children might be placed. Concerns were also expressed that the prevalent Russian policy of assimilation and indoctrination, in contradiction of both humanitarian law and the best interests of the child, undermined the children's free expression of their identity and consequently risked significantly alienating children from their home country environment. During the reporting period, the Russian Federation continued to consistently impose Russian citizenship on children in occupied territories in violation of its obligations as an occupying power under international law, and potentially further complicating the return procedure. In January 2024, the procedure was further expedited by a new presidential decree allowing among other things for the application concerning children deprived of parental care to be submitted by the appointed guardians or authorised representatives.[91]

84. During the visit to Kyiv, the Secretariat's delegation had an opportunity to discuss the conditions for returned children in line with their best interests. In this regard, the Ukrainian authorities reiterated that the de-institutionalisation reform remained a strong priority. At the same time, Ukrainian NGOs raised concerns about cases of children who upon returning to Ukraine-controlled territories encountered adaptation difficulties and "stigmatisation" in their communities thus experiencing a secondary trauma. The need for targeted policies and measures to address this problem including by strengthening psychosocial support was strongly emphasised. In this regard, the Secretariat was informed that a Child Rights Protection Centre was recently established under the auspices of the Parliament Commissioner for Human Rights to co-ordinate the work of the different institutions on children victims or witnesses of war crimes, including those subjected to deportation or forcible transfers, following their return from Ukraine. The Centre also provided children and parents (or legal representatives) with required legal, logistical and psychosocial support.

85. Significantly, on 17 March 2023, the Pre-Trial Chamber II of the International Criminal Court (ICC) issued arrest warrants for the President of the Russian Federation and the Commissioner for Children's Rights in the Office of the President of the Russian Federation in connection with the alleged war crimes of unlawful deportation and transfer of children from temporarily controlled or occupied areas of Ukraine to the Russian Federation.[92] Throughout the period under review, the International Commission of Inquiry on Ukraine continued to investigate cases of transfers and found that they had occurred in violation of international humanitarian law and qualified as unlawful transfers or deportations, which is a war crime. This included the case of 46 children from the Kherson Regional Children's Home to Crimea on the orders of Russian authorities on 21 October 2022. The Commission concluded that the transfer was not temporary and hence amounted to the war crime of unlawful transfer.[93]

[91] See Decree of the President of the Russian Federation, No.11 of 4 January 2024, establishing certain categories of foreign citizens who can apply for being accepted to the Russian citizenship, accessible at http://publication.pravo.gov.ru/document/0001202401040003?fbclid=IwAR0p13hg6z92wqzyiYVmjHPKzVmYkoOKW42tfBS0vwzRl2vh_xqQQyvTlSo&index=1, last consulted on 20 May 2023.

[92] Situation in Ukraine: ICC judges issue arrest warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova, Press release, 17 March 2023.

[93] See Independent International Commission of Inquiry on Ukraine, A/HRC/55/66, opp. cit. p. 17.

Military conscription

86. The imposition of Russian citizenship on young Ukrainian men exposed them to the risk of being conscripted into the military forces of the Russian Federation.[94] On 1 October 2023, the annual conscription campaign was launched in the Russian Federation. For the first time, the campaign was extended to the occupied parts of Donetsk, Luhansk, Kherson and Zaporizhzhia oblasts despite the strict prohibition incumbent on an occupying power not to compel protected persons to serve in its armed or auxiliary forces. The extension of conscription to the occupied territories carried enhanced controls and restrictions provided for under the Russian legislation in violation of international humanitarian law. Potential conscripts are prohibited from leaving the country for prolonged periods during an ongoing campaign and are under the obligation to report changes of residence as well as of family status. Non-compliance is punishable with fines.

87. Conscription campaigns continued to take place in Crimea, keeping with the practice observed in previous years which have brought the total number of the conscripts since the 2014 illegal annexation to over 30 000. Sanctions for evading military service of the Russian Federation which foresee imprisonment up to two years continued to be enforced – out of 520 criminal cases reportedly recorded from 2015, the large majority ended with convictions. Additional negative consequences in those cases comprised restrictions in employment or engagement in certain activities. The Ukrainian authorities and representatives of the Mejlis of the Crimean Tatar people continued to express concerns that in Crimea, the conscription has disproportionately affected the Crimean Tatar population and further exacerbated helplessness within the community. Many reportedly continued to leave Crimea to avoid being conscripted and mobilised, leading to further displacement from the indigenous population.

