RESTORING THE RIGHTS OF UKRAINIAN VICTIMS OF RUSSIA'S WAR

Kharkiv Human Rights Protection Group

Östgruppen!

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KHARKIV HUMAN RIGHTS PROTECTION GROUP
2026

Funded by Swedish Institute

Front cover:
A woman in Bashtanka, Ukraine, holds a picture of her missing relative.
Cover photo by Anders Mattsson.

As part of the joint project between Östgruppen and KHPG,
representatives from Östgruppen visited Ukraine in 2025,
while representatives from KHPG visited Sweden in 2025 and 2026.
The photographs in the Appendix document these exchanges.
Unless otherwise indicated, all photographs in the Appendix were taken
by Östgruppen's board member Anders Mattsson.

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1. SUMMARY OF THE REPORT AND KEY FINDINGS

This report summarizes the work carried out by the Ukrainian NGO Kharkiv Human Rights Protection Group (KHPG) and the Swedish NGO Östgruppen för demokrati och mänskliga rättigheter (Östgruppen) under the project "Restoring Human Rights for Ukrainian Victims of Russian War Related Crimes", supported by the Swedish Institute, over twelve months: from January 1 to December 31, 2025. The duration of the project is from November 15, 2024 until May 15, 2026.

The work was conducted across multiple areas, including searching for missing persons and providing legal aid to victims of enforced disappearances, torture, sexual violence, wounds, and other harm, involving various activities.

The KHPG was documenting crimes allegedly committed by members of the Russian Federation's armed forces and law enforcement agencies, as well as individuals affiliated with them, creating a database where this information is organized and categorized.

Additionally, a search was conducted for persons who went missing "under special circumstances" — a legal designation applied to persons who disappeared during armed conflict, occupation, and similar emergencies. According to various estimates, as many as 90,000 Ukrainians might be missing due to Russia's war against Ukraine. Many are believed to be held in Russian captivity — both within the Russian Federation and in temporarily occupied territories — though Russian authorities do not provide information regarding their specific locations. The effort to find missing persons, along with supporting the families of the missing and captives, included counseling them, determining the locations of captives and missing persons, and helping the captives as much as possible. The focus was on the Kharkiv, Kyiv, Chernihiv, Sumy, Mykolaiv, and Kherson regions.

The search for the location of prisoners of war, civilian prisoners, and missing persons was based on various types of materials collected directly by the KHPG. These materials include testimonies, written information, open-source data, and audiovisual content. The collected materials are stored in KHPG's own database.

In addition to tracing, the KHPG performs various activities, including providing legal assistance to victims of various crimes. This covers victims of torture and sexual violence, providing support to those who were wounded, as well as convicts who were deported from Ukraine but later came back. Another aspect of KHPG's work is providing psychological support to victims of Russian crimes. This mainly includes those who were held captive, tortured, or subjected to other inhumane treatment. Such support is provided in cooperation with professional psychologists.

KHPG staff also provide humanitarian aid to those who have lost their homes and basic means of subsistence, as well as to those who, due to the war, need legal consultation.

All the mentioned activity areas and their outcomes are detailed in the relevant sections of the report.

In particular, the Factual Background section outlines the general context in which the assistance activities occur. Additionally, it provides information on the KHPG database, which documents crimes and incidents that show signs of criminal offenses. The KHPG has established its own database, which is unique because it contains detailed descriptions of incidents, many of which are currently the subject of criminal proceedings.

A brief analysis of statistical data from the organization's database is also provided, focusing on key indicators of KHPG activities.

The Legal Framework section outlines the legal regulations — both national in Ukraine and Sweden and international — that govern actions by the Russian Federation and persons affiliated with it. This framework addresses the criminalization of war crimes, crimes against humanity, and genocide in Ukraine, as well as the use of universal jurisdiction tools in Sweden.

The section on Protection of Victims' Rights thoroughly explains the specific types of assistance that the KHPG offers to victims of enforced disappearances, torture, and sexual violence, to the families of the missing, and to those who have returned from Russian captivity.

The Concluding Remarks and Recommendations section includes the conclusions made by KHPG experts during this work, along with their recommendations based on the experience gained.

Specifically, the experts reached the following key conclusions:

Conclusions related to patterns in the Russian Federation's actions and the KHPG's areas of activity

The prevalence, repetitiveness, and uniformity of the aggressor state's actions suggest that they are intentional and not merely the result of individual excesses. These events represent a deliberate and consistent implementation of Russia's unified aggressive policy toward Ukraine. As the war persists, the overarching objective of the full-scale invasion — to destroy the Ukrainian state and all Ukrainians who defend and support it — becomes increasingly evident. Therefore, efforts to document these crimes and provide assistance to victims must persist across all areas.

Conclusions regarding the ratification of the Rome Statute and the investigation of international crimes

The ratification of the Rome Statute of the International Criminal Court (ICC) and the criminalization at the national level of war crimes and other international crimes are crucial steps toward establishing effective mechanisms to hold crime perpetrators accountable. We believe that ratification of the Statute will motivate Ukrainian law enforcement agencies to continue investigating international crimes, enhance the capabilities of the national law enforcement system, and promote the adoption of best practices in investigations and coordination with international mechanisms and institutions.

In this context, Ukrainian lawmakers should work to align their national criminal laws with international criminal law. Legal reform needs to enhance the procedural rights and status of the relatives of missing persons, including access to information, participation in legal processes, and practical support. National laws and policies should more accurately recognize that the families of missing persons are themselves victims of ongoing violations.

Conclusions about the activities of the United Nations, member states, embassies, and international organizations offering institutional support in helping victims of crimes committed by the Russian Federation

States must ensure ongoing political and financial backing for UN mechanisms that are vital for victims of enforced disappearances, torture, arbitrary detention, and related violations.

Conclusions on the work of international bodies, mechanisms, and institutions

The KHPG work clearly highlights the significant challenges in effectively communicating and collaborating with international bodies, institutions, and mechanisms to document and investigate international crimes and support victims. We believe that such communication and cooperation are essential, as they connect the complainant with the appropriate institutions. This is especially

important because it provides initial information on whether submissions and appeals are admissible and the prospects for their progress.

Conclusions regarding the work of the International Criminal Court, United Nations investigative mechanisms, and other international bodies involved in accountability

International investigative bodies must continue to examine enforced disappearances and torture in the context of Russian aggression against Ukraine as typical crimes that could be considered not only war crimes but also, if supported by evidence, crimes against humanity or the crime of genocide.

Conclusions regarding the activities of European and other Western law enforcement agencies (police, prosecutors' offices, units investigating war crimes), particularly in Sweden and other states

Countries hosting Ukrainians displaced by the war must ensure that victims, witnesses, and relatives can report enforced disappearances, torture, unlawful detentions, executions, and related crimes in the country where they currently reside. Reporting should not depend on the victim's ability to understand local jurisdiction rules. Local police stations, specialized units investigating war crimes, refugee reception centers, and online reporting portals must be able to receive information and forward it appropriately.

Conclusions about the business sector aimed at improving corporate due diligence in human rights

The extent of enforced disappearances, unlawful detention, and torture of Ukrainian civilians and prisoners of war is not only a humanitarian and legal issue but also poses serious risks for businesses. In the ongoing aggression against Ukraine, international companies, especially Swedish firms and transnational corporations, must strengthen human rights due diligence in line with the UN Guiding Principles on Business and Human Rights, the OECD Guidelines for Multinational Enterprises, and new EU legal requirements.

All the conclusions outlined demonstrate that the Russian Federation is deliberately disregarding international law and security systems, undermining their existence, authority, and ability to function properly. The key conclusions also show that current international mechanisms are unable to act when global security is threatened by a major nuclear power with significant influence over international politics and markets. This creates an environment of permissiveness and immunity. As a result, Russia believes it can continue committing international crimes and violating international humanitarian law, peace, and security without fear of repercussions. Moreover, any attempts to achieve peace should not interfere with accountability of those accountable for the violations described in this report and justice for the survivors and the victims.

2. FACTUAL BACKGROUND AND METHODOLOGY

Since the start of the war in 2014, Russia's policy in the occupied territories has involved complete intimidation of residents, the detention or abduction of Ukrainians considered disloyal to Russia by the occupiers, and their subsequent confinement in detention sites — both official and unofficial — that are entirely unsuitable for holding people. The Kharkiv Human Rights Protection Group has monitored detentions and disappearances, recording over 5,000 victims in its database. In 2019, in a submission to the Office of the ICC Prosecutor under Article 15 of the ICC Rome Statute on enforced disappearances, 4,656 civilians who had gone missing were entered into the database, and 622 cases of enforced disappearance of civilians were documented.

After the full-scale invasion began, this terror policy was enforced across all occupied areas. Estimates indicate that there are between 16,000 and 30,000 Ukrainian prisoners of war and civilian hostages in Russia and the temporarily occupied territories (t.o.t.) of Ukraine. The location of most of them remains unknown.

The families of those missing in action often find themselves in a legal and informational void, lacking the knowledge and resources needed to search for their loved ones. This creates feelings of helplessness among them and a sense of impunity for the Russian aggressors. Although government agencies may offer some assistance to the families of the missing, that support is clearly inadequate due to the Ukrainian state system's unpreparedness to handle such a large number of cases. Consequently, the families of the missing do not receive clear instructions or guidelines for action, and their appeals are either ignored or delayed.

The KHPG has taken on the task of locating prisoners of war and civilians in detention centers as much as possible, sharing this information with their families and government officials, and providing the greatest possible support to Ukrainians in captivity and their families. This report explains the terminology we use, the different groups of civilian prisoners, the search methods we have established, describes the assistance provided to prisoners in Russia and in t.o.t., as well as to their families, reviews the results of these efforts, and offers recommendations for government authorities.

The Kharkiv Human Rights Protection Group (KHPG), as an independent legal entity, was founded in 1992. From 1988 to 1992, it operated as the human rights group of the Kharkiv branch of the Memorial Society. The KHPG's activities focus on: 1) defending human rights in specific cases of violations; 2) informing the Ukrainian government and society about the human rights situation in Ukraine; 3) analyzing human rights compliance across Ukraine. The KHPG aims to improve the human rights situation in Ukraine by promoting respect for fundamental rights such as the right to life, freedom from torture or inhuman or degrading treatment or punishment, freedom from arbitrary arrest and detention, and freedom of expression and information. It also works to protect the rights of vulnerable groups, including prisoners, people living with HIV/AIDS, individuals suffering from drug addiction, internally displaced persons, children, and others. The KHPG Public Reception Office processes up to 3,000 written complaints annually.

Established in 2003, the KHPG Center for Strategic Cases manages over 200 individual cases annually, which are heard by national courts or referred to the European Court of Human Rights (ECHR). KHPG lawyers have submitted 635 individual applications to the ECHR and have won 125 cases in which violations of Articles 2, 3, 5, 6, 8, 13, and other provisions of the European Convention on Human Rights were confirmed. More

than 400 applications filed by KHPG lawyers are still pending before the ECHR, with over half of these cases involving crimes related to the conflict in eastern Ukraine. KHPG collaborates with UN treaty bodies and other accountability mechanisms, such as the UN Human Rights Committee, UN Special Rapporteurs, the UN Committee Against Torture (CAT), the UN Working Group on Arbitrary Detention, and others. Besides providing legal assistance and representing victims' interests in various international and national forums, the KHPG also offers humanitarian and psychological support to direct victims of violent crimes committed in Ukraine.

Since Russia's full-scale invasion of Ukraine, the KHPG has been documenting alleged war crimes and crimes against humanity committed by Russian military personnel, military authorities, and affiliated militant groups on Ukrainian territory. The KHPG's documentation is based on witness/victim testimonies, documentary evidence, digital evidence, observations during monitoring visits to de-occupied territories or areas near the contact line, information from open sources, and desk research. The KHPG is one of the co-founders of the global initiative "Tribunal for Putin" (T4P), whose main goal is to hold those responsible for crimes committed in Ukraine accountable by documenting crimes against humanity.

2.1. DESCRIPTION OF DATABASE AND DATA COLLECTION METHODS

The search for the locations of prisoners of war, detained civilians, and missing persons relies on various types of materials directly collected by the KHPG. These materials include testimonies, written information, open-source data, and audiovisual content. The collected materials are stored in multiple databases created and administered by the KHPG.

The KHPG gathers information through four methods: a) interviews with victims (families of captives or missing persons) and witnesses; b) monitoring visits to the Ukrainian territories that have been recently liberated; c) legal representation; d) information from open sources.

Interviews with victims and witnesses

KHPG staff conduct interviews with victims and witnesses of unlawful detention or enforced disappearance, as well as with families of prisoners of war, to collect all known information about detention, disappearance, capture, and captivity. The KHPG finds victims during field visits to affected areas in de-occupied territories, through other contacts such as phone calls, online meetings, or visits during office hours at our receptions in Kharkiv, Kyiv, Sumy, and Mykolaiv, and via the KHPG hotline for searching for missing persons. Interviews follow the Standard Operating Procedures (SOP) for witness interviews, which were jointly created by the KHPG and the DIGNITY — Danish Institute Against Torture, based on the ICC and Eurojust Guidelines for Civil Society Organizations on Documenting International Crimes and Human Rights Violations for the Purpose of Accountability, the Mendez Principles on Effective Interviewing, the Istanbul Protocol, and best practices for trauma-informed interviewing.

KHPG staff offers consultations to victims on a variety of issues, including the legal status of families of prisoners of war and missing persons, as well as the state's obligations toward these families.

Hotline for searching for missing persons

The hotline was established using the toll-free number 0 800 20 24 02, allowing callers to reach out without incurring charges. KHPG covers the subscription fee and per-minute costs.

Additionally, six incoming lines and two outgoing lines were acquired for the hotline. Global Bilgi supplies the communication software and assists in creating the initial database. Four operator licenses and one supervisor license were obtained to work with the system interface.

Four operators and a supervisor are on the hotline at all times. Operators take calls from families of missing persons and record detailed information about the disappearance, including the caller's and the missing person's personal details, using a questionnaire. After each call, if the operator finds the conversation and questionnaire successful, they mark the call as "Successful," and all data are automatically entered into the Registry. If the operator considers the data too questionable or incomplete to organize a search for the missing person, they mark the call as "Unsuccessful," and the questionnaire is not forwarded to the Registry. Additionally, during the call, operators provide initial consultation. Later, a KHPG lawyer contacts the caller to offer in-depth legal consultation or, in some cases, legal or social assistance.

To promote the hotline, an advertising and informational campaign was launched starting February 26, 2024, using a specially created website (http://missing.khpg.org/) and a Facebook page (https://www.facebook.com/missingkhpgorg/).

Monitoring visits to de-occupied territories

Since July 2022, KHPG has been conducting monitoring visits to liberated territories in the Kyiv, Chernihiv, Sumy, and Kharkiv oblasts. Later, trips were made to the Mykolaiv, Kherson, and Zhytomyr oblasts. Additionally, visits were organized to areas where internally displaced persons had relocated, including Poltava, Lviv, Ivano-Frankivsk, Khmelnytskyi, and other oblasts. The KHPG team also provides humanitarian, legal, and psychological support to victims. This support aims to address their humanitarian needs without obliging them to participate in the process of documenting crimes. The visits have a dual purpose: to identify potential victims or witnesses willing to share information about crimes that may have occurred, and to recognize typical patterns of criminal behavior during and/or after the occupation.

Legal representation

KHPG lawyers provide legal assistance to victims and represent them in national courts, the UN Human Rights Committee, and other international institutions. Additionally, KHPG lawyers document crimes by collecting information on alleged international crimes for further pre-trial investigations and prosecution at the ICC and other international accountability mechanisms. In all cases, KHPG lawyers obtain the informed consent of victims and witnesses before sharing their case materials and other relevant information with national authorities and/or international accountability mechanisms, including the ICC. While offering legal support, KHPG lawyers cooperate with Ukrainian law enforcement agencies investigating international crimes, which enables them to access their clients' case files, exchange information on incidents related to alleged international crimes, and jointly visit crime scenes to gather evidence. KHPG psychologists and lawyers may also be present during the questioning of witnesses and victims by Ukrainian law enforcement, as well as during other investigative activities carried out in accordance with the Ukrainian Criminal Procedure Code (paragraph 4, part 2, Article 56). The lawyers' activities will be explained in more detail below.

Information from open sources

The HPG and other T4P member organizations gather and analyze information from open sources that has evidentiary value and can be used in criminal proceedings and other legal

avenues to hold perpetrators accountable. Information collected from open sources helps verify alleged crimes and build a complete picture of criminal conduct, aiding in proving the contextual elements of international crimes. Additionally, open-source information is crucial for locating detention sites where prisoners of war and civilian detainees are held. To achieve this, KHPG investigators closely monitor several Telegram channels and websites across both Ukrainian and Russian online spaces.

Evidence preservation

Evidence is stored in the KHPG's own database, which contains information on specific criminal proceedings and individual cases in which lawyers affiliated with the KHPG provide legal assistance to victims and represent them at the national and international levels.

T4P Database

The T4P database was initially developed in 2016 as a simple KHPG MySQL database. It was significantly upgraded in 2022 and 2023 to address increasing data security threats and to implement a new organizational and classification data structure, which was needed due to documenting crimes against humanity. The database was moved from the KHPG's internal server to an external server provided by the MiroHost company to enable remote access for many documenters from T4P member organizations. It is backed up daily, with backups stored in both Ukraine and Germany.

Database security

The KHPG database system administrator is the sole individual with access to the database program code and the authority to modify its organizational structure. Additionally, the technical specialist is permitted to grant database access only upon instruction from the KHPG director. Access is assigned to individual users and cannot be shared with third parties.

Access to the database is controlled through a username, password, and two-factor authentication. Personal data is safeguarded by automatic encryption and stored in encrypted form.

The database has measures to prevent unauthorized modification, deletion, access, or alteration of entered data. All actions related to adding new data or editing existing data, along with their authors, are logged in a dedicated record. The KHPG database system administrator is the only person authorized to view the log history and delete relevant data.

KHPG database

The KHPG database is built on the same software platform as the T4P database and shares its security features, as previously discussed.

Only KHPG documenters and lawyers have full access to the database. Other users, such as legal assistants and staff journalists, can only see a brief description of the incident, which helps them understand the basic context. They do not have access to any personal data of witnesses or victims. Their access to case materials or personal data is restricted.

Database for locating and tracking Ukrainian captives

Databases for preserving evidence of crimes cannot be used as a tool for finding and storing information on missing persons, prisoners of war, and civilian detainees. For this purpose, the KHPG has developed another specialized database.

This database includes categories for missing persons, prisoners of war, civilian prisoners, who died in captivity, men, women, and children, as well as those who were released from captivity, with the prisoner's status updated to "released."

A user can find the necessary information in the database within seconds. The system enables users to view data separately for those missing in action and those confirmed to be in captivity, as well as to pick out civilians, military personnel, and children. Searches can be performed using various criteria: by the name of the missing person and the name of the contact who reached out to human rights defenders, date of birth, location and probable time of disappearance; for military personnel, by call sign and the unit they served in.

For Ukrainians known to be in captivity, additional search criteria include the location of detention, legal status (whether Russian law enforcement agencies have filed charges against the individual or if there has been a trial), criminal charges, sentencing, and sources of information.

Recently, the number of convictions of prisoners of war and civilian prisoners by so-called courts in the occupied territories and in Russia has been increasing significantly. People working with the database constantly monitor these court proceedings, adding and updating information.

Thanks to this database, KHPG staff can generate lists based on any criteria, analyze where and under what conditions Ukrainians have been captured, develop a registry of all facilities in the Russian Federation and the temporarily occupied territories where our citizens are detained, and understand the "logic" behind their criminal prosecution by the aggressor state.

Locating prisoners of war, civilian prisoners, and missing persons

Assistance to the families of those missing in action included counseling, locating prisoners of war and those missing in action, and helping the captives themselves as much as possible. Because of the project's expected high level of activity, numerous information sources, and large amounts of data collected, all search results were entered into a database.

2.2. DESCRIPTION OF FACTS. STATISTICAL DATA. STATEMENTS FROM VICTIMS AND THEIR RELATIVES

During their work, KHPG staff collected numerous testimonies about incidents that show signs of international crimes. All of these, in some way, involved disappearances, unlawful detentions, killings, torture, sexual violence, and injuries to civilians. Most of these events took place in the occupied territories, in settlements where fighting occurred, or in areas invaded by Russian troops. This section outlines the main patterns of these events.

Those most at risk under the occupation are former military personnel who served in the armed forces between 2014 and 2021, law enforcement officers, border guards, rescue workers, as well as employees of state and local government bodies, local council members, public figures, entrepreneurs, journalists, and priests. It appears that representatives of the occupying forces had lists of such individuals in advance. They were either abducted and disappeared without a trace or illegally detained and subsequently held in detention sites — usually unofficial and often completely unsuitable for holding people — where the conditions could be classified as torture. Additionally, prisoners were subjected to brutal torture in attempts to extract desired information or force confessions, such as assisting the Armed Forces of Ukraine through gunnery spotting, or to coerce them into demonstrating loyalty to the Russian Federation. In the Kharkiv region, 33 such torture chambers where people were tortured were discovered after de-occupation — located in Izyum, Kupiansk, Balakliya, Vovchansk, and other

areas. Descriptions of some of these torture chambers and testimonies from victims can be found on the KHPG website.

Even in rare cases when special facilities were used to hold people, they were overcrowded with so many captives that being in the cells was extremely hard. For example, in Kupiansk, the torture chamber was in a temporary detention center meant for 140 people, but it held over 500 prisoners. There were nine men in a cell designed for two.

According to the detainees' testimonies, the detention conditions were inhumane.

Most victims described the brutal nature of the torture. They were beaten so badly that they lost consciousness. Dozens of the 270 victims who sought help from the Kharkiv Human Rights Group had all their teeth knocked out.

As of December 31, 2025, the T4R initiative documented 1,670 incidents of unlawful detention and deprivation of liberty of civilians, including 35 involving children. 608 of these occurred in Kharkiv oblast, 218 in Kyiv oblast, 201 in Zaporizhzhia oblast, 182 in Kherson oblast, 219 in Donetsk oblast, 90 in Chernihiv oblast, 82 in Luhansk oblast, 48 in Mykolaiv oblast, and 12 in Sumy oblast.

A particularly egregious case of enforced disappearance involves Mykyta Shkryabin, a 20-year-old third-year student at Yaroslav Mudryi National Law University in Kharkiv. On March 29, 2022, witnesses say he was taken by Russian soldiers in his home village of Vilkhivka and put into a car. No one has seen him since. Only many months later, his lawyer, Leonid Solovyov, in Moscow, was told that Shkryabin had been detained for "actions against the special military operation," which consisted of violating Russian laws, and that he was in Russia. They did not specify his exact location. Solovyov filed a complaint with the military department of the RF Investigative Committee, requesting that a criminal case be opened against Russian soldiers for holding his client incommunicado for so long. As usual, the Investigative Committee rejected this complaint. Solovyov then filed a complaint with the garrison military court, which on December 12, 2022, ruled that Shkryabin was detained "for unlawful actions." Meanwhile, no criminal charges have been filed against him, and no investigation is taking place. Because of this, he has no procedural rights, including the right to an attorney. The appellate court confirmed this decision.

Thus, two court rulings have confirmed that Mykyta Shkryabin is being held in custody without any legal justification. The same applies to thousands of other civilian detainees who have become victims of enforced disappearances. Shkryabin's case exemplifies an enforced disappearance: the Russian Federation concealed information about his location.

By definition, an enforced disappearance "is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law." (Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance). According to Article 1(2) of this Convention, "No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability, or any other public emergency, may be invoked as a justification for enforced disappearance." Under international law, enforced disappearance is a crime, and if the practice is widespread or systematic, it constitutes a crime against humanity.

As of December 31, 2025, the T4P initiative has recorded 3,696 cases of enforced disappearances, involving 4,794 missing persons, including 246 children. The distribution of missing persons by oblast is shown in the table:

Oblast	Number of incidents	Including children
Kharkiv	1,890	81
Zaporizhzhia	316	3
Kherson	568	3
Luhansk	69	
Donetsk	505	64
Kyiv	204	5
Mykolaiv	52	3
Chernihiv	38	1
Sumy	35	

Victims of enforced disappearances who were released report that they experienced the same ordeal as those detained: confinement in a torture chamber, torture, and transfer to detention sites within the Russian Federation or in t.o.t.

The exact number of unlawful detentions and enforced disappearances remains unknown; it is, a priori, higher than the count of documented incidents. Some regions where these violations occurred are still under occupation, making access to these areas impossible. The actual figures will only be known after the full de-occupation of these territories.

Victims of filtration

Filtration is a harsh, legally unregulated process used to collect personal data from detained individuals, including their social contacts, opinions, and attitudes toward the occupying state. It also evaluates their potential threat to authorities or services, as well as their willingness and consent to cooperate. The goal is to identify people with pro-Ukrainian views who are disloyal to the occupation regime — especially those who see themselves as Ukrainians, refuse to get a Russian passport, and want to maintain Ukrainian citizenship — and to isolate or eliminate them if necessary.

