

Civic Solidarity Platform Working Group on the Fight Against Torture
Civic Solidarity Platform Turkmenistan Working Group
Crude Accountability

ENFORCED DISAPPEARANCES AND TORTURE IN UKRAINE AS A CONSEQUENCE OF RUSSIAN AGGRESSION



Prepared by Mikhail Savva
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About the Project

In 2022-2023, Crude Accountability, in cooperation with members of the [Turkmenistan Working Group](#) and the [Working Group on the Fight Against Torture](#) of the [Civic Solidarity Platform](#) (CSP), initiated a project to research the issue of enforced disappearances in the region of the Organization for Security and Cooperation in Europe (OSCE).

With generous funding from [Austausch, e.V.](#), a German human rights NGO, the project focuses on the issue of enforced disappearances within the context of the OSCE December 2020 decision, which was adopted by consensus at the Ministerial Council Meeting in Tirana, Albania in December 2020, for an [expanded OSCE commitment on torture prevention](#). This commitment includes the fight against enforced disappearances and incommunicado detention.

Focusing on the Balkans, Belarus, Chechnya, Nagorno-Karabakh, Tajikistan, Turkmenistan, and Ukraine, the project draws attention to the ongoing horrors of enforced disappearances in the context of conflict and repression. The Balkans, Chechnya, Nagorno-Karabakh, and Ukraine provide examples of enforced disappearances in conflict zones—both as a tool of regimes and armies, and as a product of war. Belarus, Tajikistan, and Turkmenistan are examples of regimes that use enforced disappearance as a tool of repression, even in peacetime. However, the use of enforced disappearances in all seven regions is one that is related to repression, as our policy papers demonstrate.

About Crude Accountability

Crude Accountability is a non-profit organization committed to defending the human rights and environment of communities affected by oil and gas development in the Caspian and the Black Sea regions. Crude Accountability works to hold governments and corporations accountable for their actions and advocate for sustainable and just energy practices. For more information, please visit Crude Accountability's website at <https://crudeaccountability.org>

About Civic Solidarity Platform

Civic Solidarity Platform is a network of human rights NGOs, activists, and experts from across Europe, the Caucasus, and Central Asia. The platform collaborates to promote and protect human rights, democratic principles, and civil society participation within the OSCE region. For more information, visit <https://www.civicsolidarity.org/>

About the Author

Mikhail Savva

PhD in Political Science, Professor

Dr. Mikhail Savva is a prominent scholar and advocate with a diverse background in migration studies, ethnology, ethnic conflicts, and civil society development.

Savva holds a position on the Expert Council of the [Center for Civil Liberties in Ukraine](#). Additionally, he serves as the Chairman of the board of the nonprofit organization [Expert Group "Owl"](#) (Ukraine) and as a board member of the [Ukrainian Evaluation Association](#) (Ukraine). He is also a member of the Public Council of the [House of Free Russia](#) (Kyiv) and contributes his expertise to the [Center for Russian Studies](#) (Ukraine).

Savva has authored approximately 180 scientific publications in multiple languages, including Russian, Ukrainian, Armenian, and English. His research delves into topics such as migration, ethnology, ethnic conflicts, separatism, interaction between government and civil society, and political repressions. Some of his notable article titles include:

- "New Diasporas of the Krasnodar Region: Rights, Interests, Dynamics of Integration, and Perception of the Local Community." Krasnodar, 2006 (MacArthur Foundation grant № 04-81333-000-GSS).
- "Ethnic Relations in the Northern Caucasus: Conflict Potential." *Central Asia and the Caucasus*, №3 (27), 2004. Sweden.
- "Separatism in Modern Russia: Activity, Classification, Forecast." *Kobe Gakuin Economic Papers*, December 2019. Vol. 51, #3, pp. 27 – 44.

Furthermore, Savva contributed to such training manuals as "[Monitoring and Evaluation: For What? How? What is the Result?](#)" (published in Kiev in 2018) and "Monitoring and Evaluation for Beginners" (published in Lviv in 2020).