Update on accountability

88. Impunity for violations of international humanitarian law and international human rights law perpetrated in the context of occupation has remained pervasive. As mentioned elsewhere in this report, Russian authorities launched investigations into several cases of alleged killings of civilians in the occupied territory and at least in one case of torture. However, available information indicates that such cases have remained exceptional and to date no steps appear to have been taken to ensure comprehensive accountability despite the sheer evidence of reported human rights violations. Quite to the contrary, in public statements the Russian authorities have persistently denied the responsibility of their armed forces in the atrocities perpetrated by them in the territories of Ukraine temporarily controlled or occupied by the Russian Federation, thus creating a risk of their perpetuation. In July 2023, the Russian Parliament also passed legislation which could potentially provide impunity for offences perpetrated before 30 September 2022 in the Donetsk, Kherson, Luhansk and Zaporizhzhia regions of Ukraine in the “interest of the Russian Federation”.

[94] As of 1 January 2024, conscription age in the Russian Federation is between 18-30.

89. The Russian Federation refused to co-operate with international bodies mandated to monitor and investigate human rights violations committed during the conflict. As a result, those bodies remained unable to access the occupied territories in Ukraine during the period under review.[95]

90. The Office of Ukraine's Prosecutor General informed the delegation that the focus was currently on over 140 000 war-related criminal cases under investigation. Most of the crimes related to killings, torture, sexual violence, deportation of children and abduction. In addition, some 17 000 crimes against national security remain under investigation. Besides the national proceedings, several international initiatives continue to support national investigations whereas 20 countries have launched their own legal proceedings into international crimes committed on the territory of Ukraine during the war of aggression of the Russian Federation. Ongoing initiatives comprise the Joint Investigative Team (JIT) established with the aim of co-ordinating investigations between Ukraine and several other EU member states.[96] The term of operation of the JIT was currently extended until 25 March 2026.

91. The investigation launched by the ICC in the context of the situation in Ukraine remains ongoing. On 5 March 2024, the Pre-Trial Chamber II issued warrants of arrest for two senior Russian military commanders including a former Commander of the Black Sea Fleet headquartered in Crimea, for alleged crimes committed from at least 10 October 2022 until at least 9 March 2023.[97]

92. As regards non-criminal accountability, during the reporting period, the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine was established as an Enlarged Partial Agreement at the 4th Council of Europe Summit and has become fully operational. To date, 43 countries and the European Union have joined. The Register is based in The Hague, the Netherlands. It started to receive claims on 2 April 2024. An office in Kyiv was opened on 23 March 2024. As of the time of writing the report, over 2 000 claims had been received for the first category relating to the destruction of property.

93. During meetings in Kyiv, Ukrainian human rights defenders identified several key challenges faced by the national investigations in Ukraine. In addition to the enormous caseload and insufficient resources, a lack of a statute of limitation for war crimes was pointed out. Concerns were raised that investigation would be protracted under such conditions, undermining the effective delivery of justice. Other key issues appeared to be the lack of a definition of the crimes against humanity in the Ukrainian Criminal Code, as well as the lack of protection for victims and witnesses of war crimes. The need for Ukraine to accede to the Rome Statute of the ICC was also underlined as a solution for certain problems.

[95] For example, on 15 March 2024, the Independent International Commission of Inquiry on Ukraine informed that its efforts to engage with the Russian Federation remained unsuccessful. The Commission addressed to Russian officials 23 written requests for meetings, access and information, without receiving any answer. See IICIU, A/HRC/55/66, op. cit. p. 3.

[96] According to the Ukrainian authorities, the JIT aims to ensure a co-ordinated investigation of the crime of aggression, violation of the laws and customs of war by the Russian Federation, and the commission of other war crimes. Since the establishment of the JIT, the scope of its investigation has been expanded to include the crime of genocide and crimes against humanity; the JIT parties have established the International Centre for the Prosecution of the Crime of Aggression against Ukraine (ICPA).

[97] See "Situation in Ukraine: ICC judges issue arrest warrants against Sergei Ivanovich Kobylash and Viktor Nikolayevich Sokolov", 5 March 2024.

94. During the reporting period, the criminal prosecution of individuals for alleged collaboration with the Russian occupying authorities continued to solicit attention.[98] Concerns persist on the broad provisions the "collaboration law", overlapping with other criminal offences such as "high treason" or "justification of the aggression", as well as an apparent lack of distinction between the situation of voluntary and involuntary co-operation or co-operation under duress. It is reported that as of 31 December 2023, 6 762 criminal cases for "collaboration activities" were opened which resulted in 1 010 court decisions, the majority of which being guilty verdicts. An analysis of these decisions by the OHCHR found that defendants were convicted for performing work that the occupying power may require under international humanitarian law to maintain public order and life and identified other violations of due process.[99] In meetings with the Secretariat's delegation, representatives of the Ukrainian authorities acknowledged that the ambiguous wording of the law had given rise to a broad interpretation and that consequently there was a need to amend it. The Secretariat was informed by Ukraine's Parliament Commissioner on Human Rights that draft amendments to the relevant legislation were under consideration at the parliamentary committee on law-enforcement activities.

[98] Article 111 of the Criminal Code of Ukraine.
[99] See OHCHR, March 2024, op. cit. p. 39.