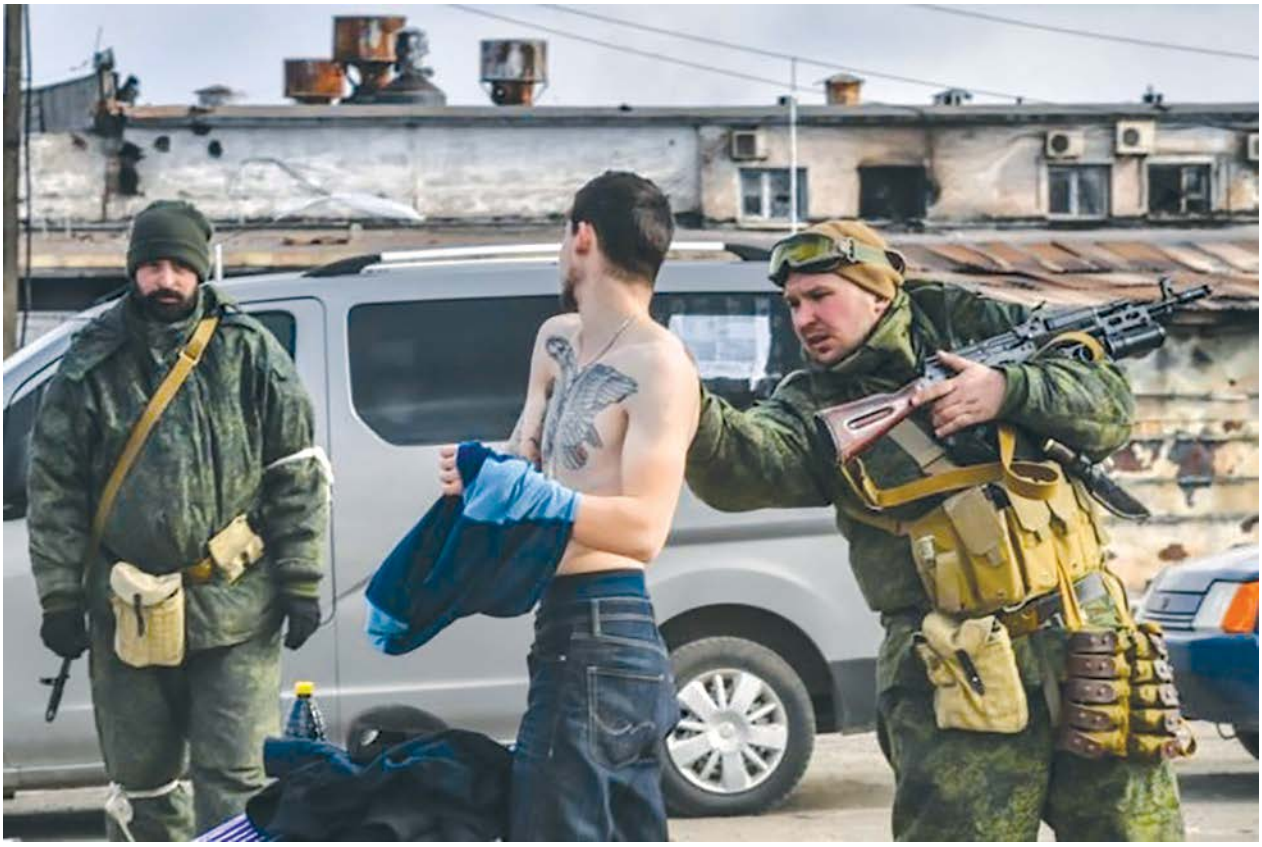
The filtration procedures began in early March 2022, when the forced relocation of Mariupol residents to Russia started. For instance, “Rossiyskaya Gazeta” reported that 5,000 Ukrainians were detained at the Bezymenne camp and were undergoing checks to prevent “Ukrainian nationalists disguised as refugees to avoid punishment” from entering Russia[1]. People traveling to Zaporizhzhia also faced the same procedures.

The filtration process occurs in two stages. First, all refugees must go through document checks, fingerprinting, and an initial interview at designated filtration points. This part can take from a few hours to several days, depending on how long the line is to enter the filtration site. Special attention is given to men, especially those of draft age, who are questioned more thoroughly, sometimes using violence. The interviewers try to find out if a person has previously been involved with the armed forces, law enforcement agencies, border guards, or other government bodies, and to understand their attitude toward Ukraine and the war. Women are asked where their husbands are and whether they serve in the Ukrainian army. Everyone’s phone is checked for contacts with military personnel, pro-Ukrainian messages, or ringtones. Everyone is stripped, except for children and women aged 45 and older: authorities

[1] Cited from a publication in the Guardian newspaper.

look for tattoos indicating pro-Ukrainian sympathies. They also check for specific skin abrasions from carrying small arms and body armor, abrasions on the index finger of the right hand, and bruises on the right shoulder from gun recoil. People suspected of disloyalty to Russia are detained and kept in custody, with families being separated — even mothers or fathers from their children. There is a documented case where a father was separated from his three children, who were taken to Russia. Shortly after his release, he received a call from his eldest son saying that if he didn't pick them up within three days, they would be put up for adoption. The father immediately went to Russia and was able to retrieve his children. Filtration points were widely set up wherever streams of refugees fled the occupied territory. Filtration also took place at checkpoints.

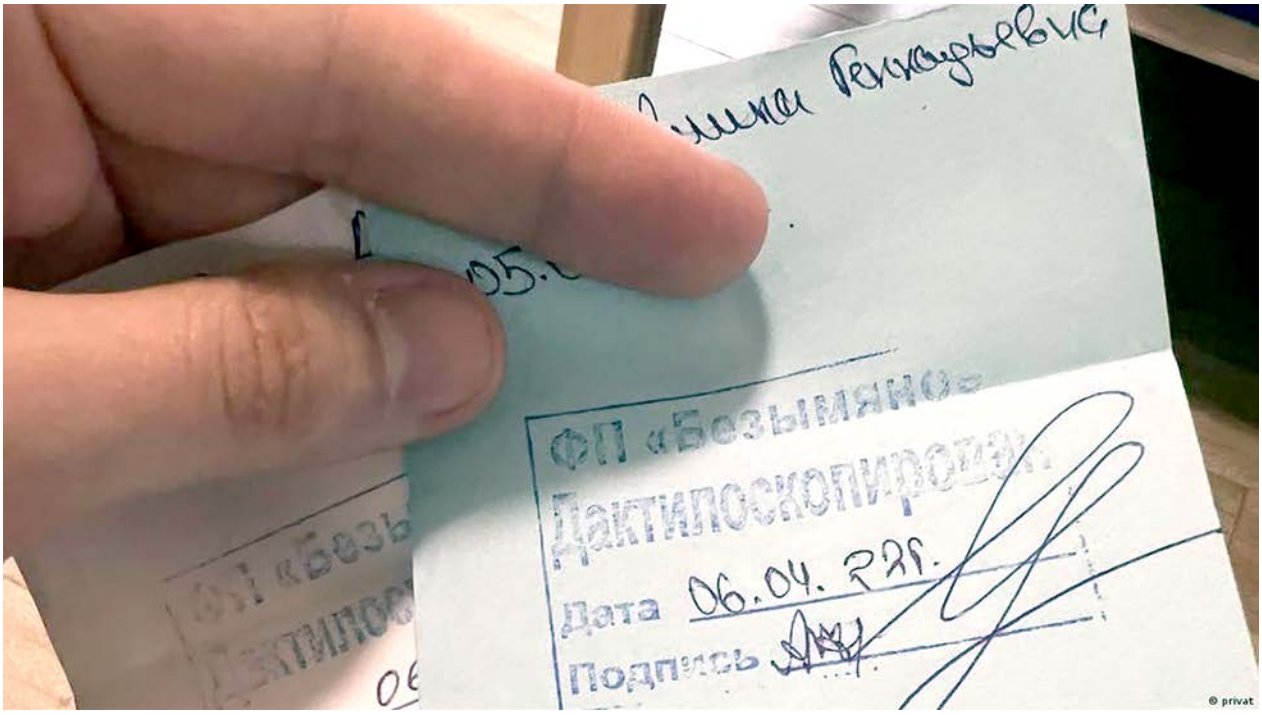
First stage of filtration



Russian soldiers check a man at one of the checkpoints. Photo: OSINTtechnical Twitter account

Those who pass the first stage of filtration receive a small certificate that states their last name, first name, patronymic, date of birth, a stamp reading "Fingerprinted," the name of the filtration point, the date, and the signature of the person who conducted the screening. That person's last name is not listed. This "certificate" serves as a pass throughout all occupied territories; it also allows entry into the Russian Federation and must be presented along with a passport at every checkpoint. However, it may not prevent repeated inspections of phones, luggage, or the body.

In an interview, 17-year-old Maria Vdovichenko shared a vivid account of life in Mariupol under constant shelling, her departure, and the filtration process. Among other things, she recalls overhearing a conversation between two DNR soldiers: "And what did you do with those you didn't like?" — "I shot them without a second thought!"



Certificate of passing filtration in Mangush. Photo: Anatoliy Levchenko's Facebook page

Second stage of filtration

Those detained in the first stage are sent under guard for further, more thorough filtration over 30 days in filtration camps — detention facilities; sometimes this period is extended again for particularly stubborn Ukrainians. Essentially, this is a 30-day preventive detention. Filtration camps are either previously closed penal institutions that have now been reopened or unofficial detention sites with extremely poor conditions: overcrowding, inadequate nutrition, and often no access to water, lighting, toilets, fresh air, or medical care.

Media reports indicated that Russian invaders were holding more than three thousand Mariupol residents in a "filtration prison' — the former Penal Colony No. 52 in the village of Olenivka, Donetsk Oblast. Another report stated that "it is here that former law enforcement officers, pro-Ukrainian activists, and journalists are being held. Now it has been revealed that there is a second filtration prison in Olenivka, located at the site of the former Volnovakha Penal Colony No. 120." Prisoners of war from the Azov regiment were also detained at Penal Colony No. 120. An explosion occurred there on the night of July 28–29, 2022, killing 50 prisoners of war.

Here is the story of Oleg, a former investigator who worked at the Donetsk Regional Police Department.

> *On March 21, 2022, he tried to leave Mariupol and head toward Zaporizhzhia. He was detained at a checkpoint in the village of Melekino. According to him, former police officers were standing at the checkpoint, pointing at police officers. There were also lists of civil servants at the checkpoints. He was then taken to Mangush to the district police station, where he spent 24 hours. More than 35 people were in the room where he was held. In the cell with him were police officers, border guards, and rescuers from the State Emergency Service. A young woman from the enforcement service was also detained. Afterward, he was escorted to Dokuchaevsk. In the center of Dokuchaevsk is the Palace of Culture, which houses a filtration point. Civilians come here to get passes; detainees are held in the backyard of this building. Here, detainees are sorted into military personnel,*

police officers, other civil servants, and individuals without documents. They stay there for one day as well. Then they are blindfolded and taken to Donetsk. In the former Organized Crime Control Department building at 5 Yungivska St., they are placed in cells that hold 35–37 people each. Their fingerprints are collected, their tattoos are photographed, and their information is entered into the "Rubizh" and "Scorpion" databases. They are now considered suspects. They are questioned about their ties to Azov and Tornado military units, as well as their involvement in investigations of offenses committed by people fighting on the side of the DPR. They are asked where the archives and unit warehouses are located, and attempts are made to force them into cooperation.

After the interrogation, the detainees wait for transfer; they are sent for a medical checkup. At the hospital where Oleg was held, the medical staff treated him kindly. At another hospital, according to other detainees, a doctor suggested shooting them without a medical exam.

After the checkup, Oleg was taken to the Donetsk Pretrial Detention Center (SIZO). An administrative detention order was issued against him for 30 days based on an internal DNR regulation (he doesn't remember which one) regarding collaboration with terrorist groups. Afterward, the detainees were taken to Colony No. 120 near Volnovakha. Each cell holds 35–40 people; the toilet doesn't work, and they haven't had water or food for several days. Later, most police officers were moved to barracks. In the barracks, they could use the outdoor toilet, and acquaintances could pass them food. They were also repairing these barracks.

Oleg did not mention the interrogations at the penal colony. He was released on May 8.

In the filtration prisons, interrogations are carried out with the participation of FSB officers, involving violence and various forms of torture, all with the same goal: to break a person and make them declare loyalty to the Russian Federation. Those who pass the second stage of filtration are released after 30 days, receive a filtration certificate, and are allowed to travel to Russia. Those who do not pass — those who are not broken — are given prisoner-of-war status and a 10-year prison sentence under Resolution No. 31 of the so-called DPR State Defense Committee from April 26, 2022, and are sent to penal facilities in the Donetsk oblast. This resolution, which was entirely illegal and barbaric even by Russian standards, was repealed after the "referendum" in late September 2022 on the DNR's accession to the Russian Federation, and some prisoners were released. Exactly which prisoners were released and what happened to the rest remains unknown. There is a theory that they were transferred to Russian prisons, where they are held on the same charge of "resistance to the special military operation"; at least one such case is known. We cannot determine how many people ended up in filtration camps or how many were released, as we lack access to such data. Clearly, there are thousands, possibly even tens of thousands.

Suspects, accused, or convicted of allegedly committing crimes

This refers to a group of civilian prisoners whom the occupying authorities accused of having ties to the SBU or Ukrainian intelligence: allegedly, they served as gunnery spotters, passed on information about the movements of military units, or carried out other tasks. We cannot determine how well-founded these accusations are. Torture can be used to obtain confessions for anything. However, we note that if these civilians truly carried out tasks for the SBU or intelligence services, they should be eligible for exchange alongside prisoners of war.

Currently, they have no chance of release because the Ukrainian General Staff's stance is to exchange only military personnel. However, on July 25, 2024, the General Staff, the SBU,

and the Office of the Verkhovna Rada Commissioner for Human Rights introduced the "I Want to Be with My People" project. This initiative plans to exchange individuals convicted in Ukraine for crimes against national security for Ukrainian civilian prisoners in Russia. At the same time, the website https://hochuksvoim.com/ was launched, acting as a showcase for traitors and collaborators who have agreed to be exchanged for Russia and to have their personal data published on the site. The website allows those who want to stop cooperating with the enemy, those capable of providing information about others' collaboration with the enemy, and those who wish to move to Russia to submit applications.

KHPG, focusing on the release of Ukrainian civilians from detention in Russia and t.o.t., supports the "I Want to Be with My People" project. However, we note that this project violates human rights, including those protected by Ukraine's Constitution, and we suggest modernizing its approach. Our proposals are as follows.

First, we categorically reject the idea of exchanging civilian prisoners. Using the word "exchange" implies we are negating a person's agency, treating them as a resource and ignoring their personal freedom and dignity. We believe that instead of an exchange, the focus should be on the simultaneous release of Ukrainian civilians convicted by courts in Russia and in the temporarily occupied territories, as well as Ukrainian civilians convicted by Ukrainian courts for crimes against Ukraine's national security and the glorification of Russia.

Second, in Ukraine, only those who voluntarily wish to renounce their Ukrainian citizenship and acquire Russian citizenship may be released, and these convicted individuals must submit a written statement to that effect. After receiving a sufficient number of such applications and reaching an agreement with the Russian side on granting these individuals Russian citizenship and releasing the corresponding number of Ukrainian civilians from detention in Russia and the t.o.t., a simultaneous release will occur. Once they acquire Russian citizenship, these individuals will be deprived of Ukrainian citizenship by a Decree of the President of Ukraine.

According to Part 2 of Article 25 of the Constitution of Ukraine, "A citizen of Ukraine may not be expelled from Ukraine or extradited to another state." Accordingly, the current model of the "I Want to Be with My People" project violates this constitutional provision and could lead to complaints against Ukraine filed with the European Court of Human Rights, which the state would lose. The proposed modernization of the model is based on Part 1 of Article 25 of the Constitution, "A citizen of Ukraine may not be deprived of citizenship or the right to change citizenship," and addresses this conflict. The procedure we suggest aligns with the international standard requiring that a person who renounces the citizenship of one country automatically acquires the citizenship of another.

Third, no legal exoneration should be granted in Ukraine in this situation: the convictions of those who renounce citizenship should stay in effect. Since Part 13 of Article 18 of the Law of Ukraine "On Citizenship" prohibits renouncing Ukrainian citizenship "if the person applying to renounce Ukrainian citizenship has been notified in Ukraine of suspicion of committing a criminal offense or against whom there is a final and enforceable court conviction in Ukraine", it is proposed to amend Part 13 of Article 18 by rephrasing it as follows:

> *"Renunciation of Ukrainian citizenship is not permitted if the person applying for renunciation of Ukrainian citizenship has been notified in Ukraine of suspicion of committing a criminal offense or against whom there is a final and enforceable court conviction in Ukraine, except the simultaneous release from custody of such a person and a citizen of Ukraine who was deprived of liberty by Russia under special circumstances."*

Fourth, the website "I Want to Be with My People" should serve as a tool for decision-making regarding simultaneous release. However, it must remain inaccessible to the public, as its

operation involves significant risks to those whose crimes are reported on the site, including the publication of photos and personal information — even if consent has been given. Family members of victims may take justice into their own hands out of revenge. The website's operation worsens existing hatred toward enemies, which has become widespread and is turning into a major social issue. Hatred primarily destroys those who harbor it; it wounds the soul. While hatred is understandable on the battlefield, where a Russian soldier must be eliminated, it should subside once the conflict ends. To reduce the risk of vigilante justice and prevent fueling hatred, the "I Want to Be with My Own" website must be kept confidential.

Prisoners from Ukrainian correctional facilities, forcibly transferred to Russia

This concerns nearly all inmates from correctional facilities in the Kherson and Mykolaiv oblasts — about 2,000 prisoners who were forcibly transferred to Russia in November 2022. Estimates indicate that this includes roughly 1,800–2,000 people, with around 1,000 of them ill, including 384 individuals with tuberculosis who were receiving treatment at Golopristansk Penitentiary Colony No. 7 and Snigurivsk Penitentiary Colony No. 5, as well as 704 who were being treated at the multidisciplinary hospital in Darivsk Penitentiary Colony No. 10.

It is known that currently, deported Ukrainian prisoners are held in at least 11 penal colonies within the Russian Federation, specifically colonies No. 2, No. 11, No. 5, and No. 14 in Krasnodar Krai, as well as colonies in Rostov Oblast, the Republic of Mordovia, and on the territory of the Autonomous Republic of Crimea. In Russia, the prisoners were re-tried for the same crimes and sentenced according to Russian law. When their sentences are complete, they are given a release certificate and offered Russian citizenship. Former convicts who held Ukrainian passports were transported by Russian authorities to the border with Georgia or Latvia; other Ukrainian citizens who lacked identity documents and refused Russian citizenship were held for extended periods in detention centers for illegal immigrants. As a result, they were unable to return to Ukraine.

Ukrainian NGO "Defense of Ukrainian Prisoners," in collaboration with the Russian human rights organization "Rus Sidyashchaya," established a procedure for releasing former detainees from detention centers for illegal immigrants, providing them with documents, and helping them cross the Ukrainian-Russian border. So far, 260 men have already been returned. More details are available in an article on the KHPG website.

Psychoneurological residential care facilities patients who were fraudulently transported to Russia

The Russians have relocated patients from two psychiatric hospitals in the Kherson region to Russia.

According to the Babel publication, on October 21, the occupying authorities transported 54 female residents from the Kherson Psychoneurological Residential Care Facility in the village of Komyshany. They were convinced they were going to Crimea on vacation and could return once the situation stabilized. Before leaving, the Russians convinced the women to sign a consent form stating that they were leaving voluntarily. Since then, the women have only made contact once, and neither the nursing home staff nor their relatives know their current whereabouts.

According to a report by Radio Free Europe/Radio Liberty, in mid-November 2022, the Russian newspaper Izvestia released a video showing the removal of patients from a residential care facility. The footage depicts people in wheelchairs, one of whom is holding a homemade sign

with the Ukrainian alphabet. A total of 208 patients were evacuated from the psychoneurological nursing home in the village of Kairi in the Kherson region, on the left bank of the Dnipro River. Those at the Kairi nursing home were incapacitated and unable to give their personal consent to the evacuation.

Russia's Ministry of Emergency Situations called the removal of patients from the Kherson region an "evacuation."

"A total of 208 patients were transported to Crimea, where they will later be sent by train to Krasnodar Krai and Volgograd Oblast," said Dmitry Yershov, a representative of the Information Policy Department of Russia's Ministry of Emergency Situations, in November 2022.

Why, then, were incapacitated people transported to Russian territory?

Prisoners placed by Ukrainian courts in pretrial detention centers and correctional facilities located in temporarily occupied territories before Russia's full-scale invasion

In early 2014, 36 correctional facilities housing 16,200 prisoners came under the control of anti-government forces. The Ukrainian government took no adequate steps to evacuate prisoners from areas of active conflict. As a result, the vast majority of prisoners who found themselves under the control of illegal armed groups were left to fend for themselves and likely faced harsh treatment. Those considered government supporters suffered the most severe mistreatment.

Prisoners were kept in terrible conditions, often without light; they were not taken outside for exercise, kept in unsuitable facilities where they received very poor meals and were denied medical care; many were tortured, and some were beaten to death.

In September 2020, KHPG, in collaboration with FIDH, submitted a petition under Article 15 of the Rome Statute to the ICC Prosecutor's Office regarding alleged war crimes against this group of prisoners. Their situation after the full-scale invasion, especially for those serving life sentences, is difficult to evaluate due to the complete lack of access to these facilities in the temporarily occupied Donetsk and Luhansk oblasts.

2.3. LEGAL STATUS OF THE GROUPS DESCRIBED

Based on our observations, different contradictory terms are used to describe Ukrainian civilians in the Russian Federation and in the t.o.t. of Ukraine:

- prisoners of war,
- prisoners,
- missing persons,
- victims of enforced disappearances,
- civilian hostages,
- civilian captives,
- civilians deprived of their personal liberty by the aggressor state,
- civilians in Russian captivity,
- deportees,
- forcibly displaced persons,
- evacuees,
- internees, etc.

It is essential to establish consistent rules for the use of terminology and to follow them.

In our view, only individuals who are deprived of their liberty should be considered. All Ukrainians who were evacuated, forcibly resettled, interned, or deported but were not deprived of their liberty during these processes should not be included.

Those deprived of their liberty are categorized into civilians and military personnel who belong to one of the units of the Armed Forces of Ukraine (AFU), the National Guard, volunteer battalions, or territorial defense units that are part of the AFU. These military personnel are essentially prisoners of war.

Military personnel who are missing under special circumstances include those who have died but whose bodies have not been recovered, as well as those who have been taken prisoner.

We suggest referring to all civilians who are deprived of their liberty and held in detention facilities in the Russian Federation and in the t.o.t. of Ukraine as "civilian prisoners." At the same time, different groups of civilian prisoners have varying legal statuses, which involve different procedural guarantees that must be provided to them. These varying legal statuses may also imply different prospects for release, different detention conditions, and so on.

Prisoners of war (POWs)

International humanitarian law (IHL) defines the legal status of POWs. However, the Russian Federation considers the conflict a "special military operation" (SMO), does not acknowledge IHL, and claims "resistance to the SMO" as the reason for depriving Ukrainian military personnel of liberty. It should be noted that such liability is not specified in either the RF Criminal Code or the RF Code on Administrative Offenses. Ukrainian prisoners of war are prosecuted and tried for common criminal offenses: murder, bodily harm, terrorism, etc.

Ukrainian prisoners of war are held in detention facilities in the Russian Federation and t.o.t. of Ukraine separately from other prisoners under the custody of the FSB. Russia ignores the rights of prisoners of war under the IHL. They have no contact with their families, cannot correspond with them, and are inaccessible to members of the Monitoring Commissions, lawyers, and human rights defenders. Relatives often do not even know where the prisoner is, as Russia does not provide this information to the International Committee of the Red Cross (ICRC). Prisoners of war are frequently transferred from one detention site to another. For example, Roman Kryvulia, who was released through an exchange, spent one year and nine months in captivity and was transferred to 11 detention facilities during that time. When they are to be tried, they are transferred to pretrial detention centers (in Russia — most often to Rostov-on-Don, to the Rostov Central Pretrial Detention Facility; in Ukraine — to Donetsk), where a lawyer may join the case to offer defense during the trial. Then there is at least minimal opportunity for communication with family through the lawyer. After sentencing, the prisoner of war is reclassified as a convict, appears in the Federal Penitentiary Service databases, and serves his sentence alongside Russian convicts in one of Russia's penal colonies. However, the Russian administration often detains convicts during the pretrial stage, hiding them in some pretrial detention center so they arrive at their destination with a significant delay. Once they reach the designated imprisonment place set by the court, they may receive visits from a lawyer, letters, and parcels in accordance with prison rules, and relatives may visit them. It should be noted that convicted Ukrainians are often transferred from one correctional facility to another. There are known cases where the administration pressures convicted Ukrainians to acquire Russian citizenship.

Ukrainian prisoners of war may be exchanged for Russian prisoners of war. The relevant authorities of the Ukrainian Ministry of Defense and the Russian Ministry of Defense facilitate such exchanges. As of December 2, 2025, there have been 70 exchanges, resulting in the return of 6,266 prisoners to Ukraine, including 372 civilians; in total, 5,976 men and 259 women were

released.[2] Additionally, 500 seriously ill prisoners were transferred to Ukraine outside of these exchanges. On the Ukrainian side, the exchange is organized by the General Staff and the SSU. Their stance is to exchange only prisoners of war, although Russia has consistently insisted on including civilians in the exchange. Russia's aim is to keep military personnel in captivity to prevent them from rejoining the Armed Forces of Ukraine. However, civilians cannot be exchanged; they can only be released. Furthermore, exchanging civilians would only lead to an increase in enforced disappearances in the t.o.t. to replenish the exchange pool.

Reasons for detaining individuals in the temporarily occupied territories. Legal status of civilian detainees

This section examines various groups of civilian prisoners in Russia and in the t.o.t. of Ukraine and their legal statuses:

- prisoners held in detention facilities for "resistance to the special military operation,"
- prisoners detained during the filtration process;
- suspects, defendants, or convicts accused of crimes they allegedly committed;
- prisoners from Ukrainian correctional facilities who were forcibly transferred to Russia;
- psychiatric hospital patients who were fraudulently transported to Russia;
- prisoners placed by Ukrainian courts in pretrial detention centers and correctional facilities located in temporarily occupied territories before Russia's full-scale invasion.

"Resistance to the Special military operation"

Russia launched a full-scale war to destroy the Ukrainian state and all Ukrainians who defend and support it. To accomplish this, a scorched-earth strategy was adopted. Every city resisting Russian attacks was immediately subjected to bombings and airstrikes targeting the civilian population and civilian infrastructure. This has resulted in the deaths and injuries of tens of thousands of civilians, the destruction of tens of thousands of buildings, and the creation of millions of refugees and internally displaced persons.

Russia's activities in the territories it occupied aimed to eliminate patriotic Ukrainians, intimidate everyone else, and force residents loyal to Russia either to leave for Russia or stay in place. This strategy fully aligns with the division of Ukrainians into four groups, reportedly introduced by Russian counterintelligence services:

- those subject to physical elimination or destruction;
- those who require suppression and intimidation;
- those who can be persuaded to cooperate;
- and those who are ready to cooperate.