Savva's international influence is demonstrated by his participation in events across countries such as Ukraine, Italy, Canada, Germany, USA, Armenia, Austria, Switzerland, France, Uzbekistan, and Egypt.

Savva is a Russian citizen who holds refugee status in Ukraine. His personal journey underscores his dedication to advocating for human rights, social justice, and academic excellence. Savva's detailed biography is available at <http://www.rightsinrussia.info/interviews/mikhailsavva>. For more information and to explore his extensive body of work, please visit his personal site at <https://savvamike.com/en/>.

Enforced disappearances and torture in Ukraine as a consequence of Russian aggression

Introduction

In violation of the norms of international humanitarian law (IHL), the Russian military detained and imprisoned several hundred to several thousand citizens of Ukraine (non-combatants) "for resisting the special military operation." The apparent disregard of IHL in the course of their detention makes it possible to confidently call these detentions violent abductions. Abducted citizens of Ukraine are kept in prison conditions on the territory of the Russian Federation and in the occupied territories of Ukraine. Most of them are subjected to ill-treatment, and some are tortured. The Russian authorities illegally treat these people as prisoners of war, conceal information about these people, do not allow lawyers to see them, and prohibit correspondence and other forms of communication with relatives.

International humanitarian law requires the release of civilian detainees as soon as the reason for detention disappears. Due to this requirement, citizens of Ukraine (non-combatants) should already be released, but the Russian Federation has refused to do so. Abductions of people in the occupied territories of Ukraine continue to this day.

To protect the rights of abducted citizens of Ukraine, it is necessary to immediately initiate the Vienna and Moscow mechanisms of the Organization for Security and Cooperation in Europe and demand that the Russian Federation release these people without exchange for Ukrainian prisoners of war and without any other conditions. It is necessary to demand the Russian Federation: recognizes the status of civilians for these people in accordance with the Geneva Convention (IV) on the Protection of Civilians during War; to provide lawyers, human rights defenders, and representatives of humanitarian organizations with access to these people; to allow them to correspond, receive parcels and humanitarian aid.

A brief overview of the problem of enforced disappearances and torture

Enforced disappearances in Ukraine as a consequence of Russian aggression

During the occupation of Ukrainian territories, the Russian invasion forces have abducted and continue to abduct civilians who are being held in places of forced detention both in the occupied territories of Ukraine and in the territory of the Russian Federation. The exact number of Ukrainian civilians who are deprived of liberty is unknown.

After the beginning of the large-scale aggression of the Russian Federation against Ukraine on 02/24/2022, the database of the Ukrainian human rights organization Center for Civil Liberties (CCL) counts 797 Ukrainian civilians abducted by the Russian military, including 113 women and 684 men. Of these, 14 people were later found dead (2 women, 12 men), 285 people were released (64 women, 221 men), and 498 are in places of imprisonment, including those on the territory of the Russian Federation. The specific place of imprisonment is known only for 99 people.¹

The CCL database contains only people whose abduction we know for a fact from the appeals of relatives or other reliable sources. There are significantly more civilian Ukrainians who have been abducted by the Russian military.

The vast majority of the 285 released citizens of Ukraine, who were detained by the occupiers for carrying out so-called "verification measures," were held in the occupied territory of Ukraine and released a few days after their detention. Citizens of Ukraine who have not been released after "inspections" and sent to special places of forced detention, as a rule, continue to be deprived of their liberty. Among 1,596 Ukrainians released as a result of prisoners of war-exchanges in 2022, only 132 are civilians according to the Ministry for the Reintegration of Temporarily Occupied Territories of Ukraine.

The CCL database includes representatives of a wide variety of social and professional groups. Some Ukrainian civilians were detained by the invading forces on the basis of denunciations or on suspicion of assisting the Armed Forces of Ukraine (AFU). The probable motive for the abduction of Ukrainian civilians is the desire to isolate active people who may become leaders of resistance to the Russian occupation.