[2] Yevgen Zakharov. The Forgotten Prisoners of Russian Aggression in Ukraine. // https://t4pua.org/2984. It should be noted that only six women were released in 2025. In 2026, three prisoner exchanges occurred, with 157, 200, and 300 captives returning to Ukraine, including 9 civilians. Not a single woman was released.

3. LEGAL FRAMEWORK. PROVISIONS OF INTERNATIONAL LAW. UKRAINIAN LEGAL SYSTEM: REGULATION OF WAR CRIMES, CRIMES AGAINST HUMANITY, AND GENOCIDE

On 24 February 2022, Russia's armed forces entered the territory of Ukraine by land, air and sea. Russia's aggression, often referred to as a full-scale invasion, is ongoing at the time of writing this analytical report. However, Russia's war against Ukraine did not begin in 2022, but in early 2014 when Russia illegally occupied and annexed Crimea and instigated the conflict in the Donbas region in Eastern Ukraine.[3] Russia's actions constitute a clear violation of Ukraine's sovereignty and territorial integrity as well as some of the most fundamental norms of international law.[4]

The joint project "Restoring Human Rights for Ukrainian Victims of Russian War Related Crimes" — a collaboration between Östgruppen and the KHPG, with the generous support of the Swedish Institute (SI) — aims to restore the rights of Ukrainian victims of Russian war related crimes.[5] Specifically, the initiative centers on missing Ukrainians. Therefore, before outlining the applicable legal framework and analyzing the available data, this analytical report, will provide the definition of the terms "missing Ukrainians" and "missing persons".

While the inherent chaos of war often results in people going missing, in this report, the term primarily refers to Ukrainians who have disappeared due to the deliberate actions of the aggressor state, Russia. According to numerous victim testimonies, most "missing Ukrainians" — both prisoners of war (POWs) and civilians[6] — were forcibly taken into Russian custody and have been arbitrarily deprived of their liberty. However, the Russian authorities refuse to disclose their whereabouts and often outright deny any involvement in their disappearance. Thus, the term "missing persons" in this analytical report refers to Ukrainian citizens whose whereabouts are either unknown or who are suspected to be in Russian captivity and control.

Several sets of international legal rules are relevant to the treatment of missing Ukrainians. They are primarily provided by International Humanitarian Law (IHL), international human rights law (IHRL) and international criminal law (ICL). Whereas the rules of IHL apply only during the period of international and non-international armed conflict, IHRL applies in both war and

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3 In 2022, based on extensive materials and evidence the ECtHR established beyond reasonable doubt that through its military presence as well as its military, political and economic support to separatist entities Russia has been exercising "effective control" of the Donbass region in eastern Ukraine since 11 May 2014 (Ukraine and the Netherlands v. Russia (decision)).

4 See, UN GA Resolution 3313 of 14 December 1974; UN GA Resolution 68/262 of 27 March 2014; UN GA Resolution ES-11/4 of 12 October 2022.

5 The project period is from 15 November 2024 until 15 May 2026.

6 In the analytical report, the terms "prisoner of war" (POWs) and "civilian" are understood in accordance with International Humanitarian Law. Under IHL, a POW is primarily a combatant (members of armed forces) who has fallen into the power of the adverse Party, although certain other individuals might also quality as POWs. Conversely, a civilian is defined as a person who do not belong to the armed forces and is not a combatant.

peacetime. Notably, the application of IHL depends on the objective existence of an armed conflict and not on how the situation is classified by the parties to the conflict or whether there has been a declaration of war. Meanwhile, ICL deals with individual criminal responsibility for "core" international crimes, namely, war crimes, crimes against humanity, genocide and the crime of aggression.

The applicability of the specific rules is determined by the consent of the relevant states to international treaties and customary international law, which is generally binding on all states. Whereas norms of IHRL apply to all persons within the state's jurisdiction, the application of IHL norms depends on the status of specific persons, as different norms regulate the treatment of POWs and civilians. Taking into account the chaotic nature of armed conflicts, some provisions of IHL also specifically address the "missing persons" and impose obligations of states parties aimed at minimizing the number of such people.

3.1. PROVISIONS OF INTERNATIONAL LAW

3.1.1. Relevant norms of IHL

IHL, also known as jus in bello or the laws of war, is a branch of public international law, which governs the conduct of hostilities during wars or armed conflicts. Its primary purpose is to limit the effects of armed conflict for humanitarian reasons by protecting persons who are not participating in the fighting and restricting the means and methods of warfare. The rules of IHL also apply to cases of partial or total occupation of a territory, regardless of whether the occupation encounters armed resistance.

The norms of IHL are legally binding on States Parties to specific treaties and as a matter of customary international law. The IHL norms are often divided into two groups: the "Hague law", which regulates the means and methods of warfare, and the "Geneva law", which governs the protections of victims and persons who are no longer participating in hostilities.

Because the applicable legal framework depends on whether the armed conflict is classified as international or as non-international, establishing both the existence of such armed conflict and its type is of paramount importance.[7] Under IHL, the classification of a situation as an armed conflict relies objectively on a "de facto state of hostilities."[8] The existence of an armed conflict does not depend on a formal declaration of war, nor is affected by the parties' denial of the conflict or their use of alternative terminology (such as a "special military operation"). Additionally, the application of IHL is strictly independent of the lawfulness of the resort to armed force (jus ad bellum). However, the existing IHL treaties neither provide the definition of the armed conflict nor empower a specific body to determine whether such an armed conflict is taking place. While, ultimately, it is up to the parties to the conflict themselves to decide whether the IHL is applicable, the (ICRC) often assists them in determining the applicable legal framework. According to the definition employed by the ICRC and various international and national tribunals, an international armed conflict exists whenever there is a "resort to armed force between two or more states."[9] Whereas a state might engage in such a conflict directly through its armed

[7] The codified legal framework for international armed conflicts is far more extensive than the rules governing non-international ones.

[8] At: https://www.icrc.org/sites/default/files/document_new/file_list/armed_conflict_defined_in_ihl.pdf.

[9] At: https://www.icrc.org/sites/default/files/document_new/file_list/armed_conflict_defined_in_ihl.pdf.

forces, it may also do so indirectly by exercising control over an organized armed group fighting against another state.

The following international treaties in the field of IHL are relevant for the treatment of missing Ukrainians:[10]

- Convention (IV) respecting the Laws and Customs of War on Land and its Annex: Regulations concerning the Laws and Customs of War on Land, 18 October 1907 (the 1907 Hague Regulations). The treaty lays down the rules for, among other things, land warfare, treatment of POWs, conduct of hostilities and the occupation of the territory of another state. Today, many of these provisions are considered customary international law.
- Geneva Convention I for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949 (GCI or the First Geneva Convention). The First Geneva Convention regulates the treatment of persons who are no longer able to participate in combat because they have fallen ill or been wounded. It provides that if such persons fall into the hands of the enemy, they become POWs and should be treated humanely, with respect, and should be protected in all circumstances. Specifically, the GCI prohibits such acts as killing, torture, biological experiments, not providing medical assistance or care as well as creating the conditions that expose the protected persons to contagion or infection.[11]
- Geneva Convention III Relative to the Treatment of Prisoners of War of August 12, 1949 (GCIII or the Third Geneva Convention). Both civilians and POWs have been affected by the missing people crisis addressed in the joint project. The Third Geneva Convention regulates the treatment of POWs — members of the armed forces and other types of persons defined in Article 4 of the Convention who have fallen into the power of the enemy state (most POWs are captured combatants, but IHL also grants POW status to some non-combatants). Where the status of a POW is unclear the GCIII requires that such persons be treated as POWs until their status is determined by a competent tribunal.[12] The main principle enshrined in the GCIII is that a POW must always be treated humanely and with respect. The GCIII explicitly states that causing death or seriously endangering the health of a POW constitutes a serious breach and, thus, a war crime.[13]
- Geneva Convention IV Relative to the Protection of Civilian Persons in Time of War of August 12, 1949 (GCIV or the Fourth Geneva Convention). It is the first International Humanitarian Law treaty dedicated entirely to the protection of civilians during international armed conflicts and occupations. It requires that these individuals are always treated humanely, with respect for their dignity, and strictly limits the circumstances under which civilians can be deprived of their liberty.
- 1977 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (the First Additional Protocol or API). The First Additional Protocol is a landmark international treaty, which regulates

[10] Although all the treaties below have been ratified by Russia, their norms have also become part of customary international law.

[11] Article 12.

[12] Article 5.

[13] Other grave breaches listed in Article 130 are: willful killing, torture, inhuman treatment, willfully causing great suffering or serious injury to body or health, compelling a POW to serve in the forces of the hostile Power and willfully depriving POWs of the rights of fair and regular trial.

conduct during international armed conflicts, with the primary aim on protecting victims and regulating the means and methods of warfare. API includes several provisions governing the treatment of missing and deceased persons, crucially establishing in Article 32 the right of families to know the fate of their relatives. Furthermore, API requires that all wounded, sick, and shipwrecked persons — regardless of whether they are civilians or military personnel — are treated humanely and receive the medical care required by their condition.[14] Finally, the API establishes the definition of a combatant, a POW and a civilian.[15]

- Customary international law. Many norms of IHL, especially those applicable to non-international armed conflicts, are not codified and exist in the form of customary rules. For example, although enforced disappearance is not mentioned in the four Geneva Conventions, according to the ICRC, the practice is prohibited under customary international law.[16] Furthermore, IHL establishes numerous rules regarding persons deprived of their liberty, which aim to prevent such disappearances during armed conflicts.

The main norms of IHL of relevance for this analytical report are:

- A cornerstone of IHL is the fundamental obligation to ensure the humane treatment of all persons taking no active part in hostilities, irrespective of their formal status (hors de combat,[17] POWs, civilians). Whereas IHL permits the use of lethal force against combatants and civilians directly participating in hostilities, it strictly protects the lives of those who are not participating or who have fallen into the power of the enemy. Furthermore, under IHL, there is an absolute prohibition against the torture and inhuman treatment of protected persons. Consequently, the murder, torture, or inhuman treatment of these individuals constitutes a grave breach of IHL and amounts to a war crime.[18] Additionally, IHL prescribes stringent standards governing the conditions of detention for POWs[19] and the internment of civilians, establishing specific obligations regarding adequate accommodation, hygiene, food, clothing, and medical care.
- IHL mandates special protection of women and children. For example, API pays special attention to the vulnerable situation of women and children and requires that they are afforded special respect.[20] Specifically, it requires that women are protected from rape, forced prostitution and other forms of indecent assaults.[21] Similar provisions apply to women in occupied territories.[22] Temporary evacuation of children from the enemy state and from the occupied territory is allowed but is strictly regulated. When children are being evacuated, safeguards must be put in place to ensure that they are not displaced.
- IHL strictly circumscribes the authority of Parties to a conflict to restrict the liberty of civilians. Pursuant to Article 42 of the Fourth Geneva Convention, the internment (a kind

14 Article 10.
15 Articles 43-51.
16 At: https://ihl-databases.icrc.org/en/customary-ihl/v1/rule98.
17 Combatants who are no longer capable or willing to participate in hostilities. See, Article 41(2) of the API.
18 While the Geneva Conventions do not explicitly define torture, the jurisprudence of various international tribunals indicates that the definition aligns closely with that of international human rights law. Specifically, torture is defined as the intentional infliction of severe physical or mental pain or suffering.
19 IHL allows for POWs to be held in the custody of the enemy state for the duration of hostilities.
20 Articles 76 and 77 of the API.
21 Article 76 of the API.
22 Article 27 of the Fourth Geneva Convention.

of preventive administrative detention) or assigned residence of civilians is permissible only when rendered absolutely necessary for the security of the Detaining Power. Correspondingly, for protected persons in occupied territories, such measures require imperative reasons of security.[23] In all such instances, these individuals possess the right to appeal the internment decision before a competent court or administrative board.[24] Separately, while a Detaining Power maintains the right to intern POWs, such internment must not be of punitive nature.[25] Therefore, POWs must not be confined in penitentiaries merely by virtue of their status. Unlawful confinement of a civilian constitutes a grave breach of the Fourth Geneva Convention, and, thus, a war crime.

- IHL imposes specific obligations on parties to the conflict aimed at minimizing the number of individuals who go missing or forcibly disappear during armed conflict. At the same time, these provisions also help to protect families from moral suffering caused by not knowing the fate of their loved ones. The examples of such norms include the requirement to transmit information about POWs and civilians in their power through the official Information Bureau,[26] to collect all available information about the wounded, sick, and dead in order to facilitate their identification,[27] to establish a person's identity before burial or cremation,[28] and to maintain precise records of the exact burial locations.[29]
- IHL protects the right of both civilians and POWs to communicate with the outside world, particularly with their families, but also with the Party to which they belong, and the International Committee of the Red Cross (ICRC).[30] To facilitate this, each party to a conflict is required to establish a special institution, a National Information Bureau, which collects and transmits information regarding these individuals. These obligations serve as important safeguards against individuals going missing. Moreover, they help to prevent severe psychological distress inflicted on both detainees and their families, who otherwise suffer prolonged anguish due to a lack of information about their loved ones' whereabouts and fate. For example, Section V of the Third Geneva Convention regulates the relationship of POWs with the exterior and, among other things, establishes the right to notify their families about their capture, location and health status as well as to send and receive letters and cards (subject to certain limitations). In a similar manner, Article 25 of the Fourth Geneva Convention protects the right of all persons in the territory of a Party to a conflict or in the occupied territory to provide news of personal nature to their families. Meanwhile, Article 107 of the Fourth Geneva Convention protects the right of interned civilians to correspondence and is considered of paramount importance.
- IHL sets strict requirements for the judicial trials of both civilians and POWs. Specifically, it requires that such individuals may only be tried, convicted, and sentenced pursuant

23 Article 42 of the Fourth Geneva Convention.
24 Article 22 of the Third Geneva Convention.
25 Article 22 of the Third Geneva Convention.
26 Articles 136 and 137 of the Fourth Geneva Convention.
27 Article 16 of the First Geneva Convention.
28 Article 120 of the Third Geneva Convention requires the Detaining Power to establish the identities of deceased POWs and to mark their graves.
29 Similar provisions can be found in the Second Geneva Convention regarding the treatment of wounded, sick and shipwrecked members of armed forced at sea.
30 See, for example, Article 69-77 of the Third Geneva Convention; Article 25, Article 105-116 of the Fourth Geneva Convention.

to a fair trial that affords all essential judicial guarantees. Whereas POWs can never be prosecuted for acts committed as part of an armed conflict, unless such acts constitute war crimes (this is known as "combatant's privilege" or "combatant's immunity"), civilians who take a direct part in hostilities do not enjoy this protection.[31] If POWs or protected persons in the occupied territory commit offences, which violate the laws of the Detaining Power, they should, as a general rule, be tried by impartial and independent military courts. The imposed penalties should always be proportional to the offence committed. If convicted, neither civilian internees nor POWs may be subjected to torture or other cruel treatment.[32] They can never be subjected to collective punishments and reprisals.[33]

- IHL protects the right of families to know the fate of their relatives. This right is mentioned explicitly in Article 32 of the API and is also implemented through various other provisions. As explained by the ICRC, the aim of these provisions is to reduce the suffering inflicted on families by armed conflict and to alleviate the anxiety resulting from the absence of information.[34] To facilitate this right, Article 33 in API imposes an obligation on Parties to the conflict to search, as soon as the circumstances permit, for persons who have been reported missing by the adverse Party.
- Under IHL, neither the civilian population of an occupied territory (or in the hands of the enemy state) nor POWs owe a duty of allegiance to the Occupying or Detaining Power.[35] Article 45 of the 1907 Hague Regulations expressly states that: "It is forbidden to compel the inhabitants of occupied territory to swear allegiance to the Hostile Power." Because these persons are not nationals of the enemy state, IHL requires that judicial bodies and other competent authorities of the enemy state take this fact into consideration when prosecuting offences committed by them and when imposing penalties.[36] In a similar manner, the lack of a duty of allegiance should be taken into consideration when holding individuals accountable for offences that solely aim to harm the Occupying Power and inflict minor harm.[37] In addition, IHL protects the right of the persons in the occupied country not to take part in military operations against their own country and prohibits any pressure or propaganda aimed at their voluntary enlistment.[38]

International obligations of occupying power under IHL

IHL imposes binding legal obligations on both states engaged in an armed conflict as well as on states occupying foreign territory, irrespective of whether the occupation encounters armed resistance. The "occupation law" constitutes a distinct branch of IHL and regulates partial or total occupation of a territory by a hostile army.[39] According to the 1907 Hague Regulations, occupa-

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31 Persecuting POWs for lawful acts of law constitutes a violation of IHL.

32 Article 87 of the Third Geneva Convention.

33 Article 87 of the Third Geneva Convention; Article 33 of the Third Geneva Convention.

34 At: https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-32/commentary/1987?activeTab=1949GCs-APs-and-commentaries.

35 For example, Article 87 of the Third Geneva Convention; Article 67 and Article 105 of the Fourth Geneva Convention.

36 Article 118 of the Fourth Geneva Convention.

37 Articles 67 and 68 of the Fourth Geneva Convention. Such minor offences should be punished with internment or simple imprisonment, which should be proportionate to the offence committed.

38 Article 51 of the Fourth Geneva Convention.

39 At: https://www.icrc.org/en/law-and-policy/occupation.

tion occurs when a state's territory is placed under the authority of a hostile army.[40] According to the ICRC, occupation entails an exercise of an unconsented effective control over a territory to which the occupying state has no sovereign title.[41]

The legal obligations of the Occupying Power relevant for this analytical report are established in different international instruments, notably, the 1907 Hague Regulations, the Fourth Geneva Convention, and customary international law.

One example of such an obligation is the requirement for the Occupying Power to respect the laws and the legal order of the occupied territory. According to Article 43 of the Hague Regulations, the Occupying Power must respect the laws of the occupied territory, unless it is "absolutely prevented" from doing so. In a similar vein, the Fourth Geneva Convention requires the Occupying Power to respect the "penal laws" and the courts of the occupied territory.[42] According to the commentary of the ICRC, such "penal laws" encompass all the law of the occupied territory, that is, it includes both civil and criminal law.[43] This obligation, however, is not absolute and the Occupying Power may repeal or suspend the existing laws and enact new ones when this is necessary for its own security, in order to comply with its obligations under IHL, to maintain the "orderly government" of the territory and in other narrowly defined circumstances.[44] The Fourth Geneva Convention also affords special protection to judges, the status of which should not be altered by the Occupying Power.[45] In 2024, in the case concerning violations of human rights in Crimea, the ECtHR established that the application of Russian law in Crimea did not meet the criteria above and has been unlawful from the perspective of the 1950 European Convention on Human Rights (ECHR), as interpreted in light of the IHL.[46]

When the Occupying Power introduces its laws, they should be publicized, translated to the language of the inhabitants of the occupied territory and should never be applied retroactively.[47] The inhabitants of the occupied territory who violate the laws introduced by the Occupying Power should be tried before regular, non-political military courts, which are located in the occupied country.[48] Such trials must meet the requirements of judicial impartiality and independence and the persons who are tried must be afforded the rights and means of defense.[49]

Furthermore, IHL prohibits the Occupying Power from persecuting protected persons for acts committed or opinions expressed before the occupation, except when such acts constitute violations of the laws of war.[50] Persons in the occupied territories should only be tried for violations of the law of the Occupying Power in non-political military courts, while taking into account the lack of duty of allegiance to the Occupying Power. The imposed penalties must be proportional, and they must serve their sentences in the occupied territory.[51] The conditions of their imprisonment must be adequate to keep them in good health, and they should receive the necessary medical care.[52]

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40 Article 42.
41 At: https://www.icrc.org/en/law-and-policy/occupation.
42 Article 64 of the Fourth Geneva Convention.
43 At: https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949/article-64/commentary/2025?activeTab=1949GCs-APs-and-commentaries.
44 Article 64.
45 Article 54 of the Fourth Geneva Convention.
46 Para 945, Ukraine v. Russia (re Crimea).
47 Article 65.
48 Article 66.
49 Article 71.
50 Article 70.
51 Article 76.
52 Article 76.

Another important norm of IHL of relevance for this analytical report is the absolute prohibition for the Occupying Power to forcibly transfer persons from the occupied territory to its own or another territory.[53] Instead, the Fourth Gevena Convention permits the evacuation of such persons only when this is necessary for the security of the population or for the reasons of military necessity.[54] Such persons must be transferred back to their homes as soon as the hostilities have ceased.

Finally, IHL imposes severe limitations on the right of the Occupying Power to deprive civilians in the occupied territory of their liberty (through internment or assigned residence). Even when such internment takes place, the affected persons retain the right to communicate with the outside world.[55]

3.1.2. Relevant norms of IHRL

Although IHRL is also concerned with the protection of individuals from abusive behaviour, unlike IHL, its application is not limited to situations of armed conflict. In other words, IHRL applies in both times of peace and times of war (to the extent that the relevant states have not derogated from its international obligations).[56] Where both IHL and IHRL are applicable, their relationship is characterized by mutual complementarity and by the lex specialis principle, which means that in a case of a conflict between the norms, a more specific norm is given priority. Which type of norm will prevail depends on the context and the factual situation at hand, but according to legal scholars, as a general rule, IHL norms are most appropriate for the conduct of hostilities, whereas IHRL — for situations, where state authorities have enough control over a situation to be able to carry out law enforcement operations.[57] As the ECtHR has explained in its case-law: "Even in situations of international armed conflict, the safeguards under the Convention continue to apply, albeit interpreted against the background of the provisions of International Humanitarian Law."[58]

In addition to customary international law, which is binding on all states, IHRL only imposes legal duties for states that have expressed consent to be bound by specific human rights treaties. Russia is a state party to the following international human rights treaties relevant for the protection of human rights of missing Ukrainians:

- 1950 Convention for the Protection of Human Rights and Fundamental Freedom;[59]
- 1966 International Covenant on Civil and Political Rights;[60]
- 1984 Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment;[61]
- 1989 Convention on the Rights of the Child.[62]

Furthermore, states can only be held accountable for acts or omissions committed in the areas they control or, in other words, where they have jurisdiction. While such jurisdiction is primarily territorial (i.e., within the boundaries of the state's territory), states can also be held responsible for extraterritorial human rights violations. This occurs when they exercise "effective control" over

53 Article 49.
54 Article 49.
55 See, Chapter VIII "Relations with the Exterior" of the Fourth Geneva Convention.
56 For example, Article 15 of the ECHR allows state parties to derogate from certain rights in time of emergency
57 https://www.icrc.org/sites/default/files/document_new/file_list/interplay-article-droege_0.pdf.
58 Para 913, ECtHR, Ukraine v. Russia (re Crimea).
59 Ratified 5 May 1998. Russia was expelled from the Council of Europe on 16 March 2022 and ceased to be a State Party on 16 September 2022.
60 Ratified on 16 October 1973.
61 Ratified on 3 March 1987.
62 Ratified on 16 August 1990.

an area outside their national territory or where their agents exercise authority and control over individuals abroad.[63]

IHRL primarily imposes human rights obligations on states, which exercise authority and control over the relevant persons, but the ECtHR has explained that certain obligations also arise for the state, which is prevented from exercising its authority in some part of its territory.[64] Ukraine with respect to Crimean and other parts of its territory occupied by Russia constitutes such a case. In these situations, according to the ECtHR, the state has a positive obligation to take all the appropriate measures which it is still able to take, including to re-establish control over the territory in question and to ensure respect for human rights.[65]

Various human rights norms are relevant to both the circumstances under which Ukrainians have gone missing and their subsequent treatment in Russia's captivity. The examples of such human rights norms include, but are not limited to:

- **The right to life.**[66] The right to life is regarded as one of the most fundamental human rights, the effective protection of which acts as a prerequisite for the enjoyment of all other rights. Because of this, IHRL prohibits arbitrary deprivation of life. In other words, non-arbitrary deprivation of life is permitted (for example, to prevent the escape of a person lawfully detained). While it is not an absolute right, most human rights treaties do not permit states to derogate from the right to life during the time of war or another public emergency. However, some treaties accept that deaths resulting from "lawful acts of war" would not violate the right to life.[67] One of the obligations imposed by IHRL is the prohibition of an arbitrary deprivation of life such as the extrajudicial killing by state agents. The right to life imposes both negative and positive obligations on the states. The latter includes the obligation to investigate when a deprivation of life has taken place and to take all reasonable steps to prosecute and convict the perpetrators. Such investigations must be independent, impartial, prompt, thorough, credible, effective and transparent. International judicial bodies have addressed the issue of enforced disappearance within the scope of the right to life. For example, the ECtHR has found that cases of abduction by unidentified state agents and subsequent disappearance can violate both the substantive and the procedural aspects of the right to life.[68]
- **The freedom from torture, cruel, inhuman, degrading treatment or punishment.**[69] It is a fundamental norm of IHLR, which is both absolute and non-derogable, meaning that it cannot be suspended or justified under any circumstances. International judicial bodies often distinguish torture from the other types of ill-treatment by the level of severity. Torture constitutes an "aggravated form of inhuman treatment" which in itself is classified as a more serious form of abuse than degrading treatment.[70] The ECtHR

63 ECtHR, Ukraine and the Netherlands v. Russia (dec.) [GC] Apps Nos. 8019/16, 43800/14 and 28525/20, 30 November 2022.

64 Para 554, ECtHR, Ukraine and the Netherlands (admissibility).

65 Para 554, ECtHR, Ukraine and the Netherlands (admissibility).

66 See, for example, Article 2 of the ECHR; Article 6 of the ICCPR.

67 See, for example, Article 15 of the ECHR.

68 See, for example, ECtHR, Pitsayeva and Others v. Russia (Applications nos. 53036/08 and 19 others), Judgment of 9 January 2014.

69 For example, Article 7 of the ICCPR; Article 3 of the ECHR (although the ECHR does not include the term cruel such acts usually fall within the ambit of inhuman or degrading treatment). The prohibition is also established in customary international law.

70 Rhona K. M. Smith, International Human Rights Law, 10th ed. (Oxford: OUP, 2021), 322.

has defined torture as a "deliberate inhuman treatment causing very serious and cruel suffering."[71] There is not an exhaustive list of acts that constitute torture, but some examples include severe beatings, electric shock treatment, water suffocation, rape, threats of torture and death, mock executions, prolonged isolation, incommunicado detention and deprivation of communication. The prohibition of torture and other ill-treatment does not only cover physical, but also psychological torture and mental suffering. Such feelings can result from, for example, solitary confinement, witnessing a relative's detention and subsequent disappearance, and other acts. The ECtHR has established in its case-law that the mental suffering, distress, and anguish experienced by a close relative of the victim of enforced disappearance because of their inability to ascertain the fate of their family member and the manner in which their complaints have been dealt with by the authorities was contrary to the prohibition of torture and other inhuman and degrading treatment in the ECHR.[72] It has also found in numerous cases that inadequate conditions of detention (such as overcrowding, unsanitary conditions, lack of medical care) can constitute inhuman and/or degrading treatment.

- **The right to liberty and personal security, including the prohibition of enforced disappearance.**[73] These rights embody the idea of individual freedom, often regarded as existential for democracy. Arrest and detention can entail profound and sometimes irreversible consequences for the individual. While IHRL does not prohibit detention in all cases, it aims to provide protection against arbitrary and unlawful deprivation of liberty. Notably, IHL also includes numerous provisions on arrest and detention, for example, with respect to the internment of POWs and civilians. IHRL imposes both negative (refraining from infringements of the right to liberty) and positive obligations (taking steps to provide protection against the infringements of the right) on states. For the deprivation of liberty to be in accordance with IHRL, the person's detention must be in accordance with the procedure prescribed by law, pursue a legitimate aim and be subject to review on appeal.[74] Furthermore, IHRL imposes strict procedural and substantive requirements governing any deprivation of liberty. These essential guarantees mandate that detained persons be promptly informed of the reasons for their detention, brought before a judicial authority without delay, and either afforded a trial within a reasonable time or released pending trial. Under IHRL, enforced disappearance is considered one of the most egregious forms of the violation of the right to liberty. For example, according to the ECtHR, it constitutes a "particularly grave violation" of the right to liberty and security enshrined in Article 5 of the ECHR.[75] Enforced disappearance can be defined as a secret deprivation of a person's liberty usually by means of abduction or kidnapping the victim by the state's agents followed by the absence of information or a refusal to acknowledge the deprivation of liberty or to provide information about the whereabouts of that person and in this way placing the person outside the protection of the law.[76] Due to the profound impact that enforced disappearances have on the relatives of the missing, family members have

71 At: https://ks.echr.coe.int/documents/d/echr-ks/guide_art_3_eng.

72 See, for example, Pitsayeva and Others v. Russia.

73 For example, Articles 9(1) and 10 of the ICCPR; Article 5 of the ECHR.

74 Smith, 282.

75 Para 478, Pitsayeva and Others v. Russia.

76 See, for example, 2006 International Convention for the Protection of All Persons from Enforced Disappearance.

been recognized by various tribunals as victims of human rights violations in their own right.

- **The right to freedom of expression.**[77] It is considered a necessary condition for a genuine democracy and a touchstone for many other rights. ECtHR considers the freedom of expression to be one of the basic conditions for each individual's self-fulfillment. The right includes both the freedom, without interference or penalty, to speak one's mind and the right to hear other views and to exchange information with others. IHRL protects all forms of expression, which can encompass political speech (especially strong protection), academic expression, artistic expression, expressive conduct and other types of expression. Despite its importance, the freedom of expression is not an absolute right, meaning that states can both derogate from the relevant provisions and can impose limitations on the right. However, in order to comply with IHRL, such limitations must meet several criteria. Namely, they must be lawful, necessary in a democratic society, pursue a legitimate aim (such as reputation of others, protection of national security, public order, public health and morals) and be proportionate to the aim pursued. IHRL does not protect speech, which incites violence or hatred.
- **The right to a fair trial.**[78] It is widely considered as a cornerstone of a state governed by the rule of law and aims to ensure a fair judicial process administered by an independent and impartial judiciary.[79] Due to its fundamental nature, derogations from this right are permitted only in times of public emergency and only when it is strictly necessary. The right is not a single right but encompasses several essential elements such as the right to have one's case decided by an impartial and independent judiciary, the right of access to justice and the right to a public hearing, the principle of equality of arms, the right to a trial within a reasonable time, the right to appeal and others. Central to criminal justice are such principles as nullum crimen sine lege (no crime without law) and nulla poena sine lege (no punishment without law). Under IHRL, the requirements for a fair trial can be broadly categorized into two pillars. Whereas the first one concerns procedural safeguards regarding how trials are conducted (and focuses on the fairness of the process rather than the result), the second imposes structural rules on the organization of domestic courts, specifically requiring a clear separation between the executive and the judiciary to ensure judicial independence. The right to a fair trial is completely negated in cases of enforced disappearance, where individuals are placed outside the protection of the law, and stripped of every procedural and structural safeguards mentioned above.

3.1.3. Relevant norms of ICL

ICL is often described as the "youngest" area of public international law, which developed in the aftermath of the World War II and is closely related, but not identical, to IHL. Unlike IHL, it regulates criminal responsibility of individuals under international law for international crimes committed during both war and peacetime: the crime of aggression, war crimes, crimes against humanity and genocide.[80] Unlike other areas of public international law, international criminal law imposes obligations on individuals, not states. The violation of such obligations results in liability

77 Article 19 of the ICCPR; Article 10 of the ECHR.

78 For example, Article 14 of the ICCPR; Article 6 of the ECHR.

79 Smith, 284.

80 These are known as the "core" international crimes. International criminal responsibility can also arise for other international crimes such as piracy or torture.

under international law of the perpetrator to punishment.[81] Individuals can be held accountable for international crimes in both national and international courts. The main international court where individuals can be tried for violations of international criminal law is the International Criminal Court (ICC), which has its seat in the Hague. However, the ICC's jurisdiction is not universal but depends on state consent to its founding treaty — the Rome Statute.

Specifically, the ICC has only jurisdiction with respect to crimes committed after the Rome Statute came into force and with respect to states that have become parties to the Statute.[82] Pursuant to Article 12(3), the state may also make a declaration to the ICC accepting its jurisdiction in a specific case.[83] Under the Rome Statute, criminal responsibility is not limited to direct perpetrators, but also extends to those who order, solicit, induce, aid, or otherwise contribute to the commission — or attempted commission — of the crimes.[84] Furthermore, it establishes that head of state immunity cannot be invoked as a bar to prosecution before the ICC and provides a legal framework for superior and command responsibility.

The international crimes of relevance for this analytical report are:

- **War crimes.** War crimes can be defined as serious violations of the laws of war (International Humanitarian Law) committed during an armed conflict. Such violations concern both treaty and customary international law and can be perpetrated in both international and internal armed conflicts. The definition of war crimes is provided in Article 50 of the First Gevena Convention, Article 130 of the Third Geneva Convention, Article 147 of the Fourth Geneva Convention, Article 85 of the API, Article 8 of the Rome Statute and other documents. The examples of war crimes include the following acts committed against the persons protected in the relevant Geneva Conventions (for example, POWs, civilians): torture and inhuman treatment, willfully causing great suffering or serious injury to body or health, willfully depriving a protected person of the right to a fair and regular trial, unlawful confinement, unlawful deportation or transfer; intentional attacks against the civilian population or individual civilians not taking direct part in hostilities, and others.
- **Crimes against humanity.** The Nuremberg trials in the aftermath of World War II marked the first instance in international law where individual criminal responsibility for crimes against humanity was formally established and prosecuted. Today, the most comprehensive and internationally recognized definition of crimes against humanity is codified in Article 7 of the Rome Statute of the ICC. Article 7 defines crimes against humanity as various acts (such as murder, extermination, deportation or forcible transfer, imprisonment and other severe deprivation of physical liberty, torture, rape and other forms of sexual violence of comparable gravity, enforced disappearance and other inhumane acts of a similar character) that form part of a widespread or systematic attack directed against any civilian population with knowledge of the attack, irrespective of whether such acts are committed during an armed conflict or in peace time.
- **Genocide.** Genocide, a term coined by Polish lawyer and academic Raphael Lemkin, is defined as certain acts (such as killings, causing serious bodily or mental harm, inflicting life-threatening conditions, imposing measures aimed at preventing births, forcibly transferring

81 Roger O'Keefe, International Criminal Law (2015), 67.

82 The ICC only has jurisdiction if the crime was committed on the territory of a state party or the accused is a national of a state party.

83 This was done by Ukraine before it ratified the Rome Statute. This report, in a separate section entitled 'The Impact of the Ratification of the Rome Statute on the Regulation of Liability for War Crimes at the National Level', sets out comments and considerations regarding Ukraine's recognition of the jurisdiction of the Rome Statute

84 Article 259(3) of the Rome Statute.

children of one group to another) committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.[85] Genocide is a crime of "specific intent", namely, that the accused has the intention to achieve a specific result rather than merely to act.

Consequently, several acts detailed in this analytical report concerning the treatment of missing Ukrainians can trigger both State responsibility and individual criminal liability under international law. Similarly, practices such as torture and enforced disappearance constitute violations across multiple legal regimes such as IHL, IHRL, and ICL. Lastly, the violations of the rights of missing Ukrainians do not only entail responsibility but also entitle the victims to have remedies and to receive reparation for any harm caused.[86]

3.2. HOLDING THE RUSSIAN PERPETRATORS ACCOUNTABLE: THE CASE OF SWEDEN

Individuals responsible for international crimes should primarily be held accountable in countries where such crimes were committed. For various reasons this might not always be feasible.[87] While the jurisdiction of international (criminal) courts such as the ICC depends on state consent,[88] another limitation is that such courts tend to focus on high-level perpetrators and constitute a measure of last resort. The third option is to prosecute perpetrators of international crimes in domestic courts of foreign countries under the principle of universal jurisdiction, which means that a state can (and sometimes must) prosecute individuals in its courts for certain crimes committed outside its territorial jurisdiction and without having any connection to it. Several Western European countries, including Sweden, have implemented the principle of universal jurisdiction into their national legal systems.

Sweden has criminalized war crimes as early as 1948 and has provided for the possibility to prosecute such crimes on the basis of universal jurisdiction since 1954.[89] Several legal acts are relevant for prosecuting international crimes on the basis of universal jurisdiction in Sweden today. First, Chapter 2 Section 3(6) of the Swedish Criminal Code (Brottsbalken) provides the legal basis for asserting universal jurisdiction over such international crimes as war crimes, genocide and crimes against humanity. Second, a special law from 2014 regulates individual criminal responsibility for genocide, crimes against humanity, war crimes and the crime of aggression.[90] Swedish legal scholar and expert Mark Klamberg notes that today Sweden is one of the Western European countries where the principle of universal jurisdiction has been applied the most and, as of 2025, the Swedish courts have adjudicated 18 cases involving individual criminal responsibility

85 1948 Convention on the Prevention and Punishment of the Crime of Genocide; 1998 Rome Statute of the ICC.

86 Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law adopted by UN GA Resolution 60/147 on 16 December 2005.

87 For example, a country's legal system might not be able to handle a large number of cases, the courts might not be sufficiently independent to handle sensitive cases etc.

88 Russia signed the Rome Statute in 2000 but announced the withdrawal of its signature in 2016.

89 Mark Klamberg, "Sweden," in Universal Jurisdiction over Core International Crimes, ed. Lachezar Yanev and Harmen van der Wilt (Cheltenham: Edward Elgar Publishing, 2025), 483.

90 Act on Criminal Responsibility for Certain International Crimes (2014:406). Before 2014, the Swedish Criminal Code referred to war crimes as "crimes against international law". This legislation, however, is not relevant for the present report, which mainly deals with acts, which took place after 2014.

for core international crimes.[91] Several Swedish state agencies such as the police, prosecutors and courts are involved in the investigation and prosecution of international crimes.[92]

According to the existing legal framework, anyone can submit information about international crimes committed outside Sweden to a special "War Crimes Investigative Group" (Gruppen för utredning av krigsbrott) within the Swedish Police.[93] Since 2022, in order for such crimes to be prosecuted in Sweden, an authorization of the Prosecutor General or, in some cases, that of the government is needed.[94] The law stipulates that when deciding whether to authorize the prosecution, the Prosecutor General gives particular consideration to: 1) whether the prosecution in Sweden is compatible with Sweden's obligations under international law 2) the extent to which the alleged offence or the defendant have links to Sweden 3) whether legal proceedings have been or will be initiated in another country or before an international court 4) what actual possibilities there are to investigate the crime and to bring the legal proceedings against the suspect in Sweden.[95] The question about the jurisdictional link to Sweden has been raised before the Swedish courts. Their case-law suggests that the inherent nature of the offence or the mere presence of witnesses may provide a sufficient legal basis.[96]

If the decision to authorize the prosecution could be of particular importance for Sweden's foreign and security policy, the Prosecutor General is required to refer the question to the government.[97] Sweden rarely holds trials in absentia, as the presence of the accused is a fundamental requirement for a criminal trial to proceed in most cases. According to Mark Klamberg, the conditions for prosecuting international crimes under the principle of universal jurisdiction in Sweden are quite favourable.[98]

In April 2022, the Swedish Prosecution Authority announced that it has opened a "structural preliminary investigation" into suspected war crimes committed in Ukraine.[99] The aim of this investigation, which does not require that the suspected persons are present in Sweden,[100] is to secure evidence for future prosecutions in Sweden, in other countries, or before the ICC.[101]

3.3. CRIMINAL LIABILITY AT THE NATIONAL LEVEL FOR CRIMES RELATED TO ARMED CONFLICT AND FOR INTERNATIONAL CRIMES

The Criminal Code of Ukraine includes a specific section dedicated to crimes against peace, humanity, and the international legal order (Section XX). Most of these provisions were established when the Code was adopted in 2001. After Ukraine ratified the Rome Statute of the International

91 Concerning such countries as former Yugoslavia, Rwanda, Syria, Iraq, Iran, Sudan and Afghanistan. Klamberg, "Sweden."

92 For more information about how international crimes are handled in Sweden, see, Mark Klamberg, "Trials in Sweden, Participants in the Proceedings and other Actors," Scandinavian Studies in Law 66 (2020): 27-39.

93 At: https://polisen.se/utsatt-for-brott/polisanmalan/sakerhet-och-ordning-i-samhallet/krigsbrott/.

94 Until 2022, this was decided by the government in cases where the defended was not a Swedish citizen.

95 Chapter 2, Section 8(1).

96 See, for example, Klamberg, "Sweden." See, also, https://www.aklagare.se/jobba-hos-oss/mot-vara-anstallda/henrik-attorps-och-pontus-bergsten/.

97 Chapter 2, Section 8(2).

98 Klamberg, "Sweden."

99 At: https://www.aklagare.se/for-media/pressmeddelanden/2022/april/svensk-forundersokning-inledd-om-misstankta-krigsbrott-i-ukraina/.

100 However, for the actual trial to commence, the presence of the accused in Sweden is necessary.

101 At: https://www.aklagare.se/for-media/pressmeddelanden/2022/april/svensk-forundersokning-inledd-om-misstankta-krigsbrott-i-ukraina/.

Criminal Court in 2024, the national legislation was further aligned with modern international criminal law standards.

This section covers the following crimes:

- Planning, preparing, and waging a war of aggression;
- Crimes against humanity, introduced in 2024 (Art. 442-1 of the Criminal Code of Ukraine);
- War crimes (Article 438 of the Criminal Code of Ukraine);
- Genocide;
- Ecocide;
- Use of weapons of mass destruction;
- Crimes against persons and institutions under international protection;
- Unlawful use of the symbols of the Red Cross, Red Crescent, and Red Crystal;
- Propaganda for war.

The perpetrators of these crimes might be Ukrainian citizens, foreigners, or stateless people. Ukrainian law allows the use of the principle of universal jurisdiction for international crimes, enabling the prosecution of individuals regardless of their nationality or where the crime was committed, especially in cases involving the most serious international offenses.

Following Russia's full-scale invasion of Ukraine and the expansion of occupation in 2022, new articles were added to the Criminal Code aimed at holding Ukrainian citizens accountable for collaborating with the aggressor state. These include:

- collaborationism;
- assistance to the aggressor state.

However, their application has sparked debate within the human rights community, especially about the risk of law enforcement agencies taking a disproportionate or overly formalistic approach.[102]

Separately, the Criminal Code includes provisions that ban the production and dissemination of communist and Nazi symbols and propaganda of totalitarian regimes, which have been in place since 2014.

The Code also covers war crimes (Articles 401–435), specifically targeting Ukrainian military personnel — such as for looting, violence against civilians, or cruel treatment of prisoners of war.

Between 2014 and 2022, many crimes related to the armed conflict in Eastern Ukraine were classified under general provisions of the Criminal Code, such as murder, rape, or torture. Over time, this approach has shifted: now, most crimes committed during armed conflict are categorized under special provisions on war crimes, particularly the article on violations of the laws and customs of war.

Regarding the report's main focus, it is important to highlight that the Criminal Code of Ukraine also includes articles like "Abduction" and "Enforced Disappearance." The specifics of how these apply to cases of missing persons in the context of Russia's aggression against Ukraine will be explained below.

Pre-trial investigation of crimes in Ukraine

Ukraine has encountered an unprecedented number of war crimes, particularly disappearances, on a scale never seen in any other legal system worldwide. Thousands of criminal cases are being opened simultaneously while the active phase of the armed conflict continues. At the same time, investigating disappearances remains one of the most complicated types of proceedings, even during peacetime, and especially in wartime.

[102] Mykola Komarovsky, Iryna Skachko. A cleaner, a cook, a gunnery spotter — who is being tried for collaboration with the enemy? // https://khpg.org/1608814356

Most disappearances occur in occupied territories or active combat zones, which makes gathering evidence, accessing crime scenes, identifying witnesses, and conducting investigations much more difficult. Often, it's physically impossible to inspect places where someone was detained or potential burial sites. Much of the information remains under the control of the aggressor state.

Although under Article 216 of the Criminal Procedure Code of Ukraine, the pre-trial investigation of most crimes related to armed conflict — including war crimes — falls under the jurisdiction of the Security Service of Ukraine, in practice, about one-third of these cases are investigated by the National Police. This situation is explained by both the high number of cases and the need for quick on-site responses.[103]

Law enforcement agencies have specialized units for investigating crimes committed during armed conflicts. However, staffing issues remain a significant concern: a lack of personnel, limited practical experience in investigating war crimes (less than 3 years), and insufficient logistical support and personal protective equipment, which are crucial when conducting investigative work in war crime cases. Since Russia's aggression against Ukraine began, the Kharkiv Human Rights Group has consistently supported investigative authorities in various ways.

3.4. WAR CRIMES (ARTICLE 438 OF THE CRIMINAL CODE OF UKRAINE)

The criminalization of war crimes in Ukraine has a long history. Since Ukraine's Criminal Code was enacted in 2001, it has included Article 438, titled "Violation of the Laws and Customs of War." This article details liability for acts such as the brutal treatment of prisoners of war or civilians, deportation of civilians for forced labor, pillaging of objects of national value in occupied territories, using means of warfare prohibited by international law, and other violations of war laws and customs established by international treaties ratified by the Verkhovna Rada of Ukraine. As seen, the article does not provide an exhaustive list of war crimes. We believe this is because, first, the total number of such crimes is too large, and second, many international legal instruments address different types of war crimes. Ukraine has ratified numerous international treaties, including the Rome Statute of the ICC. Therefore, listing all potential war crimes is unnecessary, as ratified international documents, under Article 9 of Ukraine's Constitution, are part of Ukraine's national legislation. Since these documents include lists of war crimes, repeating them here is redundant.

In the opinion of the judges of the Supreme Court of Ukraine, the absence in Article 438 of the Criminal Code of Ukraine of an exhaustive list of war crimes and a clear definition of their indicia, does not generally violate the provisions of Article 7 of the European Convention on Human Rights. National courts may determine the indicia of specific war crimes, considering how they are understood under current international law. Courts must not only refer to the provisions of international treaties ratified by Ukraine that were violated but also specify the nature of the violation of the laws and customs of war, including indicating the subjective aspect of the act.

When classifying certain acts as war crimes, it is necessary to demonstrate that they constitute a "serious" violation of the laws and customs of war and are therefore considered crimes under international law. The Rome Statute of the International Criminal Court can serve as a model of broad international consensus regarding the understanding, list, and characteristics of war crimes

[103] Investigation of Russian war crimes in Ukraine. Highlights from the presentation of the study and discussion https://www.helsinki.org.ua/articles/rozsliduvannia-voiennykh-zlochyniv-rf-v-ukraini-holovne-z-prezentatsii-doslidzhennia-ta-obhovorennia/

in judicial practice. When classifying acts under Article 438 of the Criminal Code of Ukraine, one should directly refer to international treaties ratified by the Verkhovna Rada of Ukraine, as evident from the content of the aforementioned article of the criminal law.[104]

Russia's war against Ukraine that began in 2014 didn't change the situation. The acts mentioned earlier are still considered criminal offenses. However, it should be noted that the number of criminal cases under Article 438 of the Criminal Code of Ukraine has been relatively low. However, there is no publicly available data on these proceedings; information from the Unified Register of Court Decisions suggests that such cases are few. Some sources report a total of 437 cases.[105] By early 2022, verdicts had been issued in only three criminal cases, with just one involving a detained defendant; the other two were tried in absentia. All of these cases involved lower-level offenders — members of the illegal armed groups of the self-declared "LPR" and "DPR".[106]

The situation changed dramatically with the onset of full-scale war in February 2022. The number of incidents involving war crimes has grown significantly and continues to increase to this day.

As of September 1, 2025, Ukraine has recorded 179,803 offenses categorized under Article 438 of the Criminal Code of Ukraine (war crimes). This is outlined in the report "Monitoring of Court Proceedings and Analysis of Court Decisions in Cases of War Crimes (under Article 438 of the Criminal Code of Ukraine)," produced by the All-Ukrainian Public Organization "Ukrainian Bar Association" in collaboration with the EU Project "Pravo-Justice," the Human Rights Institute of the Ukrainian Bar Association, and the International Bar Association.[107]

Five months later, their number had increased by nearly twenty thousand. According to data from the National Police of Ukraine, as of January 30, 2026, police investigators had opened 195,268 criminal cases for crimes committed on Ukrainian territory by service members of the RF Armed Forces and their accomplices.

Of these:

- 178,285 — under Article 438 of the Criminal Code of Ukraine (War Crimes)
- 9,385 — under Article 110 of the Criminal Code of Ukraine (Encroachment on the territorial integrity and inviolability of Ukraine)
- 4,658 — under Article 111-1 of the Criminal Code of Ukraine (Collaborationism)
- 429 — under Article 111 of the Criminal Code of Ukraine (High Treason) and others.[108]

Impact of the ratification of the Rome Statute on the regulation of liability for war crimes at the national level

On August 21, 2024, Ukraine ratified the Rome Statute of the ICC. This event was preceded by widespread discussions about its significance and the implications of this move for national criminal law, criminal investigations, the likelihood of holding perpetrators accountable, and the liability of Ukrainian military personnel who commit war crimes.

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104 War Crimes Through the Lens of National and International Criminal Law: https://yur-gazeta.com/publications/practice/kriminalne-pravo-ta-proces/voenni-zlochini-kriz-prizmu-nacionalnogo-ta-mizhnarodnogo-kriminalnogo-prava.html

105 Assessment of the Needs of Ukraine's Legal System: Ensuring Quality Justice for Victims and Survivors of War https://ulag.org.ua/uk/reports-and-materials/needs-assessment-ukraines-justice-system/

106 Ibid.

107 Report on the Results of the Implementation of Phase 3 of the Project on Monitoring Court Proceedings and Analyzing Court Decisions in Cases of War Crimes (under Article 438 of the Criminal Code of Ukraine): https://www.pravojustice.eu/storage/app/uploads/public/68d/3f7/b01/68d3f7b01dd2c863222971.pdf

108 Crimes committed by Russian military personnel during the full-scale invasion of Ukraine (as of January 30, 2026) https://npu.gov.ua/news/zlochyny-vchyneni-viiskovymy-rf-pid-chas-povnomasshtabnoho-vtorhnennia-v-ukrainu-stanom-na-30012026

Although Ukraine, in two statements in 2014 and 2015 concerning the events of the "Revolution of Dignity" and the crimes against humanity and war crimes committed on Ukrainian territory, acknowledged the ICC's jurisdiction over events related to the Russian-Ukrainian war, most criminal law experts agreed that ratifying the Rome Statute was necessary.

Ratification resulted in the adoption of a series of legislative acts to incorporate the Rome Statute into Ukrainian law.

In particular, Law of Ukraine No. 4012-IX of October 9, 2024, amended the law by renaming Article 438 to "War Crimes." On June 17, 2025, the text of this article was revised. The legislature now defines the following as war crimes: cruel treatment of prisoners of war or civilians, deportation of civilians for forced labor, pillaging of objects of national value in occupied territories, use of means of warfare prohibited by international law, unlawful transfer or deportation of a child, unjustified delay in repatriating a child, recruitment or use of a child in armed conflict or military operations, other violations of the laws and customs of war specified by international treaties, which have been approved by the Verkhovna Rada of Ukraine, as well as issuing orders to commit such acts.

It is important to note that the Ukrainian legislature has somewhat expanded the list of war crimes compared to the one in the Rome Statute of the ICC, including acts such as the unlawful transfer or deportation of a child, unjustified delays in repatriating a child, and the recruitment or use of a child in armed conflict or military operations.

We believe this was not done by chance, as Russia continues its policy of transporting Ukrainian children to remote regions of the Russian Federation to assimilate them, making efforts to instill a Russian identity in the children.

Furthermore, in our view, the difference between the Ukrainian definition of "war crimes" and the definition in the Rome Statute is that Ukrainian law considers not only "gross" violations of the laws and customs of war to be war crimes but also any other violations. This conclusion can be drawn because, first, Article 438 of the Criminal Code of Ukraine does not mention "gross" violations, and second, because such war crime indicia as unjustified delay in repatriating a child do not indicate that such a violation is "gross." Clearly, the Ukrainian legislature sets stricter standards for holding war criminals accountable.