The Russian Federation hides information about the number and location of places of detention of Ukrainian citizens in the territory of the Russian Federation, as well as in the occupied territories of Ukraine. The Federal Penitentiary Service of the Russian Federation does not include Ukrainian citizens, whether military or civilian, in the official statistics of detainees. Russian lawyers, in the case of an appeal to the management of institutions of forced detention with a request to visit a specific citizen of Ukraine, are refused on the grounds that there is no such person in the institution, or on the grounds that "a person has been detained for illegal actions, but a criminal case has not been initiated and this person does not have the right to a lawyer." It is especially difficult to get any information about abducted citizens of Ukraine who are being held in the occupied territories of Donetsk and Luhansk regions. We are aware of cases when relatives of abducted citizens of Ukraine applied for information about their loved ones to the authorities of the Russian Federation, and these authorities sent relatives to obtain information from the

Ministry of Justice of the so-called Donetsk People's Republic. Moreover, that happened after the annexation of the occupied territories of Ukraine by the Russian Federation.

Enforced disappearances and international law

The Convention (IV) on the Protection of Civilians in Time of War of August 12, 1949 allows the internment of civilians in some cases. However, Ukrainian citizens were not officially interned in Russia. The internment orders given in article 42 of the convention were not accepted. Citizens abducted in Ukraine were not granted the right to appeal against internment decisions in accordance with article 43 of the convention. Article 78 of the convention provides that decisions on internment must be taken in accordance with the normal procedure to be determined by the occupying power in accordance with this convention. This norm was not observed by the Russian Federation. In all cases when the authorities of the Russian Federation gave answers to the relatives upon requests about the status of abducted Ukrainian civilians, "opposition to the special military operation" was indicated as the reason for the detention. The same reason is indicated in the responses to inquiries about the legal status of Ukrainian prisoners of war. In the same responses on the status of Ukrainian civilians deprived of liberty, representatives of the Russian Federation indicate that "the detainees are being held in accordance with the requirements of the Geneva Convention on the Treatment of Prisoners of War (August 12, 1949, Geneva)." The above responses were signed by the military police of the Ministry of Defense of the Russian Federation or military unit 45880 (National Defense Control Center of the Russian Federation). The content of the answers about the fate of the abducted people suggests that the Russian Federation illegally considers these citizens of Ukraine as prisoners of war.

International humanitarian law allows the possibility of detaining, arresting, and deporting civilians for actions related to armed conflicts. However, paragraph 3 of article 75 of the Additional Protocol to the Geneva Conventions of August 12, 1949 (Protocol 1) established that "any person who has been arrested, detained or interned for actions related to an armed conflict must be informed without delay in a language he understands about the reasons for taking such measures. With the exception of cases of arrest or detention for criminal offenses, such persons must be released as soon as possible and in any case, as soon as the circumstances justifying arrest, detention or internment have ceased to exist."ⁱⁱⁱ This norm should be interpreted only in one way. After the cessation of hostilities, in the territory where people lived before detention, arrest, or internment, they should be released by the occupying power. By virtue of this norm of Protocol 1, Ukrainian civilians abducted by the Russian military should have already been released. Military operations are not conducted in any municipality (community) of the Kyiv, Sumy, Chernihiv, Kharkiv region, in the city of Kherson, and in most municipalities of the Kherson region. Consequently, Ukrainian civilians detained in these territories, by virtue of the requirements of Protocol 1, must be released by the Russian Federation. The Russian Federation ignores this norm, in fact considering all detained Ukrainians, both combatants and civilian non-combatants, as prisoners of war.

The International Committee of the Red Cross does not have access to all abducted citizens of Ukraine. As a result, these people are without communication with the outside world and the opportunity to receive humanitarian aid.

The detention, forcible displacement to the Russian Federation, and imprisonment of civilian Ukrainians is an obvious violation of their rights and creates extremely high risks to their life, health, and human dignity. As will be shown below, some of these people are subjected to torture and cruel and degrading treatment.