This is likely to lead to future disputes and debates because the approach that only considers acts as war crimes when they are classified as "gross" or "serious"[109] violations of the laws and customs of war is widely accepted.[110]

Therefore, when categorizing certain acts under the Rome Statute, it must be demonstrated that they are "gross" or "serious" violations of the laws and customs of war and are crimes under international law. In some cases, the relevant international treaty's text specifies which violations are considered "serious," while in others, such definitions are missing, requiring interpretation to determine what constitutes a "serious violation."[111]

Such disagreements will probably be resolved on a case-by-case basis, and it is likely that national law enforcement agencies will be stricter about classification issues than the prosecution in ICC proceedings.

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[109] These concepts are not synonymous in the context of war crimes

[110] See: Gnativsky, M., Korotky, T. Definition of War Crimes in International Criminal Law: https://yur-gazeta.com/publications/practice/kriminalne-pravo-ta-proces/viznachennya-voennih-zlochiniv-u-mizhnarodnomu-kriminalnomu-pravi.html

Repetsky, V.M. The Concept and Characteristics of War Crimes / V.M. Repetsky, V.M. Lysyk. Almanac of International Law. 2009. Issue 1. P. 123.

[111] Assessment of the Needs of Ukraine's Legal System: Ensuring Quality Justice for Victims and Survivors of War https://ulag.org.ua/uk/reports-and-materials/needs-assessment-ukraines-justice-system/

Challenges in implementing the Rome Statute

The Rome Statute has been ratified, but Ukraine still needs to incorporate its provisions into national law. There are discrepancies between Ukraine's criminal and criminal procedural laws and the Statute, and these differences are sometimes significant. Specifically, the definitions of war crimes (Art. 438 of the Criminal Code of Ukraine), the crime of genocide (Art. 442 of the Criminal Code of Ukraine), and crimes against humanity (Art. 442-1 of the Criminal Code of Ukraine) vary. They are notably broader than the provisions of the Statute.

By the way, Ukrainian lawmakers have tried to avoid making major changes to the provisions of these articles of the Criminal Code, partly because Ukrainian law enforcement agencies have started more than 178,000 criminal cases where the initial classification was based on these articles.

The definition of the crime of aggression (Article 437 of the Criminal Code of Ukraine) is completely new to Ukrainian criminal law. Since there is currently no established practice for handling such acts, it is hard to predict the challenges Ukrainian law enforcement agencies will face ahead.

A challenging classification issue, which somewhat conflicts with the existing doctrine of Ukrainian criminal law, concerns the liability of persons who give orders to commit certain acts. Under Ukrainian law, they may be regarded as accomplices to criminal acts, following the principle of individual liability. At the same time, committing crimes within the jurisdiction of the ICC results in liability not only for the direct perpetrators but also for those who issue orders, as well as for those who, through tacit consent, instigate and encourage them.

In addition, national legislation includes procedural differences regarding the conduct of investigative actions and the regulation of the procedural roles of individual participants in the proceedings.

The legal regulation and subsequent implementation of the principle of universal jurisdiction are complex and new to the national legal system. Law enforcement officials will face many challenges in applying legal provisions concerning the temporal and spatial scope of criminal law.

Specific features of the war crimes

War crimes, as a specific category of offenses under international criminal law, have structural features that differ from those of national criminal law.

The component elements of war crimes include: subjects (perpetrators and accomplices of specific acts), objective elements (act, consequence, causal link), subjective elements (intent), and a contextual element (the existence of armed conflict and the connection of the committed act to that conflict).[112]

Elements of a war crime:

The perpetrators of these crimes may be either civilians or combatants.

Objective element (actus reus): This refers to the act (an action or omission that constitutes a crime) as well as its consequences. The act violates the norms of international humanitarian law and results in consequences that are connected by a necessary causal relationship.

Subjective element (mens rea): The person committing the crime intended to commit it, understood the consequences that the act would entail, and, with regard to the consequence, either intended to cause it or was aware that it would occur under normal circumstances.

The object of a war crime is the rules governing the conduct of war and the treatment of persons, which are defined and protected by international law. To be more specific, the object of the offense consists of persons (their rights or property) or objects protected by IHL.

[112] Standards for the Investigation of War Crimes. General Part: https://justgroup.com.ua/wp-content/uploads/2023/05/standart-rozsliduvannya_zagalna-chastyna.pdf

One of the central elements of war crimes is contextual. Such an element of the crime is not typical of the national model of crime components. In the context of war crimes, it is mandatory and qualifying. This element indicates the existence of an armed conflict. The person's actions must be related to this conflict, and the person must have been aware of the factual circumstances indicating its existence.

In fact, there must be three components that, together, form the contextual element:

- the existence of an armed conflict (whether international or non-international in nature);
- the commission of the act in connection with and within the context of the armed conflict;
- the perpetrator's awareness of the armed conflict's existence.[113]

Not all of the listed elements are part of the "classical" structure of the elements of a crime used by Ukrainian law enforcement agencies. At the same time, the elements of war crimes are thoroughly described in the document "Elements of Crimes" (an integral part of Article 9 of the Rome Statute of the International Criminal Court).[114]

Challenges in classifying war crimes at the national level

Alongside issues of legal regulation and aligning Ukraine's national laws with international standards, the current question is how to classify actions taken by Russians that have indicia of war crimes.

These issues involve conflicting criminal law provisions. The addition of a war crimes category to Ukraine's criminal law has often caused law enforcement officials to doubt how to classify certain crimes. Frequently, crimes are categorized under the general criminal provisions of the Criminal Code of Ukraine, such as intentional murder (Art. 115), unlawful deprivation of liberty (Art. 146), terrorist acts (Art. 258), and others.

Since an armed conflict is currently ongoing — one that has been recognized even at the UN level — these crimes should be classified as war crimes. Such crimes are distinguished by their contextual element: the crimes outlined in Article 438 of the Criminal Code of Ukraine are committed only within the scope of and in connection with an armed conflict, whether international or non-international, and usually against persons or objects protected under IHL.[115]

From a criminal liability perspective, this is also significant because a different statute of limitations applies to war crimes. War crimes pose a greater public danger; they are carried out with different motives and mental states, and the psychological conditions of both the perpetrator and the victim vary. Ultimately, misclassification distorts criminal statistics, misrepresents the true situation, and skews the understanding of behavioral patterns within the occupying forces.

Accurate classification is essential for restoring justice and holding responsible parties accountable.

It is also fair to acknowledge that the situation has improved. In most cases, Ukrainian law enforcement agencies now consider the contextual element and classify crimes committed by Russian military personnel and others affiliated with Russia under Article 438 of the Criminal Code of Ukraine.

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113 Standards for the Investigation of War Crimes. General Part: https://justgroup.com.ua/wp-content/uploads/2023/05/standart-rozsliduvannya_zagalna-chastyna.pdf

114 Elements of Crimes https://zakon.rada.gov.ua/laws/show/9a7_001-02#Text

115 Standards for the Investigation of War Crimes. General Part: https://justgroup.com.ua/wp-content/uploads/2023/05/standart-rozsliduvannya_zagalna-chastyna.pdf

3.5. CRIMES AGAINST HUMANITY, GENOCIDE

Article 442-1, "Crimes against humanity," was added to the Criminal Code of Ukraine only at the end of 2024. Before that, Ukrainian criminal law did not have a specific provision clearly defining liability for crimes against humanity, even though such crimes have long been outlined in international criminal law, especially in the Rome Statute of the International Criminal Court. As a result, during the early years of Russian aggression, most acts that could be considered crimes against humanity were prosecuted under other sections of the Criminal Code, mainly Article 438 (violation of the laws and customs of war) or under general criminal statutes like kidnapping or intentional homicide.

The introduction of Article 442-1 resulted from a long-standing debate about aligning Ukrainian criminal law with international standards. The new article largely mirrors the list of acts defined in Article 7 of the Rome Statute, including persecution, deportation, forcible transfer of population, sexual violence, slavery, unlawful deprivation of liberty, torture, enforced disappearance, and other inhumane acts. As with the Rome Statute, a key element of the crime is that these acts must be part of a widespread or systematic attack against civilians. However, questions remain about how Ukrainian courts will interpret and apply these provisions in practice. Since Article 442-1 was only added to Ukraine's Criminal Code in 2024, there is no established judicial practice yet. It remains unclear whether Ukrainian courts will primarily rely on national criminal law definitions when examining crimes against humanity or refer to international standards, such as the Rome Statute and the practices of the International Criminal Court. This issue is crucial for ensuring consistency between national enforcement and international criminal law, but a definitive answer has yet to emerge.

It is worth noting that the KHPG has been documenting such crimes since the early years of Russian aggression, using the approach of international criminal law. In their work, KHPG lawyers relied on the classification outlined in the Rome Statute. They recorded cases of enforced disappearances, torture, unlawful deprivation of liberty, and persecution of civilians as potential crimes against humanity. The relevant materials and submissions were sent to the Office of the Prosecutor of the International Criminal Court long before a similar provision was incorporated into Ukrainian criminal law. Therefore, the documentation of these crimes related to Russian aggression effectively took place within the framework of international criminal law even before the formal inclusion of the relevant provision in the Criminal Code of Ukraine.

The findings of the UN Independent International Commission of Inquiry on Ukraine also confirm the systematic nature of these crimes. In its reports, the Commission concluded that Russian authorities carried out widespread and systematic enforced disappearances, which may constitute crimes against humanity. Importantly, the Commission established that the victims of such practices included not only civilians but also Ukrainian prisoners of war. This indicates a broader pattern of unlawful detentions, concealment of information about individuals' whereabouts, and the use of torture in detention facilities.[116]

The introduction of Article 442-1 creates new opportunities for the national prosecution of such crimes. From now on, Ukrainian pre-trial investigation authorities may classify mass enforced disappearances, torture, unlawful deprivation of liberty, or persecution of civilians not only as individual war crimes but also as crimes against humanity if their widespread or systematic nature is proven. This opens the possibility of holding accountable not only the direct perpetra-

[116] Ukraine: Enforced disappearances committed by Russian authorities amount to crimes against humanity, says UN Commission of Inquiry https://www.ohchr.org/en/press-releases/2025/03/ukraine-enforced-disappearances-committed-russian-authorities-amount-crimes

tors but also those who organized or coordinated the relevant policies, including representatives of the military and political leadership of the Russian Federation.

At the same time, it should be noted that Article 442-1 only came into effect at the end of 2024, and therefore, there is not yet an established practice of its application by Ukrainian courts. This means that the development of judicial practice and approaches to proving the systematic nature of such crimes are still in progress. Nevertheless, the introduction of this provision is important, as it fills a previous gap in Ukrainian criminal law and allows for the legal classification of mass enforced disappearances as crimes against humanity. Under international law, such crimes are not subject to statutes of limitations and are prosecuted against individuals who participated in their organization, planning, or execution.

It is also important to note that enforced disappearances could be classified as genocide (Article 442 of the Criminal Code) if they are carried out with the intent to destroy a specific national or other group. So far, Ukrainian authorities have not filed direct charges of genocide regarding the disappearances. However, such a possibility exists in theory — for example, by analyzing the disappearance of individuals based on their nationality. Classifying enforced disappearances and torture as genocide is legally complex because it requires proving a specific intent to destroy Ukrainians as a national group, either in whole or in part. The scale and systematic nature of these crimes alone are not enough — it must be proven that these actions were specifically aimed at eliminating the group itself.

At the same time, Ukrainian authorities and the legal community see enforced disappearances, torture, deportations, the destruction of cultural identity, and other serious violations as part of a broader policy that may suggest genocidal intent. Therefore, alongside investigating war crimes and crimes against humanity, evidence that could confirm such intent is being systematically gathered.

4. PROTECTION OF VICTIMS' RIGHTS

From the very beginning of the full-scale invasion, the KHPG began efforts to document war crimes committed by Russian military personnel and other individuals associated with the Russian Federation.

The scale, severity, and brutality shown by the Russians were and continue to be staggering, requiring expanded support and assistance for victims. The KHPG focused mainly on those who experienced physical violence, were subjected to torture, or whose family members or loved ones had been killed or went missing.

Assistance to crime victims extended beyond legal support. The situation demanded broadening the scope of help. This includes humanitarian aid, counseling, psychological support, accompaniment during medical treatments, and help with relocating and evacuating people. To handle requests for other types of assistance, the KHPG created a referral network to guide victims and those affected by crimes to other organizations that offer assistance which the KHPG could not provide on its own.

Regarding the number of victims of war crimes and other offenses committed by the Russian Federation during its full-scale invasion, it is currently very difficult to determine an exact number, including by gender. There may indeed be more men among those killed and tortured, as they are seen as potential participants in armed resistance, but this does not mean that the number of female victims is smaller. Women are not only victims of murder, torture, and rape; they also suffer from losing a breadwinner, the destruction of their families, being left without husbands, support, property (homes), and means of subsistence. They also face the need to seek shelter, rebuild their lives, and find sources of income. It is women who bear the brunt of the consequences of enforced disappearances because they lack reliable information about their missing husband, son, or other relative. It is they who must put in the effort to search for the missing person.

Therefore, it can be confidently stated that there are no significant gender-based differences among victims of war crimes. Both men and women are deeply affected and suffer as victims of these crimes.

This is especially true when considering that all citizens of a country that has been subjected to an aggressive attack by another nation are recognized as victims of the crime of aggression. In our case, this includes every Ukrainian citizen.

Regarding children, the situation is just as serious, and reliable statistics are difficult to obtain. This is because children are also victims of various crimes and often serve as "indirect" victims. Their suffering results from losing parents and homes, the need to relocate, and the difficulty of adjusting to new circumstances, among other factors. At the same time, children are the main targets of forcible displacement (deportation) crimes. This crime can be considered both a war crime and an act of genocide, depending on the intentions of the occupiers and the Russian Federation authorities.

Keeping track of forcibly deported children is very challenging because families and children often find themselves in different situations, and such deportations lack clear defining features. Sometimes, relocation was the only way to survive; sometimes, people moved to Russia voluntarily; in some cases, they intended to leave the Russian Federation but were later unable to do so, and so on.

The "Children of War" portal contains the following data on children:

- 679 — killed (according to the Office of the Prosecutor General)
- 2,348 — wounded (according to the Office of the Prosecutor General)

- 2,285 — missing (according to the National Police of Ukraine)
- 50,147 — found (according to the National Police of Ukraine)
- 20,000 — deported (according to the Bring Kids Back UA initiative)
- 744,000 — deported (according to data from open sources in the Russian Federation)
- 1,980 — returned (according to the Bring Kids Back UA initiative)
- 23 — victims of sexual violence (according to the Office of the Prosecutor General).[117]

We believe that the figures given do not accurately represent the true situation.

4.1. PROTECTION OF THE RIGHTS OF MISSING PERSONS AND THEIR RELATIVES

General remarks

One of the main areas of the KHPG's advocacy is providing legal assistance to the families of missing persons. This type of support is highly sought after and involves very sensitive and painful issues. After all, the victims in these cases are not only the missing persons themselves (who, if held by Russian authorities, often become victims of other crimes — torture, sexual violence, illegal detention, and more), but also their relatives, who suffer deeply due to their inability to get accurate information about the fate and location of their loved ones. They cannot communicate with them, are in a state of despair and helplessness, and are powerless to change the situation.

Due to the war in Ukraine, a critical situation has emerged regarding missing persons. Currently, over 90,000 people are considered missing.[118] This total includes both military personnel and civilians, as well as those who have died, though there is no confirmation of their deaths yet because the areas where these incidents occurred are in a combat zone or are occupied.

In Ukraine, a Registry of Persons Missing Under Special Circumstances has been established and is currently operational. This Registry is an electronic database designed to store, protect, process, use, and disseminate information about persons missing under special circumstances, their unidentified remains, the presence or absence of a court decision recognizing missing persons as missing without a trace or declaring them deceased, as well as other data used to ensure the accounting of missing persons for the purpose of their search.[119]

Maintaining this Registry involves certain challenges due to the nature of the information it contains. Specifically, it records both military personnel who went missing during combat missions or for whom there is no confirmation of death or injury, as well as civilians with whom contact was lost under special circumstances. These may include individuals who went missing during shelling or the occupation of populated areas, as well as those who became victims of abductions or arbitrary detentions.

To some extent, these complexities relate to the meaning of the term "person missing under special circumstances," which is a key concept in all activities related to registering and searching for missing persons.

Generally, a person who has disappeared under special circumstances is someone missing due to armed conflict, military operations, temporary occupation of part of Ukraine's territory, or

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117 https://childrenofwar.gov.ua/

118 Currently, there are over 90,000 entries in the Unified Register of Missing Persons: the search continues: https://rubryka.com/2025/12/11/ponad-80-tysyach-zapysiv/

119 https://zakon.rada.gov.ua/laws/show/2505-19#Text

natural or artificial emergencies. It is clear that this group includes a large number of individuals listed as missing.[120]

Besides the Registry, Ukraine has created the Commissioner for Persons Missing under Special Circumstances. This official from the central executive branch is responsible for implementing national policies on adhering to international humanitarian law across Ukraine, and is authorized to oversee searches for individuals missing under special circumstances and handle related issues.

Documentation of missing persons carried out by the KHPG

The KHPG maintains a separate database that documents incidents of alleged crimes committed by Russian troops and other individuals associated with the Russian Federation. This database also includes information gathered by our organization from reliable sources (described below) concerning the disappearances of both civilians and military personnel. The total number of disappearance cases recorded by KHPG in its database is 8,558, with 521 involving civilians and the remainder involving military personnel.

The database contains personal information about the missing persons, details about the circumstances of their disappearance, information about their relatives, specifics of search efforts carried out by relatives and KHPG lawyers, and updates on the existence and progress of criminal cases related to the search for the missing. Copies of documents related to the search efforts have been included in the relevant entries.

Access to the database is strictly restricted; personal data can only be viewed by KHPG lawyers using the relevant search materials.

The KHPG has been assisting the relatives and loved ones of the missing since the beginning of the war. Requests for help are gathered through various channels, always in accordance with the principles of legality, voluntariness, informed consent, and confidentiality.

Requests for assistance are mainly received through personal contact with the relatives of the missing. This takes place at open, permanently staffed reception offices or during field visits carried out by KHPG staff. In the latter case, a team consisting of lawyers, psychologists, and documentarians travels to settlements affected by enemy invasion and located as close as possible to the combat zones. Teams of specialists also visit areas where internally displaced persons live, many of whom are victims of crimes committed by Russians and their supporters. In these locations, initiative groups hold in-person consultations with victims and those affected, gathering requests for assistance and the necessary information to provide support.

In addition to these sources, information is gathered through online portals and a hotline. All channels for receiving requests and information operate in accordance with a trauma-informed approach and require mandatory consent for processing and using the personal data of victims, their loved ones, and relatives.

Open sources remain one of the sources of information regarding disappearances and other crimes. We collect only highly reliable, evidentiary information that can be used to hold perpetrators accountable. Data from open sources is used to verify alleged crimes and build a complete picture of criminal behavior, thereby aiding in establishing the contextual elements of international crimes.

Target groups in documenting enforced disappearances

We face significant challenges in gathering information about missing persons. These difficulties arise from resource and technical limitations, as well as the characteristics of the target group of people considered missing.

[120] Ibid.

We have already noted that everyone who has disappeared under special circumstances is included in the records.

However, a major issue is the disappearance of *civilians*. This problem is significant not only because people vanish and their loved ones receive no information about their whereabouts, but also because civilians are non-combatants who are entitled to special protection, as outlined in the 1949 Geneva Conventions. These conventions specify that civilians must not be involved in armed conflict, subjected to persecution, or detained or imprisoned. Additionally, other criminal or violent acts related to armed conflict that target civilians are also forbidden.

The information in the KHPG database records 521 cases of enforced disappearances of civilians. KHPG lawyers help their relatives in the search, but we are certain that this number is much higher.

As previously noted, there are many situations where civilians disappear amid Russia's armed aggression against Ukraine. However, most cases involve disappearances primarily in the territories of Ukraine occupied by Russia. Since the war began in 2014, Russia's policy in these occupied areas has involved intimidating local residents, detaining or abducting Ukrainians perceived as disloyal to Russia by the occupiers, and confining them in detention facilities — both official and unofficial — that are entirely unsuitable for holding people. The KHPG has been monitoring detentions and disappearances. In 2019, it submitted a report to the Office of the Prosecutor of the ICC under Article 15 of the Rome Statute, listing 622 cases of enforced disappearance of civilians.[121] After full-scale aggression started, this terror tactic was used across all occupied territories. In 2024, the KHPG submitted another report to the ICC Prosecutor on enforced disappearances of civilians in all occupied territories during the period from February 24, 2023, to March 31, 2023, which documents 2,858 cases involving 5,140 victims.[122]

The scale and frequency of these cases clearly show that this is not just isolated incidents, but a systemic practice.

These findings were also confirmed by the UN Independent International Commission of Inquiry on Ukraine. The Commission found that Russian authorities carried out large-scale enforced disappearances of many civilians during the full-scale invasion. It documented the involvement of various Russian state agencies at different stages of detaining and holding individuals, as well as the systematic refusal to provide families with information about their fate. Notably, in 2025, the UN Independent Commission of Inquiry on Ukraine stated that civilians are victims of enforced disappearances as crimes against humanity.[123]

In May 2024, the Working Group on the Protection of the Rights and Freedoms of Civilians, established under the Coordination Headquarters for the Treatment of Prisoners of War, began its work. One of the main tasks of this Group is to locate and identify civilians. To achieve this, available resources are being mobilized to confirm and verify the presence of civilians who were deported or forcibly relocated to the territory of the Russian Federation, as well as those who are missing, and to determine their whereabouts. All possible sources of information are considered, including witness testimony, information from official sources, and open sources.

There are 8,037 cases of missing service members, whose families are currently being assisted by the KHPG lawyers. Processing these cases is more straightforward because missing

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121 Enforced disappearances in Ukraine and disappearances during the war conflict in the East in 2014-2018: https://archive.khpg.org/en/1528704684https://archive.khpg.org/en/1528704684

122 Submission to the Office of the Prosecutor of the International Criminal Court concerning the crime against humanity (Enforced disappearance of persons) // https://library.khpg.org/1710176121

123 https://www.ohchr.org/en/press-releases/2025/03/ukraine-enforced-disappearances-committed-russian-authorities-amount-crimes

service members are registered with military units; official investigations are conducted into their disappearances, and relevant documents and reports are compiled. At the state level, a procedure for submitting requests and reports regarding the disappearance of military personnel has been established, and several agencies are involved in this process.

Typically, the process for searching for a missing service member is outlined as follows:

Stage	What Happens	Who is responsible
1. Loss of communication with a service member	Command records the loss of communication during combat operations.	Military unit
2. Notification to the family	Relatives are officially notified that the servicemember is considered missing in action, with the date and location specified	Military unit
3. Official investigation	Interviews with fellow soldiers are conducted, the combat situation is analyzed, and drones are sometimes used for search operations	Military unit
4. Reporting to the police	Relatives file a missing person report with the National Police	Relatives
5. Criminal proceedings	The police immediately open a criminal investigation, usually under Article 115 of the Criminal Code of Ukraine (intentional homicide)	National Police
6. Further investigation	Searching for information about the soldier's fate, gathering evidence, and working with military personnel, relatives, and witnesses	Investigative authorities

Under international humanitarian law, military personnel are considered lawful military targets during hostilities, and their death in combat is not a crime in itself. At the same time, international humanitarian law explicitly forbids torture, cruel treatment, extrajudicial executions, or other violations against prisoners of war. Numerous documented cases show systematic torture and cruel treatment of Ukrainian prisoners of war by Russian military personnel and other authorized individuals during their capture by Russian forces and throughout their detention,[124] including the execution of Ukrainian soldiers[125] who had surrendered.

> *However, human rights law views this somewhat differently. In General Comment No. 36 (2018), the UN Human Rights Committee explicitly stated that acts of aggression, like other serious violations of the UN Charter, threaten the right to life. The Committee emphasized that wars and armed conflicts started in violation of international law typically lead to mass loss of life, and the state responsible for the act of aggression bears responsibility for these consequences. Therefore, deaths caused by armed aggression cannot be seen just as "collateral damage of war." If the war was initiated against the prohibition on the use of force in the UN Charter, the aggressor state's responsibility includes the foreseeable loss of life resulting from this unlawful action. In the case of Russia's aggression against Ukraine, this means that the deaths of civilians and military personnel are not just a result of fighting but also stem from an internationally wrongful act — the crime of*

[124] https://www.hrw.org/news/2025/12/11/russias-systematic-torture-of-ukrainian-pows. Report submitted by the KHPG: https://t4pua.org/3014; https://t4pua.org/3042.

[125] Marina Gareeva. Another court hearing on the execution of a Ukrainian prisoner of war. https://khpg.org/1608815593

aggression — which inherently poses a systemic risk of widespread violations of the right to life. Although this perspective clearly differentiates between the aggressor and the victim state, it has not yet been reflected in the practices of national investigative bodies or courts, nor in international bodies.

More detailed information about the KHPG's work with relatives' appeals to authorities and legal mechanisms at the national and international levels is provided below.

Assistance provided by KHPG to relatives of missing persons and victims of other crimes

Currently, KHPG lawyers are managing 4,422 missing-person cases.

As mentioned above, KHPG staff and specialists support victims in various areas:

- Advisory assistance primarily focuses on explaining how to submit appeals to government authorities, the review timeframes for such appeals, the expected outcomes of filing appeals, the process for applying to relevant authorities to obtain extracts regarding the entry of information about missing persons into state registries, the procedure for applying for payments for military personnel considered missing in action, and more.
- Legal assistance involves drafting and submitting applications and petitions on behalf of victims to the appropriate authorities, as well as helping prepare requests when it is necessary to establish certain facts (e.g., to confirm death, etc.).
- Psychological assistance involves referring victims to professional psychologists for support, rehabilitation, or counseling. This support also includes sessions aimed at reducing stress, preventing relapses of severe psychological conditions, and providing psychological support to victims in tough situations.
- Referral assistance — informing victims of their rights to access various forms of help and support, and guiding victims to the appropriate authorities, organizations, and institutions.

In 2025, the KHPG added 22,602 items to its database, including 3,597 physical objects and documents, such as 302 detention facilities, 748 military units, 2,211 files like videos, lists, personal documents, and others, as well as 19,005 individuals.

These 19,005 individuals are categorized as follows:

Missing in action — 7,608, including 7,432 men and 176 women, 6,898 military personnel and 551 civilians; the status of 159 missing persons is unknown;

Prisoners of war — 6,815, including 6,694 men and 121 women, 6,174 military personnel (of whom 696 have been convicted) and 641 civilians (of whom 276 have been convicted);

Released from captivity — 4,546, including 4,265 men and 281 women, 3,850 military personnel and 696 civilians;

Died in captivity — 27, all of whom were men;

Children — 200, including 115 boys (2 in captivity, 86 missing, 27 released) and 85 girls (none in captivity, 60 missing, 25 released).

Efforts to locate captives have produced the following results: we know the whereabouts of 2,176 prisoners of war and 420 civilian prisoners.

The KHPG has established a protocol for working with the missing's relatives and providing legal and other support.

To ensure confidentiality, transparency, and the protection of personal data, KHPG staff obtain from the relatives of the missing and other victims of crimes committed by the Russian Federation a statement requesting legal assistance, consent to the use of personal data, and informed consent. In these documents, the victims express their consent to receive legal help and authorize

the submission of appeals to national authorities involved in the search for the missing, to international organizations, to Russian authorities, and to institutions within the quasi-state entities of the LPR and DPR.

Subsequently, lawyers from the KHPG submit search requests and inquiries about the whereabouts of missing persons. It is expected that information will be received regarding these individuals' fate, condition, and location.

After more than three years of this work, we have been able to summarize our experience and develop optimal mechanisms for locating missing persons.

Staff members of KHPG realized that many agencies to which requests were submitted at the start of the full-scale aggressive war are now ineffective in finding missing persons. Most of these agencies are not involved in this work and usually pass requests to the proper authorities. A large number do not respond at all, and so on.

Currently, in Ukraine, the situation with the search for missing persons has stabilized and is somewhat clearer, at least from an administrative perspective.

The following entities are now involved in the search for missing persons:

- The National Police is a criminal justice agency that conducts criminal proceedings based on reports from relatives about missing persons. As mentioned above, the criminal proceedings system has significant shortcomings in staff qualifications and the Police's ability to carry out investigations effectively.
- The Coordination Headquarters for the Treatment of Prisoners of War. This body acts as the main coordinator of activities related to searching for missing persons. It is responsible for collecting, processing, and organizing all information regarding missing persons. Structurally, this body falls under the authority of Ukraine's national intelligence agencies.
- The National Information Bureau. This body was established in accordance with the requirements of the 1949 Geneva Conventions. Its mission is to gather and organize information about missing persons, and to establish and maintain contact with international organizations, particularly the International Committee of the Red Cross, to locate and eventually release such persons.
- The Ministry of Internal Affairs of Ukraine. This agency manages the Register of Persons Missing Under Special Circumstances. It issues extracts from this Register and makes sure that information about missing persons remains current.
- The Joint Center for the Coordination of the Search and Release of Prisoners of War and Persons Illegally Deprived of Liberty as a Result of the Aggression Against Ukraine under the Security Service of Ukraine (SSU). As implied by its name, it coordinates efforts related to locating missing persons. This primarily involves cooperation between Ukraine's law enforcement and intelligence agencies during search operations.

This is currently an exhaustive list of search agencies in Ukraine.

For every case of disappearance, abduction, or capture, a pre-trial investigation agency begins criminal proceedings based on a relative's report. In most cases, from the very start, the relatives of the missing are unaware of their loved ones' fate while serving in the military; they are left entirely uninformed. Ukrainian law enforcement practices show that such reports from relatives of missing service members are initially classified under the standard charge of "intentional homicide" (Article 115 of the Criminal Code), with a note stating "missing in action during an armed conflict." According to internal guidelines, if a person is not found within 72 hours of filing

the missing report, police are required to open a criminal investigation into the alleged intentional homicide. This approach aligns with international standards for protecting the right to life: the disappearance of a person under threatening circumstances must be thoroughly investigated by the state, just like a potential murder, to fulfill its positive obligation to protect life.

When there is confirmed information about the fate of missing persons — such as extrajudicial executions or other forms of vigilante justice against prisoners of war — these actions are considered war crimes under international humanitarian law. They are classified under Article 438 of the Criminal Code of Ukraine. Information about torture and other violations mainly comes from the testimonies of service members who have returned from captivity through prisoner exchanges. Based on their testimonies, Ukrainian law enforcement agencies initiate separate criminal proceedings and carry out further investigations.

At the same time, until a person's status as a prisoner of war is officially confirmed, which is determined based on relevant reports and documents received through authorized Ukrainian authorities and international mechanisms, the person's fate remains legally uncertain.

Scenarios regarding what occurs to Ukrainian service members reported as missing in action:

Scenario	What happens
1. Death on the battlefield	The body can only be found after the front line is de-occupied or stabilized, or if handed over by Russia. Exhumation, DNA analysis, and identification are then conducted.
2. Captured	The soldier is detained as a prisoner of war in detention facilities within the occupied territories or in the Russian Federation.
3. Unlawful execution	Numerous instances of Ukrainian prisoners of war being executed have been documented, which constitutes a war crime
4. Unlawful criminal prosecution in the Russian Federation	Russian authorities fabricate cases such as terrorism, "resistance to the special military operation," crimes against civilians, and sentence military personnel to lengthy prison terms
5. Fate remains unknown	There has been no information about the person for a long time

The KHPG lawyers are working to find out the fate and whereabouts of those missing in the Russian Federation. To do this, they are submitting appeals to several government agencies of the aggressor state:

- Ministry of Defense of the Russian Federation
- Human Rights Commissioner of the Russian Federation
- Ministry of Justice of the Russian Federation
- Federal Penitentiary Service of the Russian Federation
- Investigative Committee of the Russian Federation
- Prosecutor General's Office of the Russian Federation.

Additionally, if needed, appeals can be submitted to entities in the occupied territories where the DPR and LPR pseudo-republics have been established.

A final step in submitting official requests is filing a complaint with the UN Working Group on Enforced or Involuntary Disappearances (WGEID), along with other international mechanisms.

As shown, the list of authorities to which appeals are submitted is quite extensive and diverse. The large number of appeals is due to lawyers' efforts to gather official information from various sources and clarify the fate and condition of missing persons.

It should be noted that the work carried out by the KHPG has been quite successful, considering the conditions of war and the fierce resistance from the aggressor state. Our organization

has identified 2,596 captives. Even earlier, as of January 1, 2024, the whereabouts of 2,500 prisoners had been established. More than half of these individuals were released through prisoner exchanges in 2025. Among them were both military personnel and civilians. Of this group, the fate of 31 individuals was unknown to the national authorities involved in the search for the missing. Information regarding 28 of those searched for will be considered at sessions of the WGEID.

Since Russia withholds information about who has been detained or is being held captive, it is impossible to determine the true number of missing persons, the deceased, and those in captivity. This creates significant uncertainty and increases the need for support for the families and loved ones of those who have disappeared.

As noted above, relatives of the missing are in despair and need help and support. The defining feature of this group of victims is primarily their psychological state. They often struggle with losing contact with their loved ones, becoming highly vulnerable and needing special attention and care during interactions. The uncertainty makes the situation even more difficult. This was especially clear at the start of the war in 2022. At that time, search protocols had not yet been established, the necessary organizational infrastructure was not in place, and there was no proper coordination between government agencies and civil society organizations.

Over time, the situation began to improve. However, the number of missing persons was increasing rapidly, raising another question: could the relevant agencies manage the volume of missing-person reports?

The situation was further complicated by the need to collect DNA samples, process them, and use the data to search for and identify individuals. This task was new to national law enforcement agencies and required specialized expertise.

To carry out the tasks of collecting and processing information about missing persons and searching for them, coordination is necessary between the agencies authorized to conduct searches and the National Police, which handles criminal proceedings based on reports filed by the relatives of missing persons, as well as with international organizations and institutions of the aggressor state.

The challenges are not only in technical and administrative coordination but also in procedural coordination.

All of this shows that relatives and loved ones of missing persons usually need comprehensive support, which includes help with the search, legal assistance in various areas of law, psychological support, social aid, and sometimes medical care.

At the same time, we see significant difficulties and challenges in efforts to locate and recover missing persons.

Over more than three years of experience in this field, we have summarized lessons learned and drawn conclusions about the success of cooperation with national authorities, the Russian Federation's approach toward the missing, and the aggressor state's relations with other countries, institutions, and mechanisms. We have also gained a certain understanding of how international bodies and mechanisms operate, as well as their effectiveness.

Interaction with national authorities searching for missing persons

Given Russia's full-scale military invasion, which has been recognized internationally as an act of aggression,[126] special agencies were established in Ukraine, as provided for by the Geneva Conventions during armed conflicts. This includes the National Information Bureau, which, ac-

[126] UN General Assembly Resolution A/ES-11/L.1 "Aggression against Ukraine," dated March 2, 2022.

cording to Article 122 of the Geneva Convention on the Treatment of Prisoners of War (III) and Article 136 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (IV), must be set up by each conflicting party. Indeed, Ukraine has established this body. Since this process involves the Ministry of Internal Affairs, the Security Service, the Main Intelligence Directorate, and the Ukrainian Parliament Commissioner for Human Rights, coordinated search and rescue operations are essential. Therefore, in Ukraine, alongside the National Information Bureau, several other agencies have been formed to coordinate search efforts for missing persons and to handle any specific tasks that may emerge during such operations.

These bodies include the Coordination Headquarters for the Treatment of Prisoners of War, the SSU Joint Center for Coordinating the Search and Release of Prisoners of War and Persons Illegally Deprived of Liberty as a Result of the Aggression Against Ukraine, and the position of Commissioner for Persons Missing Under Special Circumstances has also been established.

KHPG aims to establish partnerships with all these organizations to search for missing persons effectively. In most cases, this approach has been successful, and today the organization works productively with all the mentioned bodies. KHPG representatives have participated in joint meetings, exchanged information, shared observations, offered recommendations, and coordinated joint actions. Overall, the work is progressing well and producing positive results. For example, information provided by KHPG to the Coordination Headquarters about missing persons has led to their discovery and release, expanded the Headquarters' database, strengthened search efforts, and facilitated successful exchanges of Ukrainian prisoners of war who were previously considered missing.

At the same time, we are noticing a decline in cooperation levels. We believe the main reason is that, currently, the agencies conducting searches and exercising other authorities in this area have developed their own operational procedures and are gradually reducing interactions with third parties. Today, priority is given to direct communication between search agencies and the relatives of the missing and victims. The main reason for such direct contact is concerns about confidentiality, personal data protection, and maintaining what is called "information hygiene." The search for the missing and related exchanges probably touch on issues of Ukraine's national security. KHPG experiences this because official responses increasingly include requests for detailed information about relatives, along with instructions on how the relatives themselves should contact the relevant Ukrainian authorities.

Interaction with the authorities of the aggressor state and its pseudo-entities

The overall conclusion in this area of interaction is that such interaction does not occur. The authorities and organizations of the aggressor state show no interest in establishing or maintaining positive contacts.

Furthermore, contrary to the requirements of the Geneva Conventions, no body has been set up on the territory of the Russian Federation for exchanging information about prisoners of war and other individuals under the control of the opposing side in the conflict. Russia continues to act as the "sole actor," pretending that no armed conflict (let alone a war) exists, describing the current situation in entirely incomprehensible terms of a "special military operation," not considering it to be governed by international law, and applying its own national legislation to all legal matters that arise during the war.

This situation is unacceptable because the armed formations of the Russian Federation have illegally crossed the border of a sovereign state, violated its territorial integrity, and used weapons against both combatants and civilians. This alone shows that the provisions of the Russian Federation's national legislation cannot apply on Ukrainian territory (and most events occur

exactly there). This is because any national legislation is subject to territorial jurisdiction and is always limited by state borders.

This, in turn, requires the application of international humanitarian law standards and adherence to the relevant rules outlined therein.

If this were the case, the Russian Federation would not only need to establish specific agencies to exchange information about prisoners of war and missing persons but also cooperate with international mechanisms, refrain from issuing court sentences against prisoners of war, avoid detaining civilians, allow relatives to contact prisoners of war, and fulfill a wide range of other obligations.

The Russian Federation's actions show that it does not recognize international law or the rules necessary for maintaining global order and security. It also does not follow the norms and rules it has itself approved as a UN member state.

However, KHPG lawyers continue to submit applications and appeals to Russian authorities, seeking information about missing persons.

It should be noted that this work has little impact because, as mentioned above, Russia refuses to establish and maintain positive contacts with representatives of international organizations, such as the International Committee of the Red Cross, as well as with representatives of Ukrainian government agencies, civil society organizations, and missing persons' families. The aggressor state avoids such contacts at all costs.

After over three years of investigative work, KHPG lawyers have determined that the only agency in the Russian Federation with information on missing persons is the Russian Ministry of Defense. Within this ministry, there is a unit called the "military police" that handles issues related to prisoners of war.[127]

This unit occasionally offers responses about the fate of a missing person. Sadly, these responses are very rare and, even when given, cannot be deemed reliable or conclusive.

Having established that the RF Ministry of Defense is effectively the only entity with information on the missing persons, KHPG lawyers revised their strategy for submitting search requests to the authorities of the aggressor state. They began to concentrate solely on potentially effective contacts. Although these authorities responded very rarely, we continued sending requests to the RF MD, the Federal Penitentiary Service, the Ombudsman of the Russian Federation, and law enforcement agencies of the Russian Federation — the Investigative Committee, the Main Military Investigative Directorate of the RF Investigative Committee, and the General Prosecutor's Office of the Russian Federation.

Of particular concern is that, despite widespread, serious, and gross human rights violations, the Russian Ombudsman does not respond to inquiries and generally avoids contact regarding such appeals.

On December 28, 2024, the Federal Law "On Amendments to the Federal Law 'On the Procedure for Considering Appeals from Citizens of the Russian Federation'" was enacted. This law introduced mandatory authorization for individuals submitting appeals through

[127] This situation likely stems from Russia's "perception" of events in Ukraine, as previously mentioned. Specifically, they regard the "special military operation" as a legitimate measure with a valid basis. Notably, Russian criminal law includes several articles of the Criminal Code of the Russian Federation (Articles 205, 208, and others) used to hold Ukrainian prisoners criminally responsible for "resisting the special military operation." This is why all prisoners are under the scrutiny of the "police."

This is a completely absurd situation, since the provisions of the Russian Federation's national legislation cannot have legal authority on Ukrainian territory unless the requirements for the territorial application of criminal law are satisfied. Considering that the so-called "special military operation" constitutes a crime of aggression, a sovereign state cannot be held liable for countering an act of aggression.

the "Gosuslugi" (State services) government platform. Such authorization requires the entry of personal data on the platform's website. To gain full authorization, one must effectively be a Russian citizen. Otherwise, government services are limited. This makes obtaining information about a missing person very difficult, and in some cases, even impossible. Additionally, for security reasons, KHPG employees are not allowed to provide personal data.

Recent responses from Russian government agencies suggest that the aggressor state will keep avoiding contact. The main point of their responses was that the requested information can be obtained from the International Committee of the Red Cross. This organization is mandated to communicate with the parties involved in the conflict about the whereabouts of missing and captured persons and maintaining contact with them. However, when it comes to correspondence with the aggressor state, these responses effectively amount to a refusal to cooperate, since contacts through the ICRC are not effective.

Interaction with international bodies and institutions

In accordance with the 1949 Geneva Conventions, the International Committee of the Red Cross (ICRC) has a mandate to establish contacts on humanitarian issues between parties during armed conflicts and to provide assistance to those affected by these conflicts, including prisoners of war, the wounded, and those searching for the missing.

Therefore, this organization plays a vital role in tracing missing persons. Even Russian representatives, at least in their responses to inquiries about tracing, confirmed that the ICRC specifically has the authority to locate missing persons and contact prisoners of war.

KHPG staff regularly contact the ICRC. Unfortunately, we cannot say that this cooperation is very effective. The ICRC does provide information about the fate and whereabouts of missing persons, but such cases are very rare.

The International Committee of the Red Cross has data on one-third of the requests regarding missing Ukrainians — they are identified as prisoners of war or dead. For the rest, either the Russian side did not provide information or said it does not have any.[128] ICRC representatives report that they lack unrestricted access to Ukrainian prisoners of war and detainees, even though their mandate permits such access.[129]

The UN Working Group on Enforced or Involuntary Disappearances (WGEID). This group is a special body of the UN Human Rights Council dedicated to helping find missing persons, determine their fate, and, where possible, locate them. The Working Group accepts submissions from families of the disappeared, their representatives, and civil society organizations; reviews these submissions during special sessions; and sends inquiries to the relevant authorities of the countries where the disappeared may be found, aiming to conduct investigations and gather information. The Working Group acts as a communication link between those searching for the disappeared and the states (jurisdictions) where such disappearances took place.

Problems related to cooperation with this body are mainly procedural. There are no regulatory guidelines for submitting appeals to the Group, which, on one hand, makes submitting them easier but, on the other hand, raises questions about the form, content, and timeframes for review. Practical issues include the need for preliminary work, such as submitting requests to national search authorities, authorities of the aggressor state, and pro-Russian quasi-entities (DPR/LPR). It also involves the necessity and extent of exhausting search measures for the miss-

[128] How many Ukrainians are considered missing: the ICRC's position: https://apostrophe.ua/ua/news/politics/foreign-policy/2025-07-24/v-mkchh-rozpovily-stosovno-yakoyi-kilkosti-znyklyh-bezvisty-ukrayintsiv-mayut-informatsiyu/347326

[129] https://khpg.org/1608815136

ing, as well as the timeframes within which the Group takes certain actions and sends requests to the country likely responsible for the detention and disappearance of individuals.

The Group's representatives provided conflicting answers to these questions. However, one thing was clear: the Group lacks the resources to handle the full volume of applications and appeals it receives once full-scale Russian invasion is underway.

However, having gained nearly four years of experience assisting in the search for missing persons, we can confirm that the WGEID does not require applicants to "exhaust" all search measures before initiating contact with the perpetrator's state. This body has relatively low requirements to verify a probable disappearance, and its activity in this area is solely dependent on its capabilities and its ability to respond to submitted requests. This is completely understandable, as enforced disappearances are always marked by a significant lack of information about the person's fate and whereabouts.

Unfortunately, the KHPG experience shows that today, just over 1% of filed complaints receive an adequate response — or any response at all. This discouraging reality provides yet another reason to believe that, at present, international bodies — including UN bodies and mechanisms — are not effective. At a minimum, they need support and assistance; at worst, they require substantial reform and a review of their mandates and competencies.

KHPG aims to maintain regular contact with the Group. However, feedback is very rare. The organization's lawyers have submitted 1,839 appeals to the Group; discussions are ongoing for 22 of them, and we hope their cases will be reviewed at special sessions of the Group. Thanks to these efforts, we believe the fate of 31 individuals is known, with 25 of them returned from captivity. Sadly, six more missing persons were returned deceased.

At the same time, we believe the shortcomings in this body's operation include the lack of clear procedural guidelines that specify requirements for the form and content of documents, the sequence of actions, and deadlines, and that are binding on the states to which the Group makes requests. Naturally, greater effectiveness could also be achieved if the Group had the necessary human and material resources.

Here are two examples of searches for missing persons.

1. T., the daughter of missing civilian L., approached the KHPG to request help in finding him. It is known that L. left Mariupol in his own car during the second half of March. His last contact was made before reaching a checkpoint at the entrance to Berdyansk.

A KHPG search specialist found evidence that L. had been held at the Mariupol Pretrial Detention Center. A Facebook post mentioned that prisoner Z. was in the same cell as L. and that L. was being brutally tortured. Another post stated that L. had died in his cell of a heart attack following torture. However, a later post listed all the inmates in the cell, including L., which indicated the report of L.'s death was false. It was also mentioned that L. had been transferred to Berdyansk, to Penal Colony No. 77.

The information that L. was in Berdyansk at Colony No. 77 was passed on to his daughter. She responded that they were aware of this and mentioned that her mother had even been granted a visit with him at the colony in August 2022, but he was no longer there. The daughter was skeptical of the claim that L. was in the Mariupol pretrial detention center, saying that he was only registered there but actually in Colony No. 77, and that by September, he was no longer there; he had been moved to an unknown location. She is begging us to find him.

A KHPG lawyer sent nearly 40 inquiries to various Russian government agencies and the International Committee of the Red Cross. The ICRC responded quickly by phone, saying they were waiting for a request from the daughter and that they would inform her that her father is in Crimea.

2. On September 8, 2025, the wife of prisoner of war V. contacted the KHPG hotline to find out whether her missing husband was being held captive, and to learn his exact location and condition. It was determined that V. was initially considered missing, but later it was found that Russian forces in the Kursk region had taken him prisoner. An online search revealed that the 2nd Western District Military Court had sentenced him to 17 years under Article 205, Part 2, Subparagraphs a and b of the Criminal Code of the Russian Federation (terrorism).

Our next step was to identify his current location and assist his wife in establishing contact. Requests made by lawyers to the Russian Federal Penitentiary Service initially went unanswered. It is important to note that, until October 2025, the authorities attempted to at least minimally follow the rules for correspondence, sometimes even responding to relatives' lawyers. However, most of such responses have now ceased. After a team brainstorming session, we developed a new protocol for our actions. Unfortunately, we cannot disclose the details while it is active. Still with this protocol, we submitted a request on December 22, 2025, and received a response confirming that V. is currently serving his sentence at a specified correctional facility. We promptly notified his wife. We are now working to help her establish communication with her husband and to send packages and funds to his personal account.

By the second half of 2025, through requests to Russian authorities, we identified 21 prisoners of war captured in the Kursk region and convicted of terrorism.

Legal classification

We believe that the Russian Federation has committed and continues to commit a series of criminal acts that may be classified under various articles of both national criminal law and international legal instruments.

In Ukraine, the main criminal law addressing enforced disappearance is Article 146-1 of the Criminal Code of Ukraine.

The Ukrainian Criminal Code also contains articles that cover broad categories of criminal offenses. Specifically, these are Article 438 — war crimes — and Article 442-1 — crimes against humanity.

At the international level, the primary instrument is the Rome Statute. It defines enforced disappearance as the arrest, detention, or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.

Russia detains and deprives people, both civilians and military personnel, of their liberty, failing to report all cases of detention and refusing to provide information about their whereabouts, even to close relatives. It also deports Ukrainian citizens who are being held in detention centers. The Russian Federation also convicts Ukrainian military personnel under general criminal laws of the Russian Criminal Code, as well as on terrorism charges. This also violates international humanitarian law since Ukrainian combatants are agents of a sovereign state resisting an aggressive attacker. As such, they are exercising the sovereign right of self-defense recognized in the UN Charter.

Other international instruments containing norms that Russia consistently violates include the 1992 International Convention for the Protection of All Persons from Enforced Disappearance and the 1949 Geneva Conventions (on the protection of victims of war).

Given that these acts are committed during an international armed conflict, during which regular attacks on the civilian population of Ukraine are happening and are being carried out throughout the territory invaded by Russian armed forces, and they bear the hallmarks of a sys-

tematic and large-scale policy, this may indicate the existence of a crime against humanity. In some cases, instances, the actions of representatives of the Russian Federation may be considered war crimes.

After all, individuals who commit these crimes can be prosecuted at both the national and international levels. Furthermore, at the international level, criminal proceedings for these acts are possible, including under universal jurisdiction.

Currently, it can be confidently stated that international mechanisms, despite their complexity and "technical" cumbersome nature, still have a significant positive impact.

As mentioned earlier, one example is that the UN Working Group's involvement in locating missing persons has sometimes had a positive impact. The intervention of the UN Committee Against Torture has a similar effect in cases involving the torture of Ukrainians.

An example of how effective international mechanisms can be is the ICC's issuance of arrest warrants for V. Putin and M. Lvova-Belova, who are suspected of carrying out the crime of mass deportation of Ukrainian children to Russian territory. As noted in the statement announcing the warrants, the warrants are secret in order to protect victims and witnesses and also to safeguard the investigation. Nevertheless, mindful that the conduct addressed in the present situation is allegedly ongoing, and that public awareness of the warrants may contribute to the prevention of further crimes, the Chamber considered that it is in the interests of justice to authorize the Registry to publicly disclose the existence of the warrants, the names of the suspects, the crimes for which the warrants were issued, and the modes of liability as established by the Chamber.[130]

Indeed, after the announcement of the arrest warrant, all the bold reports by Russian media and government agencies about the successful "evacuation" of Ukrainian children disappeared, and such incidents became less common.

Regarding successful examples of applying universal jurisdiction, it is worth noting that in March 2025, the Helsinki District Court sentenced the former deputy commander of the Russian sabotage and assault group "Rusich," Yan Petrovsky (also known as Voislav Torden), to life imprisonment for four war crimes committed in Ukraine in 2014 in the Luhansk oblast. Finland refused to extradite him to Ukraine and instead tried him under its own laws.

This is effectively the first successful example of applying universal jurisdiction to a war criminal. After all, this mechanism works.

Meanwhile, at the national level in Ukraine, we observe a puzzling trend concerning the preliminary classification of acts related to missing persons.

As noted, Ukrainian search organizations operate within the framework of the 1949 Geneva Conventions, treating cases of missing persons as indicators of war crimes or crimes against humanity under international humanitarian law.

However, national law enforcement agencies mainly see and classify disappearance cases as general criminal offenses. For example, nearly all cases of military personnel going missing are initially classified under Article 115 of the Criminal Code of Ukraine, meaning intentional homicides. As a result, Ukrainian law enforcement effectively classify actions committed by Russians as common criminal offenses. This causes the true nature of their actions to be overlooked. Intentional murder as a criminal crime is a single incident involving a deliberate act to take a specific person's life. It is linked to particular individual characteristics of the perpetrator and the relationship between the perpetrator and the victim, showing the perpetrator's personal

[130] Situation in Ukraine: ICC judges issue arrest warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and

decision aimed directly at that specific victim. In these cases, there is no indication of a systematic policy of aggression targeting civilians or military personnel who, given the circumstances, are protected by the Geneva Conventions. Therefore, this is a different classification, a different crime, and a different level of public danger from such conduct.