Torture and ill-treatment of Ukrainian citizens as a consequence of Russian aggression

As of December 2022, the Prosecutor's Office of Ukraine opened 5079 criminal proceedings on the facts of torture and other inhuman treatment as a result of the full-scale invasion of Ukraine by the Russian Federation. There are also 855 cases of war crimes against children that are under investigation, 10 of which are acts of sexual violence.ⁱⁱⁱ This data set is formed mainly in de-occupied territories. The sources of information about torture and ill-treatment of abducted citizens of Ukraine are released civilian Ukrainians. There are few such people, so we do not have complete information about violations of the rights of the abducted who have not yet been released.

The Russian Federation, in violation of the norms of international humanitarian law, holds many detained civilians and prisoners of war in prison conditions, that is, in closed cells without the possibility of free movement on the premises of the institution. Ukrainian prisoners of war and abducted civilians are not separated, they are kept in the same prison premises (cells). Detention in prison conditions is not determined by the intention of providing safety to Ukrainian citizens but is one of the ways to force these people to change their pro-Ukrainian views, accept Russian citizenship, consent to participate in propaganda actions, or join Russian armed formations.

Citizens of Ukraine are held in institutions of three federal departments: the Federal Penitentiary Service (pre-trial detention centers, correctional colonies, correctional centers); the Ministry of Defense (guardhouses of military garrisons); the Ministry of Internal Affairs (temporary detention centers for foreign citizens). In all cases, regardless of the departmental affiliation of the institution, prison conditions, that is, cells, are used for the detention of citizens of Ukraine.

The Russian Federation, in violation of the norms of international humanitarian law, uses torture, bullying, and other forms of ill-treatment of Ukrainian citizens. Based on the interviews with abducted people who were released, we identified the following types of torture and cruel and degrading treatment:

1. Burning out tattoos with Ukrainian symbols, for example, the Ukrainian coat of arms. A flammable liquid is applied to the tattoo and ignited. In some cases, people are forced to cut tattoos from their skin with a knife.

2. Beatings upon arrival at the place of forced detention (pre-trial detention center, correctional colony, etc.) using batons. The security of places of forced detention call such beatings "tough acceptance". This practice is traditionally applied to Russian convicts. Its goal is to ensure the complete submission of people based on fear. This practice is systemic in nature, that is, it is used very often. In the case of disclosure of such facts against citizens of Ukraine, the perpetrators have not been held accountable. The Russian authorities deny the facts of such crimes taking place, as well as other violations against citizens of Ukraine.
3. Beatings during interrogations.
4. Beatings for refusing to sing the anthem of the Russian Federation and Russian songs.
5. Illegal (provided there is no aggressive behavior on part of abducted people) use of stun guns.
6. Compulsion to perform the anthem of the Russian Federation and Russian songs. This practice is systemic in nature, that is, it is used in all cases known to us. The list of songs is the same in all places of forced detention. This indicates the use of this practice within the framework of the state policy of the Russian Federation.
7. Refusal to provide medical care.
8. Compulsion to exhausting physical exercises (squats and others) and standing on your feet for many hours.
9. Insufficient nutrition (in some places of forced detention, for example, in the pre-trial detention center No. 2 of the city of Taganrog, Rostov region).
10. Threats of sexual violence against both women and men.
11. Threats to women to cut/shave their hair.

Conclusion

The detention of Ukrainian citizens by the Russian military "for resisting the special military operation" and the imprisonment of Ukrainian citizens takes place outside the legal field. These detentions do not comply with the norms of international humanitarian law, they should be qualified as forced disappearances.

The Russian Federation bears full responsibility for the abducted citizens of Ukraine. In violation of the norms of international humanitarian law, the Russian Federation:

- Hides information about abducted citizens of Ukraine, including from the International Committee of the Red Cross.
- Detains and imprisons civilian Ukrainians (non-combatants) "for resisting the special military operation" without the grounds provided for by international humanitarian law for detaining civilians.
- Does not inform the population of the occupied territories about prohibited actions and sanctions for these actions.
- Considers civilian Ukrainians as prisoners of war, exchanges them for Russian prisoners of war, and does not allow lawyers and human rights defenders to get access to them.
- It does not release Ukrainian civilians detained "for resisting the special military operation", although, in accordance with international humanitarian law, there are no grounds for depriving these people of their freedom.
- Holds abducted citizens of Ukraine in prison conditions.
- Systematically uses torture, ill-treatment, and psychological violence against abducted citizens of Ukraine.