This situation is unacceptable, especially considering that amendments to Ukrainian criminal legislation have been made to align with the norms of international criminal law, such as the Rome Statute of the ICC. These provisions are designed not only to expand the ICC's jurisdiction to include acts committed by Russia during a full-scale invasion but also to focus on the activities of national law enforcement agencies and their ability to investigate crimes according to national criminal procedural rules. Their purpose is to implement special provisions that criminalize actions taken by those who commit international crimes amid the ongoing armed conflict. Specifically, these include murder, torture, enforced disappearances, extrajudicial executions, and similar offenses.

This refers to Article 146-1 of the Criminal Code of Ukraine. This provision establishes liability for enforced disappearance. By this, the legislature means the arrest, detention, abduction, or deprivation of liberty of a person in any other form, committed by a representative of a state, including a foreign state, followed by a refusal to acknowledge the fact of such arrest, detention, abduction, or deprivation of liberty of a person in any other form, or by concealing information about the fate or whereabouts of such a person.

In fact, in terms of its characteristics and elements, it is similar to the provision of subparagraph (i) of Part 2 of Article 7 of the Rome Statute. At the same time, it is entirely within the national legal framework and allows for the investigation of acts under Ukrainian procedural law. It is important to note that this provision is special because it regulates liability for acts that exhibit the characteristics of enforced disappearance. Since national legislation has specific procedures for declaring a person dead or deceased, and at the time of disappearance Ukrainian law enforcement authorities had no reason to believe that the person had been killed, such acts should be classified precisely under the article that provides for liability for enforced disappearances.

This is all the more true since all parties effectively acknowledge the existence of an armed conflict. Combatants from both sides participate in the conflict, so speaking of intentional killings is simply incorrect under both national law and international norms.

Additionally, this distorts statistics on the occupiers' criminal acts and leads to inaccurate crime records in Ukraine overall.

However, we note that Ukrainian law enforcement agencies are not applying Article 146-1 of the Criminal Code of Ukraine. This is probably because law enforcement officials lack confidence in applying the new provisions and in classifying acts under them.

In the future, such inconsistency in the perception and classification of these events and incidents may play a negative role during the consideration of such cases and the prosecution of the guilty parties. This creates the impression that certain aggressive individuals were acting independently of one another on Ukrainian territory. It is these individuals who committed the murders and other crimes, and holding them accountable would be the extent of criminal liability. All of this works against Ukraine, against justice, and against the recognition of the scale and brutality of Russia's violations of international law and international security standards.

Furthermore, none of the above reduces the overall uncertainty. This also has serious negative consequences for the relatives of the missing. They find themselves in a very difficult situation. And if such classifications continue, it will eventually become difficult to recognize them as people who have suffered losses and harm due to the Russian Federation's armed aggression. The latter will ultimately prove to be irrelevant to the actions of individual criminals who

intentionally kill people. Moreover, they did so even outside the context of an armed conflict, in the "mode" of general criminal homicide.

We believe such a practice must be stopped, and classification should be conducted in accordance with criminal laws that address liability for war crimes or under specific provisions, especially concerning enforced disappearances.

We also want to highlight that the legal classification of the acts discussed in this report is only tentative. To develop a complete and clear understanding, a thorough investigation and review of evidence and testimony are necessary. Only then can final conclusions be made regarding classification and whether prosecution is feasible.

4.2. UNLAWFUL (UNJUSTIFIED) DETENTION (DEPRIVATION OF LIBERTY)

We have distinguished this crime from enforced disappearances. We based our understanding on the fact that, during disappearances, contact with the person is lost, and no one has information about their fate or location. Unlike such cases, unlawful detentions are often publicized or at least not hidden. These detentions also occur without valid grounds for detention or confinement, or happen within a context of questionable and biased justice. This is especially true for combatants.

Such detentions can be either long-term or short-term.

Examples include numerous instances of civilians being detained and placed in so-called "filtration camps," as well as a separate category of detained Ukrainian military personnel who were conducting combat missions within the Russian Federation, particularly in the Kursk region.

Regarding civilians, one pattern is that these individuals were usually detained selectively based on suspicion of pro-Ukrainian views or collaboration with the Ukrainian government or the Armed Forces of Ukraine. Often, the reason for detention was the use of the Ukrainian language, Ukrainian symbols, or a perceived lack of loyalty to the Russian Federation. In addition to government officials, representatives of Ukrainian education, culture, and the clergy were also detained. Civilians were typically held in basements, shelters, garages, hangars, schools, and police stations during the early stages of captivity. After a short period, they were either transferred to official detention facilities in the occupied territory or within the Russian Federation or released.

Based on the purpose of the detentions and torture of civilians, it can be assumed that Russian officials categorize all Ukrainians they detain into several groups:

- Prisoners of war — this category includes anyone captured during combat operations who was wearing a uniform, had distinctive insignia, and was armed. This refers to members of the Armed Forces of Ukraine, the National Guard, and other military formations of Ukraine.
- "Terrorists" — this group includes Ukrainian military personnel who meet the criteria listed in the previous point but were captured on Russian territory, specifically in the Kursk region and other border regions of Russia. According to the occupiers' logic, since they do not recognize their own act of aggression and define it as "SMO," they regard the military personnel who invaded their territory as criminals who, with weapons in hand, are terrorizing the civilian population of the relevant regions of the Russian Federation.
- "Spies" — this group typically includes civilians (who show no signs of affiliation with armed formations, no distinguishing marks, weapons, or uniforms) who, according to

the assumptions of representatives of the aggressor state, are conducting espionage, subversive, and reconnaissance activities both on the territory of the Russian Federation, as well as in areas where hostilities are taking place, adjacent territories, or territories occupied by Russian Federation troops.

The fate of individuals in these groups varies. Those in the first group are usually held in penal colonies or prisons within the occupied territories or the Russian Federation and are not brought to trial. Their detention period is typically indefinite and entirely depends on the discretion of Russian authorities. These prisoners are most often returned to Ukraine through prisoner exchanges.

People in the second or third groups are also held in the same facilities as prisoners of war, but criminal proceedings are usually initiated against them. Russian courts issue verdicts convicting them of specific crimes, declare them guilty, and sentence them to prison. As a result, their detention durations are determined by the sentences handed down by Russian courts.

Russian authorities commit crimes against all of the categories mentioned earlier. Besides torture, which, as noted above, is a common practice against detained and captured Ukrainians, prisoners of war are denied all rights protected by the 1949 Geneva Conventions. These conventions establish many standards and rules that states involved in armed conflict and hostilities must follow. Russia is intentionally violating these standards and rules.

Individual examples of enforced disappearances and unlawful detentions

#77

On May 11, 2024, Mr. D., a volunteer, and another volunteer, Mr. V., left Kharkiv by car to evacuate civilians from the town of Vovchansk in the Chuhuiv District of Kharkiv Region. However, they never returned. Since then, Mr. D. has been unreachable. Later, the International Committee of the Red Cross confirmed that the second volunteer, Mr. V., was being held captive in the territory of the Russian Federation.

#100

Since April 19, 2024, Ms. P., who was in the temporarily occupied territory in the city of Berdyansk, Zaporizhzhia Oblast, has not been in contact. According to acquaintances, she and her family were detained by Russian military personnel in the city of Primorske. The fate of her and her family remains unknown.

#582

On January 26, 2024, Mr. S. and his wife were in their home in the temporarily occupied territory in the city of Berdyansk, Zaporizhzhia Oblast. Two vehicles arrived at Mr. S.'s house, and several masked individuals got out. They took Mr. S. and his wife and drove them away in an unknown direction. Since then, there has been no information about their whereabouts.

#184

On October 22, 2023, around noon, Mr. R. was at home in the city of Kreminna, Luhansk Oblast. A car arrived at his house, and five people in military uniforms exited. They were likely employees of the Russian Federal Security Service (FSB). They entered Mr. R.'s apartment, covered his head with a bag, placed him in the car, and drove him away in an unknown direction.

That same day, October 22, 2023, around 5:00 p.m., a message was sent from Mr. R.'s phone to his wife's, saying: "Please call me back." She called him, and their conversation lasted about two minutes. Mr. R. indicated that military personnel were nearby; he spoke very calmly and with-

out emotion. His wife recalls that this manner of speaking was unusual for him. Since then, Mr. R. has not been in contact.

Mr. R. is a civilian with no ties to military service.

#439

On October 28, 2023, Ms. L. was at her home in Alchevsk, Luhansk Oblast, with her grandson, Mr. B.

Alchevsk has been occupied by Russian troops since 2014. Someone rang the doorbell of their apartment, and Ms. L. answered the door. Unidentified armed men wearing balaclavas stormed into the apartment. Ms. L. was questioned, then she was handcuffed, her hands twisted behind her back, and she was taken away in an unknown direction. Only two months later, Ms. L. managed to call Mr. B. and inform him that she was being held at Pretrial Detention Center No. 1 in the city of Luhansk.

#2586

Ms. N. lives in the village of Sofiivska Borshchahivka, Bucha District, Kyiv Region. She is married to Mr. E., a civilian who worked at the Zaporizhzhia Nuclear Power Plant.

On July 18, 2023, Ms. N. called her husband, Mr. E., via Telegram; the call was disconnected. When she tried calling again, Mr. E. told her that Russian soldiers had come to his house, and then he turned off his phone. An hour and a half later, Ms. N. asked a neighbor to check on their house and see if Mr. E. was there. The neighbor reported that no one was home, but the house had been searched. The next morning, the neighbor went to the police and learned that Mr. E. had been taken there. Later, he was taken to an unknown location.

#569

On January 12, 2023, Mr. R. was at his workplace at the Zaporizhzhia Nuclear Power Plant, which has been under the temporary control of the Russian Federation, LPR, and DPR military personnel since March 3, 2022. Mr. R. called his wife and told her that Russian military personnel had come to see him and that they would be speaking with him about a transfer to Rosatom. Mr. R. refused this offer. On the same day, Mr. R.'s wife, who was at their apartment in Energodar, Zaporizhzhia Oblast, heard the apartment door open. Four Russian servicemen entered Mr. R.'s apartment using his keys, informed her that Mr. R. had been detained, and took his phones. For a month, Mr. R.'s wife visited the police station to see him.

On February 10, 2023, Mr. R.'s wife was told that he was no longer at the police station. On February 13, 2023, on the "RIA Novosti" channel, Ms. A., Mr. R.'s daughter, saw a video of him being "deported" to Ukrainian-controlled territory. Since then, there has been no information about Mr. R.'s whereabouts.

#581

On the morning of January 8, 2023, at the address: Kherson Oblast, Kherson District, Pishchanivka village, X Street, Russian military personnel arrived, seized two vehicles — a blue Skoda Fabia station wagon and a cherry-red "DEO Matiz" — and took Ms. S. (a paramedic whose son is a soldier in the Armed Forces of Ukraine) and her nephew, Mr. B., with them to an unknown location. Their current whereabouts are unknown.

#3577

On January 7, 2023, unidentified Russian military personnel entered Mr. A.'s store. Searches were carried out in his store and car. They also searched Mr. A.'s home, located at Kherson Oblast, Kakhovka District, village of Chornyanka, X Street. After the searches, the man was taken away and transported to an unknown location; there has been no communication with him.

#2512

On December 16, 2022, Mr. K. was unlawfully detained by service members of the Armed Forces of the Russian Federation while traveling from the village of Novovodyane, Kamyansko-Dniprovsky District, Zaporizhzhia Oblast, to the city of Energodar, Zaporizhzhia Oblast. Mr. K. is a civilian with no connection to military service. His current whereabouts are unknown.

#416

In the village of Tambovka near Melitopol, the occupiers detained and took away university lecturer and Doctor of Science Volodymyr Vorovka in an unknown direction. He was taken from his own home.

Before the war, Vorovka was a lecturer at the Bohdan Khmelnytskyi Melitopol Pedagogical University and head of the Department of Ecology and Rational Nature Management.

The detention happened at 7 a.m. Three passenger cars and a minibus arrived at Vorovka's house. Unknown individuals stormed the premises, took him out, put him in a car, and drove off in an unknown direction, eyewitnesses reported. This incident received considerable media coverage.[131]

#828

On April 19, 2022, at 5:30 a.m., Mr. I. was abducted from his home in Kherson by members of the Russian Armed Forces.

That morning, armed Russian soldiers forcibly entered Mr. I.'s home and his parents' house by breaking the locks. They arrived in vehicles. Six of the attackers wore military uniforms, while one was dressed in civilian clothing. All of them had their faces covered with balaclavas. They searched both homes for weapons caches. The soldiers detained Mr. I. and also seized his personal belongings, including his phone, laptop, and rank insignia.

#3862

On September 17, 2022, Mr. D. was at his acquaintance's apartment in Kherson with the owner of the apartment. Around 12:30 p.m., several vehicles arrived at the building, from which Russian military personnel and several individuals dressed in civilian clothing and balaclavas got out. They entered the apartment of Mr. D.'s acquaintance, covered his and the acquaintance's heads with bags, took them out of the building, placed them in a car, and drove off in an unknown direction.

#4340

Mr. K. is a civilian and an employee of the Odessa Railway. On September 13, 2022, Russian military personnel broke down the front door of his apartment and abducted him. The abduction was accompanied by beating him. Since then, the fate and whereabouts of Mr. K. have remained unknown.

#570

Mr. M. worked as a security guard at the Zaporizhzhia Nuclear Power Plant; he was a civilian. On August 3, 2022, Mr. M. was traveling to work in the city of Energodar, Zaporizhzhia Oblast. He was detained by Russian military personnel at a checkpoint. To date, Mr. M.'s exact whereabouts and fate remain unknown.

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[131] Near Melitopol, occupiers detained and took away a university lecturer. https://incident.obozrevatel.com/ukr/crime/vojna-protiv-rossii/u-melitopoli-okupanti-zahopili-v-polon-vikladacha-universitetu-cholovika-vivezli-v-nevidomomu-napryamku.htm https://m.facebook.com/story.php?story_fbid=pfbid02MgJSESjATXqPy64VrPKuawFZmGmt3cry94aAt9EXYuWx9QmADernu5rF3Dpi3wQ1l&id=100011566696276

#2323

On July 21, 2022, around 7:00 a.m., Mr. V. was detained by Russian military personnel while in his apartment in the city of Kherson. Since then, his fate and whereabouts have remained unknown. At the time of his detention, he was a civilian.

Conclusions

The cited examples of enforced disappearances of civilians speak volumes on their own.

These facts allow us to conclude the aims of such disappearances, their systematic nature, their link to a single plan, and the purpose of reaching a specific goal through these actions. Usually, Russian officials detain individuals who held certain government positions, work in educational institutions, served in the Armed Forces of Ukraine, or have relatives who did, or have or had connections to law enforcement agencies or military units.

As noted above, a large portion of the missing persons are military personnel. Unfortunately, there is much less information about how they disappeared. The descriptions are very sparse and uniform, usually just noting the location and date of disappearance. The account of the circumstances is quite typical — during combat or while positions were under fire.

However, the tendency to hide the fact of capture and to withhold information about the detention location remains unchanged. This alone violates international humanitarian law.

The Independent International Commission of Inquiry on Ukraine stated in its report to the UN Human Rights Council (A/HRC/58/67): "The Commission concludes that Russian authorities committed enforced disappearances and acts of torture constituting crimes against humanity. Both were perpetrated as part of a widespread and systematic attack against the civilian population and pursuant to a coordinated State policy.

In areas that came under their control, Russian authorities detained large numbers of civilians whom they perceived as a threat to their military objectives in Ukraine. They transferred many of them to multiple detention facilities in areas they occupied in Ukraine or deported them to the Russian Federation, where they subjected them to additional violations and crimes. Various Russian entities have systematically failed to communicate the fate or whereabouts of those detained, leaving families in unbearable anguish. Many disappearances have lasted for months and years and some of the victims have died".[132]

4.3. TORTURE

The crime of torture is one of the most widespread during Russia's current full-scale military invasion of Ukraine.

We can say that nearly everyone who, in some way, comes under Russian control and directly interacts with its representatives — whether military personnel, government officials, law enforcement agencies staff, puppet republic or occupying authorities' representatives — are subjected to torture or other inhumane treatment. This also includes those considered missing. Those among them who have not been killed or escaped from Russian authorities have undoubtedly experienced torture.

Numerous reports from international organizations have repeatedly verified this. Specifically, the most recent report from the Independent International Commission of Inquiry on Ukraine to

[132] Report of the Independent International Commission of Inquiry on Ukraine: https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session58/advance-version/a-hrc-58-67-auv-en.pdf

the Human Rights Council (A/HRC/58/67) dated March 19, 2025, stated: "In detention facilities in Russian-occupied areas in Ukraine and in the Russian Federation, Russian authorities have systematically used torture against certain categories of detainees to extract information and coerce and intimidate them. The most brutal forms of torture were used during interrogations, which were often led by the Federal Security Service and the Investigative Committee of the Russian Federation. The evidence shows that, when Federal Security Service personnel were present in detention facilities, they exercised the highest authority over all other services and forces, including heads of facilities, and gave orders.

Russian authorities have systematically used sexual violence as a form of torture against male detainees. The report details additional cases of war crimes of rape and sexual violence, committed as a form of torture, against female detainees."[133]

Reports with similar conclusions have also been presented by the Office of the United Nations High Commissioner for Human Rights. They similarly confirm that Russian authorities systematically and extensively subject Ukrainian prisoners of war and detainees to torture, cruel treatment, and keep them in inhumane conditions.

Methodology

Since the start of the full-scale invasion, KHPG has gained extensive experience documenting cases of torture carried out by Russian military personnel, officials of Russian law enforcement, and government representatives. Currently, KHPG lawyers have documented 995 incidents where there are reasonable grounds to believe that torture happened. This figure includes both civilians and military personnel who have been captured and are under Russian control.

The organization's lawyers are directly assisting 920 victims of torture. In many of these cases, KHPG lawyers have submitted complaints to the UN Human Rights Committee (248 complaints). Twenty-six of these complaints involved CRSV (conflict-related sexual violence).

Currently, at the national level, we have four convictions related to the torture of Ukrainians.

The main way to gather information about torture cases and their details is through direct interviews with victims and witnesses.

Most cases today involve criminal proceedings where torture is suspected. In these cases, KHPG lawyers provide legal support to victims and take part in investigative processes.

A problem with these types of proceedings is that torture causes significant and long-lasting suffering to victims. Not everyone who has been subjected to torture is willing to discuss these events, recall them, or share such information. Some fear publicity and worry about the fate of those still under the control of the Russian authorities.

Everyone who agrees to receive legal help and provide testimony signs an informed consent form for interviews and the subsequent use of the collected information in reports to judicial and law enforcement agencies at both the international and national levels. Interviews and surveys are conducted in accordance with current procedural laws, adhering to the "do no harm" principle and confidentiality standards, while avoiding unnecessary focus on traumatic details (a trauma-informed approach).

The investigation and documentation of torture cases are carried out in accordance with the Guidelines for Civil Society Organizations on Documenting International Crimes and Human Rights Violations for Accountability Purposes, developed by the ICC in partnership with Eurojust, the Principles on Effective Interviewing (Mendez Principles), and the Istanbul Protocol.

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[133] Report of the Independent International Commission on Inquiry on Ukraine: https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session58/advance-version/a-hrc-58-67-auv-en.pdf

General observations

Our observations indicate that the torture of Ukrainians in captivity shows signs of a coordinated policy supported and encouraged by the Russian authorities.

Both the testimonies and information gathered by our organization, along with reports from civil society, international organizations, and journalistic investigations, reveal strikingly similar patterns in the treatment of prisoners and detained civilians, including their torture and overall treatment. Therefore, it can be confidently stated that this points to a single, coordinated approach toward Ukrainians who have fallen under the control of the Russian Federation.

Torture is a common practice; it is widespread and applied systematically. Its geographical spread corresponds with the locations of combat zones and occupied territories and also includes areas within the Russian Federation. Specifically, torture occurs at all detention sites within the Russian Federation where Ukrainian prisoners and detainees are held.

Human rights organizations and joint civil society initiatives continue to identify locations where prisoners of war are held. Thanks to these efforts, 196 detention sites within Russia and about 84 in the temporarily occupied territories have been documented. Information about detention centers for prisoners of war, both in occupied areas and inside the Russian Federation, is still being collected and organized.

Therefore, torture remains widespread.

Both women and men, as well as civilians and prisoners of war, are victims of torture.

Torture occurs at all locations where Ukrainian prisoners of war or detainees are held. This includes both informal detention sites such as basements, garages, hangars, sheds, and abandoned buildings, as well as official detention facilities specifically designed for holding prisoners or convicts, like police station cells, temporary detention centers, pretrial detention facilities, and penal colonies.

The material conditions in which Ukrainian captives found themselves were generally unacceptable. They are characterized by the following: cold, insufficient food, lack of medical care, and inadequate living conditions. The facilities where detainees and prisoners were held sometimes needed repairs, had mold on the walls, and lacked adequate access to fresh air, lighting, and other essentials. Overall, opportunities to spend time outdoors were limited. Some of those interviewed mentioned that walks were very rare and brief.

During the early stages of detention, individuals were generally kept in conditions unfit for human life. They were housed in basements, garages, hangars, and storage spaces. These areas were cramped, usually lacked sanitary facilities and beds, were poorly lit (sometimes completely dark), and were not ventilated.

Torture is applied both during detention and afterward while people are confined, including in so-called filtration camps and during transfers.

Torture often occurs alongside or before other crimes — such as unlawful deprivation of liberty, intentional killings, sexual violence, enforced disappearances, and others.

The patterns we have identified so far focus on the categories of victims subjected to torture, the purposes and types of torture used by the occupiers, and the most common forms employed in all cases.

Victims of torture

Both civilians and military personnel are among those subjected to torture. As mentioned earlier, all individuals under the control of Russian authorities experience some form of torture or ill-treatment to varying degrees.

Men are more often subjected to sexualized torture, but this may be because there are more male detainees or prisoners of war than females.

Types and methods of torture

Torture is inflicted on everyone without exception — both civilians and military personnel — in all detention facilities throughout the entire period of captivity. At every detention site a Ukrainian prisoner passes through, unbearable conditions and an atmosphere of humiliation and intimidation have been created. Prisoners are subjected not only to physical torture but also to psychological pressure and abuse. Torture was used during interrogations and as part of the prisoners' daily routine. During interrogations, torture was targeted and as brutal as possible, always carried out by a group of torturers against a single prisoner. The interrogators stated the purpose of the interrogation and tortured the prisoner in an attempt to achieve that goal (see the section on the purpose of torture).

The types of torture described by the prisoners include:

- Beatings
- Electric shocks
- Stress positions and excessive physical exertion
- Sexualized methods of torture
- Threats and mock executions
- Suffocation
- Harassment by dogs
- Creation of inhumane and degrading detention conditions
- Other types of torture

Beatings

This is the most common form of physical violence, which affects detainees throughout their entire time in detention in the Russian Federation. According to detainees' testimonies, beatings happen in all detention facilities, at any time, and during any activities. Beatings are inflicted with hands and feet, as well as with various objects — sticks, batons (clubs, truncheons), tools (hammers, wrenches, etc.), plastic pipes, rubber hoses, ropes with knots, belts with metal buckles, and others.

The beatings reported by the detainees interviewed were described as highly targeted. The specific focus of blows indicated the torturers' intention to cause maximum harm to the detainee's health while keeping them alive.

Most often, numerous blows were struck to the kidneys in an attempt to cause maximum damage to the prisoners, which could result in disability or chronic kidney disease later on. Many prisoners reported experiencing prolonged pain in the kidney area, passing blood in their urine, and other issues.

All prisoners remembered that many blows were specifically aimed at their legs. The prisoners' muscles were beaten, disrupting blood flow in their limbs. This caused temporary loss of mobility and could lead to long-term motor impairments. All interviewees recalled that they completely lost the ability to move for a short time and faced significant mobility challenges for an extended period.

Blows and the application of electric current to the spine caused a temporary loss of mobility, to the point where the victim lost feeling in their limbs.

Blows to the genitals and the use of electric shockers on the genitals were clearly meant not only to humiliate the detainees but also to harm their reproductive health and sexual functions.

The interviewees said that their torturers explicitly talked about this, including threats of castration.

All of these "targeted" beatings, combined with poor nutrition, lack of medical care, constant psychological pressure, and humiliation, led to a significant decline in the prisoners' health in every case.

From the prisoners' testimonies:

> *...as we were climbing, they hit us with sticks, batons, and belts with metal buckles all over our bodies. ... They didn't aim at any specific spot; they just struck us all over. ...While they were leading us, they punched and kicked us with stun guns, hands, and feet. ... They used stun guns on us; they hit me in the groin and anus many times. They beat me so hard that my arms and legs started to go numb.*
>
> *They hit me with a bat, smashing my legs very hard. They broke my leg — it was broken with about fifty blows. My legs turned completely black; I couldn't walk for two months. They also punched and kicked my arms and ribs. I had three broken ribs. They beat me until I lost consciousness. At first, they beat us very harshly. They hit us every day. Once, during a check, they also shocked me in the groin with a stun gun. ... they punched and kicked us with their hands, feet, sticks, batons... a shovel handle... stun guns... (C. 3).*

Prisoners testified that incidents of beatings and torture resulting in victims losing consciousness, as well as deaths among prisoners, were not uncommon.

Prisoners were beaten constantly during all activities and events they participated in. They were beaten during transfers, intake at various facilities, in cells, during inspections, while being led to the shower or dining hall, while moving through the facilities, and on the way to interrogations. Beatings could happen several times a day.