The Russian Federation commits the above-mentioned violations of international humanitarian law widely and systematically within the framework of its state policy. The Russian authorities do not punish the officials responsible for these violations and deny the facts of violations themselves.

Russia continues the practice of forced disappearances in the temporarily occupied territories and deprives the abducted of their freedom. In some cases, criminal cases against these people are fabricated in violation of the norms of the International Covenant on Civil and Political Rights. A significant part of Russia's violations of international humanitarian law in relation to abducted people are crimes against humanity and war crimes in accordance with the Rome Statute.

Recommendations

Use the OSCE Vienna and Moscow mechanisms to stop violations of the rights of Ukrainian citizens abducted by the Russian military and illegally deprived of their liberty "for resisting the special military operation." Demand from the Russian Federation to separate the legal statuses of Ukrainian prisoners of war and civilian Ukrainians (non-combatants) and to apply the Geneva Convention (IV) on the Protection of Civilians during War to civilian Ukrainians; to immediately release civilian Ukrainians detained "for resisting the special military operation" without exchanges for Russian prisoners of war and without other conditions. Since violations of the rights of abducted citizens of Ukraine are severe and systematic, it is necessary to initiate the Vienna and Moscow mechanisms in the near future to stop the violation of the rights of citizens of Ukraine.

Use the Vienna and Moscow mechanisms to stop torture and ill-treatment of abducted citizens of Ukraine who are in places of imprisonment in the Russian Federation and in the occupied territories. Initiate international inspections to monitor the observance of the rights of abducted citizens of Ukraine in places of forced detention. Offer the authorities of the Russian Federation to ensure free access of lawyers to people who were detained "for resisting the special military operation", as well as correspondence with these people, delivery of parcels from relatives, and humanitarian aid from human rights and charitable organizations.

Initiate investigations of forced disappearances of Ukrainian citizens in the occupied territories by authorized international organizations and deliver the appeals of these organizations to the authorities of the Russian Federation with demands that Russia complies with the requirements of international humanitarian law.

Create sources of permanent financial assistance to Ukrainian and Russian human rights organizations, charities, and legal communities that provide legal and humanitarian assistance to abducted citizens of Ukraine on the territory of the Russian Federation and the occupied territories of Ukraine. Such assistance includes, in particular: the search for abducted people; their legal support; the transfer of products and necessary things to these people; paperwork and the purchase of tickets to leave the Russian Federation in case of release.

To organize an interview process of all Ukrainian citizens abducted by Russia after the release of these people and in safe conditions for them. Collect and summarize information about violations of the rights of abducted citizens of Ukraine. Prepare proposals on changing the norms of international humanitarian law in order to create more reliable mechanisms to prevent such abductions in the future.

Endnotes

ⁱ In 2022, the company of the fortune-teller turned 1596 October 01.01.2023 // The Ministry of Education of the Republic of Pitan reintegratii timchasovo paid off the territory of Ukraine. <https://minre.gov.ua/news/u-2022-roci-z-vorozhogo-polonu-povernuly-1596-osib> (date of application - 05.01.2023).

ⁱⁱ Additional Protocol to the Geneva Conventions of August 12, 1949, concerning the Protection of Victims of International Armed Conflicts (Protocol 1) //International Committee of the Red Cross. https://www.icrc.org/ru/doc/assets/files/2013/ap_i_rus.pdf (accessed 05.01.2023).

ⁱⁱⁱ The prosecutor's office identified fifty-four torture locations and recorded more than five thousand cases of torture within the de-occupied territories – request response. 22.12.2022//Zmina. https://zmina.info/news/na-deokupovanyh-terytoriyah-vidnajdeno-54-kativni-zafiksovano-ponad-5-tysyach-vypadkiv-katuvan-ogp/?fbclid=iwar14kkk-rrjrov_6iOIO2owgUsyGboE5bhytwny3oryBFnUbs4E_ef_E6A (date of request: December 24, 2022).

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