Electric shock torture

Russian law enforcement extensively used this form of torture. It involved electrical devices with terminals attached to the victim's body and specialized tools like stun guns. Sometimes, to improve electrical conductivity, victims were doused with water or electrocuted while showering. One prisoner recall being strapped with terminals on his hands during interrogation and being electrocuted while asked questions. He couldn't answer because an electric current was applied immediately after each question, causing only screams of pain. Another prisoner noted that during his first or second interrogation, electrical clips were attached to his little finger, ears, and other places, delivering small electric shocks (C. 2).

Electric shocks targeted various parts of the body: hands, feet, along the spine, tailbone, genitals, buttocks, heels, head, and under the ribs. One detainee described how a stun gun was used on him as follows:

> *They shocked me in the leg area. They turned on the stun gun so it would fire for a few seconds, then pressed it against my body and ran it down my back from my neck to my tailbone. They also shocked my fingers (C. 9).*

Electric shocks were used on detainees both during interrogations to extract confessions and testimony, and during daily interactions with them. During interrogations, electric shocks were applied for extended periods and had severe effects on the victim. In other instances, electric shock was used to "stimulate" detainees. This forced them to move faster and to comply with the guards' demands and orders.

Prisoners describe the effects of electric shock in various ways, but most reports indicate severe consequences. Prisoners recall losing consciousness, losing sensation in their limbs, sustaining burns, and being unable to move for some time. This often happened when an electric shock was applied to the spine.

Stress positions and excessive physical exertion

This type of torture includes cases where prisoners are forced to stay in specific positions for long periods or to do physical exercises. This form of torture is common in Russian captivity. Russian security officials use it to fill the entire time prisoners are held in detention. It is part of the daily routine.

Given that prisoners spent much of their time in cells, officials from Russian law enforcement agencies forced them to stand motionless for the entire day, often 8 hours or more. After waking and having breakfast, prisoners were required to stand in their cells next to their beds, with hands behind their backs and heads bowed. Talking and raising their heads were not allowed. This was almost always combined with a ban on using the restroom or drinking water without guard permission. The detainees testified that these measures caused their legs to swell; some couldn't hold it and soiled themselves where they stood.

Almost all prisoners described this abuse similarly:

> *We were told we had to stand the entire time. We weren't allowed to lean on anything, sit down, or move. We could only use the restroom or drink water with permission. If we didn't obey, we were taken out into the hallway and beaten. We had to stand from 6:00 a.m. until 10:00 p.m., and I did so every day from February 10, 2023, to October 23, 2024. As a result of standing, I now have problems with my legs; I was granted a third-degree disability for life (C. 3).*

A common position was the so-called "swallow" — a forward-leaning stance with the head pressed against the wall and the arms raised behind the body. Another was "stretching" — a stance facing the wall, with arms raised and palms against it (sometimes with the backs of the palms pressed against the wall), and feet shoulder-width apart. Prisoners were required to assume these positions whenever they left their cells and were in hallways, offices, or other rooms where they waited for interrogations or transfers to areas like dining halls, showers, medical units, and so on. According to prisoners' testimonies, they were forced to stay in these positions for a significant amount of time.

Prisoners were compelled to perform physical exercises constantly. They reported being ordered to do squats or push-ups every day. The number of squats varied but was usually at least 200. One prisoner (C. 9) said that the record number of squats in their cell was 2,600, while another reported 4,000 (C. 6).

Other examples of forced physical exercises and stressful positions include holding a half-squat position, squats, the so-called "soldier's grip" (squats performed by several people holding each other by the shoulders), etc. (C. 7), "running in place" for an extended period (2–3 hours), remaining in the "plank" position for the entire duration of the morning roll call (C. 7), performing the "splits" (according to the prisoners' testimony, if they couldn't do it, they were helped to sit down — being hit on the legs and having strong pressure applied to their pelvis to force it to stretch) (C. 1).

Forcing prisoners into stressful positions and making them perform physical exercises had very similar effects. Restricting their ability to move freely and change body positions, placing them in uncomfortable and unnatural postures, and in positions requiring special physi-

cal training (the "splits" position), along with forcing prisoners to endure excessive physical exertion while exhausted and chronically undernourished, suggest an intent to exhaust and humiliate them. Given the widespread and consistent nature of these actions, along with the involvement of many law enforcement officers of the Russian Federation, it can be reasonably concluded that these actions were coordinated and approved or that silent consent was given.

Sexualized methods of torture

For the purposes of this report, a broad interpretation of sexual violence was used, which includes not only rape, forced sex, or other acts involving penetration of the human body, but also other acts not involving penetration or even physical contact. This approach is recognized under international law and was adopted by the International Criminal Tribunal for Rwanda in the case against Akayesu.

The interviewees were reluctant to speak about sexual violence. At the same time, such incidents likely caused significant psychological suffering, and this is precisely what led most of the interviewees to provide accounts of these events after all.

The detainees did not report specific instances of rape, but violence with all the signs of sexual assault was frequently inflicted on them. This included hitting them in the genitals and groin area, using stun guns on their genitals and anus, stripping them and making them stay naked, forcing them to do physical exercises while naked, threatening rape, and simulating rape. All interviewees mentioned that threats of castration and mutilation of the genitals were constant and intentional.

Many detainees recalled that special forces and detention facility staff threatened to use construction sealing foam as a method for sexualized torture. One detainee recounted being shouted at, cursed at, and threatened with having sealing foam blown into their anus (C. 9).

The perpetrators of the torture openly told the detainees about the purpose of the sexual violence. They sought to inflict such injuries and damage on the detainees that would make it impossible for them to have children or engage in sexual activity in the future.

One of the prisoners recalled that he was constantly interrogated by two men — a lieutenant and a heavyset captain. Russian convicts serving sentences at this detention facility sometimes participated in the interrogations. The prisoner was threatened that if he did not confess to the bombing of the Drama Theater in Mariupol, the convict would rape him. After this threat, the convict pulled down his pants, demonstrating his willingness to carry out the interrogator's order. The prisoner began to cry, and the lieutenant ordered the convict to pull up his pants. But after that, the lieutenant said that the prisoner would never have children, and with those words began to shock the prisoner with an electric current (a stun gun) on his genitals. The prisoner recalled that he went into shock (C. 6).

Law enforcement officers of the Russian Federation often threatened prisoners with rape and castration. Interviewees recalled multiple instances of simulated rape. FSIN officers tried to insert a rubber baton (C. 8), a stick, or a bottle (C. 5) into a prisoner's anus.

Forms of sexual violence included demands for sexual intercourse, which FSIN officers made to prisoners under threat of beatings.

The prisoners' testimonies show that sexual violence was used for two main purposes: to harm the prisoners' sexual health and to humiliate them. Prisoners reported that after their release, they experienced sexual health problems, such as poor semen analysis results and pain in the groin area. None of the respondents had experienced anything similar before their capture (C. 8).

Threats and simulated executions

Threats of murder and physical destruction constantly accompanied Ukrainian prisoners of war in Russian captivity. The interviewees recalled that from the very beginning of their captivity, Russian military personnel, militants from the so-called "LPR" and "DPR," and Russian law enforcement officers threatened them with murder and reprisals, stating that Ukrainians would not return home alive. These threats were not personalized and were directed at all prisoners who heard them. This was part of the daily pressure exerted on Ukrainians.

At the same time, threats and mock executions were part of individual torture cases. Usually, this happened during prisoner interrogations when they were alone with torturers. These threats and mock executions occurred alongside beatings or other forms of torture, making them sometimes seem unavoidable.

In other instances, special forces members would enter the cell, call the prisoner's name, command them to gather their belongings, and lead them out. During transportation and on the way to the vehicles, prisoners were told they were being taken to be shot. Throughout the journey, they stayed tense, constantly reminded they were being taken to be shot or "to be fed to the dogs" (C. 6).

One prisoner described how, at the colony in Mordovia, guards sometimes led them outside, made them kneel, and subjected them to a fake execution by throwing stones at a metal shield. A sound resembling a gunshot rang out. The prisoners couldn't see what was happening, which made them very scared and upset. As a result, they often lost control of their bodily functions and urinated or defecated where they stood.

Asphyxiation / Suffocation

This form of torture involves depriving the victim of the ability to breathe by blocking the airways. This blockage is carried out in various ways — such as choking the victim by squeezing their neck, pouring a large amount of water through a cloth, placing a plastic bag over the person's head, or confining them in a cramped space without access to fresh air and leaving them there for an extended period.

Suffocation was most often used during interrogations and was part of other torture methods.

One of the detainees recalled that some officers from the Federal Security Service (according to the officers themselves) subjected detainee H. to waterboarding. They laid him on his back with his hands and feet bound, placed a cloth over his face, and started pouring large amounts of water (C.4).

Suffocation with a plastic bag was a common method. Respondent C.1. reported that a plastic bag was placed over his head and kept there until he lost consciousness.

Strangulation by squeezing the victim's neck was often combined with other methods that increased the asphyxiation effect. Person S.2 indicated that the torturers combined strangulation with simultaneous blows to the solar plexus. Such actions caused the detainees to lose consciousness. Afterward, the victims were "revived" with a stun gun, and the cycle repeated.

Dog attacks

In penal institutions in the Russian Federation, dogs are used to secure the perimeter and prevent convicts from escaping. They are also employed during the transport of particularly dangerous prisoners. Regarding Ukrainian inmates, dogs are used to intimidate them and cause injuries.

Those interviewed testified that it was common practice to set service dogs on prisoners, commanding the dogs to attack and bite them, and to keep agitated and irritated dogs close to prisoners. Person C.10 described being ordered to crawl into a room, while the dog handler commanded the dog to attack those crawling in and hold them. The dog obeyed, grabbing the prisoner

and holding him by a limb. Person C.10 recalled that the dog bit him twice — once on the leg and once on the buttock — during a walk. Some prisoners were left with scars from dog bites.

At the same time, the prisoners recalled that medical assistance was not provided in such cases (C. 9).

The dog attacks were often accompanied by humiliating remarks directed at the prisoners. One interviewee recalled how the dog handler, while giving orders to the dog, shouted: "Bite the Ukrop!" and "Find the contracted soldier!" (C. 2).

The captives recalled that as a result of the dog bites, they were left with wounds and scars. Due to poor conditions regarding food, rest, and recovery, as well as constant psychological pressure and high levels of stress, the wounds healed poorly.

Creating inhumane and degrading detention conditions

The conditions in which the Ukrainian prisoners were held can clearly be considered a form of torture, as they instilled in the prisoners a constant sense of fear, vulnerability, defenselessness, and helplessness. The prisoners could do nothing; they had no ability to influence the situation or their own circumstances in any way. They had no control over any changes in their conditions of detention; they could not complain, seek help, or appeal to any authorities, organizations, or individuals. The prisoners were completely under the control of the Russians. They were deprived not only of all human rights but also of even the most basic physical and psychological freedoms, such as the ability to move, engage in certain activities, and relieve themselves.

A distinctive form of pressure on the prisoners involved forcing them to eat insignia from their military uniforms, learn the Russian national anthem, Russian songs, and poems, and read poems and count aloud. The pressure also included the perpetrators influencing the prisoners' intellectual sphere by imposing Russian propaganda narratives and prohibiting not only speaking Ukrainian but speaking at all.

The Russians forced prisoners to beat other Ukrainian inmates, attempting to foster an atmosphere of mistrust, suspicion, and mutual denunciation, as well as tension and danger (C. 8). Constant physical violence, disrespectful treatment, and humiliation occurred, along with complete control over the prisoners' bodies, their time, and the spaces they occupied. Captives were forbidden from counting the days or tracking the date and month, in an effort to disorient them and make them completely helpless (C. 5).

Prisoners reported that the detention conditions were so inhumane, cruel, and degrading that some of them attempted suicide.

Other Types of Torture

Other forms of torture were also used against the prisoners, though they were less common. The interviewees mentioned torture by fire, gas, and binding. One prisoner recalled pulling out toenails (C. 6).

The interviewees described these incidents as follows:

> *... they asked if there were any tank crewmen. One replied that he was. They took him into the corridor, poured a flammable mixture over him, sat him on the ground, and set him on fire (C. 3).*

Regarding gas torture, one of the interviewees said:

> *They were setting up gas chambers. Once they did this to us. After the check, we ran into the chambers and collapsed, feeling sick. FSIN officers and special forces soldiers sprayed gas into the chamber from small canisters and sealed all the openings, ordering everyone to stay still and not move. We were not allowed to open the window. We stood*

like that for about an hour. We couldn't breathe, we were suffocating, and tears streamed down our faces (C. 5).

The testimony obtained indicates that the Russian military and its affiliated agents committed multiple violations of international law, including acts that constitute crimes dangerous to the public under international humanitarian and criminal law.

Our analysis is based on the following points:

All incidents we have documented involve either military or civilian personnel. In the case of military personnel, all were involved in defending Ukraine's sovereignty and territorial integrity. Ukraine is exercising its sovereign right to self-defense, as outlined in Article 51 of the UN Charter, by mobilizing its regular armed forces to counter the Russian Federation's military forces. Under these circumstances, members of the Ukrainian armed forces gained combatant status and carried out the combat missions assigned by their command. Ultimately, Ukrainian service members are protected by the Geneva Conventions for the protection of war victims.

If the detainees are civilians, then according to the 1949 Geneva Conventions, they are entitled to protection as civilians and cannot be detained, let alone subjected to any form of cruel, inhuman treatment, or torture. To establish the presence of war crimes, it is necessary to analyze several elements of the events that occurred. These include aspects related to military personnel and those related to civilians.

The main indicia of war crimes and crimes against humanity is the existence of an international armed conflict between Ukraine and the Russian Federation.

Today, the presence of an international armed conflict can be regarded as a fact.

In accordance with UN Resolution ES-11/1 of March 2, 2022, the Russian Federation committed an act of aggression against Ukraine, violating Article 2, Paragraph 4 of the UN Charter. The resolution calls for the Russian Federation to stop using force against Ukraine immediately and to avoid any further unlawful threats or actions of force against any UN member state.

Although the document does not use the phrase "armed conflict," the mention of Russia's aggressive use of force to violate Ukraine's territorial integrity effectively suggests the existence of an armed conflict. It is undeniable that this conflict is international, as two states sharing a common border are involved in the confrontation. Another indication of an armed conflict is that the regular armed forces of the Russian Federation have illegally crossed Ukraine's borders and are conducting armed operations and attacks on Ukrainian territory.

The Geneva Conventions establish essential guarantees for prisoners of war and detainees that the belligerent state must uphold. These include the unconditional obligation to treat individuals humanely and the bans on cruel treatment, abuse, humiliation, and torture, among other protections. The detaining state is also responsible for providing detainees with free sustenance, necessary medical care, and ensuring their safety.

The details in this report show that Russia has failed to meet these guarantees.

We believe that representatives of the Russian Federation, through their actions, are intentionally violating the norms set by the Geneva Conventions.

The actions taken by Russian agency and authority representatives against Ukrainian prisoners of war exhibit signs of torture.

This is especially true for forms of violence such as beatings, rape, threats of physical harm, deprivation of sleep and food, and forcing prisoners to stay in a certain position for extended periods, etc.[134]

[134] Guide to Article 3 of the European Convention on Human Rights. Prohibition of Torture https://ks.echr.coe.int/documents/d/echr-ks/guide_art_3_ukr

A similar position was established in the ICTY Judgment in the Case of Milorad Krnoelac, where it was held that the beating of a detainee, which caused long-term health issues, combined with other forms of ill-treatment (such as failing to provide medical care after the beating, solitary confinement, and inadequate food), could amount to torture.[135]

Connection of the described events to the armed conflict.

Participants in the events and the perpetrators of the relevant acts must be aware of the existence of an armed conflict and connect their actions to it.

The events described in the report clearly show that the perpetrators (who are addressed in a separate section) knew about the armed conflict and acted because of it. Russian military personnel and staff of detention sites — both official and unofficial — were aware that they were capturing Ukrainian service members, demanding they surrender their weapons and all identifying marks of their military affiliation. They asked for information about their units, demonstrated knowledge of different types of units, and showed particular cruelty and contempt toward those serving under contract. The connection to the armed conflict is also supported by the fact that prisoners were forced to denigrate the Ukrainian Armed Forces and their leadership and to acknowledge Russia's greatness. With regard to civilians, the awareness of the existence of an armed conflict was also typically manifested in accusing detainees of collaborating with military units of the Armed Forces of Ukraine, conducting reconnaissance activities, and so on.

At the same time, the detention of civilians was often connected to the detainees' pro-Ukrainian stance. This fact does not diminish the recognition of an armed conflict, as one of the main objectives of the invasion was defined by the aggressor state as "denazification". Therefore, representatives of the Russian Federation aimed to achieve this "goal" of the invasion by targeting those who identify as Ukrainians.

All these circumstances clearly demonstrate a link between the crimes committed by the Russians and the armed conflict.

The existence of a coordinated and planned policy concerning Ukrainian detainees and prisoners of war.

Over time, through ongoing efforts to gather evidence of continuous violations and crimes, it has become clear that Russia's actions show signs of premeditated, systematic behavior toward Ukrainians. This is documented in numerous reports by both international and Ukrainian organizations, and international judicial bodies also recognize these patterns. A significant and crucial example is the ECHR's judgment of July 9, 2025, in the case of Ukraine and the Netherlands v. Russia (applications Nos. 8019/16, 43800/14, 28525/20, and 11055/22).

Of particular importance in this judgment is the ECHR's characterization of a wide range of actions by Russia as administrative practices. The Court acknowledged these as systematic violations that began in 2014 in territories under Russian jurisdiction, continued throughout the entire period, and became most widespread after the full-scale invasion in 2022.

The Court identified the following as such administrative practices: extrajudicial executions, unlawful detentions, torture and inhuman treatment of civilians and prisoners of war, deportation and forced displacement of civilians, including children, persecution of religious groups, restrictions on free speech, systematic destruction of homes and civilian infrastructure, the prohibition of education in the Ukrainian language, and others.

[135] Prosecutor v. Milorad Krnoelac (Judgment), IT-97-25-T, International Criminal Tribunal for the Former Yugoslavia (ICTY), March 15, 2002, (paras. 233–235)

The Court recognized the systematic nature of the violations, including their prevalence, repetition, typicality, and uniformity. These violations have continued from 2014 to the present. Additionally, other Court decisions have also confirmed their existence.[136]

The Court recorded in the Judgment that Russia is using all means to obstruct establishing facts about violations, conduct investigations, and exchange information. Specifically, the Russian Federation denies access to relevant territories, including to independent observers and international missions, limits monitoring opportunities in detention sites, and intimidates victims by creating fear that reporting violations will lead to persecution of them or their families.

The Court determined that the prevalence, recurrence, uniformity, and systematic nature of the violations provide reasonable grounds to believe that the senior leadership of the Russian Federation inspired and supported such conduct, the commission of violations, and encouraged behavior toward Ukrainian (in particular) prisoners of war. Therefore, the senior leadership of the Russian Federation bears full responsibility for organizing and managing such administrative practices.

The Court based its decision on the collection of information gathered thus far, including materials provided by the applicant parties, reports from international organizations, and documents prepared by non-governmental organizations. This information constitutes clear and unequivocal evidence of a systematic policy by the Russian Federation that facilitates and leads to the commission of crimes against Ukrainian service members by various agencies and entities of Russia.

Based on the evidence received and a preliminary legal analysis, we believe that the described incidents exhibit not only gross violations of the Geneva Convention on the Treatment of Prisoners of War but also qualify as war crimes in the form of torture. The review of the data obtained, their legal classification, the identification of specific perpetrators, and the detailed examination of the circumstances surrounding the commission of the crimes require more thorough study and investigation within the context of relevant criminal proceedings. Due to the systematic, large-scale nature, consistency, and repetition of similar acts and actions, there is every reason to conclude that a single, coordinated policy exists regarding Ukrainian detainees and prisoners, with the primary aim of destroying and humiliating those who identify with Ukraine and who seek to defend its sovereignty, territorial integrity, and national identity.

In many cases, the KHPG's lawyers provide legal assistance to victims.

Since experiencing torture involves significant physical and psychological trauma, victims often need support and help.

Without exception, all individuals interviewed by the KHPG staff were offered psychological assistance, which could be provided either by psychologists working directly with KHPG or through referrals to other psychosocial support services.

4.4. OTHER CRIMES

During the full-scale military invasion of Ukraine, Russian authorities have committed various acts, many of which are crimes. Enforced disappearances and torture were described in the previous section. This section will discuss other crimes which were not necessarily committed against the missing persons but constitute a part of Russia's aggression against Ukraine. A key feature of these crimes is that their geographical scope extends beyond combat zones, occupied territories, and the Russian Federation itself to include the entire territory of Ukraine, even areas far from the immediate conflict zones and considered relatively safe.

[136] CASE OF UKRAINE v. RUSSIA (RE CRIMEA) / (Applications nos. 20958/14 and 38334/18) June 25, 2024: https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-235139%22]}

International humanitarian law classifies a wide range of actions as crimes, which, depending on the context and circumstances, may be recognized as either crimes against humanity or war crimes.

Among other offenses, KHPG documents and supports rape victims, individuals whose relatives have been killed or wounded, and victims whose close relatives, including children, have been deported. The organization also records cases of extrajudicial executions, such as shootings, as well as indiscriminate shelling, including attacks on civilians and critical infrastructure.

4.4.1. Rape[137]

This section provides information about sexual violence, specifically rape. The KHPG has documented 13 cases of rape carried out by service members of the Russian Federation's armed forces and other military groups under Russian control. These rapes occurred in occupied territories and in locations where detainees and prisoners of war were held. Most often, they took place in unofficial detention sites such as basements, garages, hangars, sheds, and similar locations.

The victims of these crimes were mostly women (12 women and 1 man). Male prisoners experienced sexual violence not as isolated acts but as part of torture meant to cause maximum humiliation.

Rapes were often carried out by groups of soldiers. Beatings, threats, mockery, and humiliation usually accompanied them. The types of penetration varied — genital, anal, and oral. Sometimes, victims were held for extended periods and raped multiple times.

For security reasons and to protect the investigation, we do not include victims' testimonies in this report.

Providing legal help in rape cases is very difficult. Victims are often hesitant to talk about their experiences, avoid publicity, fear for their safety, and doubt that the perpetrators will be caught and punished. The deep psychological trauma they experience makes offering legal support and conducting investigations even more complex.

Given the sensitivity of rape cases, it is essential to follow ethical standards, communicate carefully, avoid pressure and psychological harm, and consider gender barriers. Victims often prefer not to speak with representatives of the opposite sex; therefore, depending on the victim's gender, a female or male law enforcement officer should be involved.

Medical and psychological examinations are always necessary in these cases because they provide information about physical and psychological trauma.

Rape victims always receive psychological support from psychologists working with KHPG or through referrals to other organizations and professionals.

So far, two convictions have been issued in rape cases where KHPG lawyers provided legal assistance.

Representatives of the National Police of Ukraine state that there are currently dozens of active criminal cases involving sexual crimes against civilians committed by Russian Federation military personnel.[138]

4.4.2. Deliberate killings and assaults on civilians

According to unanimous assessments from numerous civil society, government, and international organizations, during the full-scale invasion, the civilian population has been repeatedly

[137] In this section, we use the term "rape" to specifically refer to acts of a sexual nature involving penetration of a person's body, whether by natural or unnatural means, including the use of objects.

[138] Dozens of active criminal cases are currently pending regarding sexual crimes against civilians committed by Russian Federation military personnel https://www.facebook.com/mvs.gov.ua/videos/626337732156639

subjected to attacks, both of a mass scale and in the form of individual crimes and acts of aggression. The number of civilian casualties has risen sharply and continues to increase.

According to UN data as of August 13, 2025, at least 13,883 people have been killed, and at least 35,548 civilians in Ukraine have been wounded since the start of the invasion.[139] Furthermore, the actual losses are expected to be significantly higher.

During the first months of the war, Russia has occupied about 27% of Ukraine's territory. By the end of 2022, Ukrainian forces had reclaimed nearly 10% of that land.

Mass graves and bodies of civilians showing signs of torture and likely executions were found in the liberated areas. The most shocking are the events in Bucha, where Russian troops carried out punitive actions, massacring the city's civilians.

More than 30 civilians' bodies were found in the city streets, basements, and yards of homes. Nearly 70 more bodies were exhumed from mass graves.

According to national sources, over 1,000 civilians' bodies were discovered following the de-occupation of Ukrainian cities.

The Office of the UN High Commissioner for Human Rights documented the killing of 73 civilians in Bucha as a result of mass executions.

A 2022 Human Rights Watch report noted that this is a consistent practice of Russian forces.

According to data from the National Police, as of April 22, 1,084 civilians' bodies were found in the Kyiv oblast alone. In 650 cases, the cause of death was gunshot wounds.[140]

According to observations by the KHPG, the situation is similar across all settlements in Ukraine that were under Russian control or occupied.

KHPG lawyers started receiving reports of killings after these settlements were liberated or when people managed to escape Russian-controlled areas.

Since late 2022, the rise in such incidents has slowed down. We attribute this to the following reasons:

1. The liberation of occupied territories has stalled. As a result, it has become impossible to investigate the situation there due to lack of access.

2. The Russian authorities are actively hiding information about all Ukrainian civilians under their control. As a result, it is unknown how many civilians are under occupation, and their fate and condition remain unclear.

3. The movement of people from Ukraine's occupied territories has decreased significantly.

Currently, it is both difficult and dangerous. Furthermore, many who do manage to move into Ukrainian territory are unable or unwilling to contact the documenters.

Currently, KHPG has recorded 361 incidents, with lawyers and attorneys providing legal assistance in 219 of those cases.

Geographically, the distribution of killings is as follows:

- Kharkiv Oblast — 28 cases;

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139 https://ukraine.ohchr.org/en/Number-of-civilians-killed-and-injured-in-Ukraine-reaches-three-year-monthly-high-in-July-2025-UN-human-rights-monitors-say

140 Killings of Civilians: Arbitrary Executions and Attacks on Individual Civilians in the Kyiv, Chernihiv, and Sumy Regions in the Context of the Russian Federation's Armed Attack on Ukraine: https://ukraine.un.org/uk/210727-%D0%B2%D0%B1%D0%B8%D0%B2%D1%81%D1%82%D0%B2%D0%B0-%D1%86%D0%B8%D0%B2%D1%96%D0%BB%D1%8C%D0%BD%D0%B8%D1%85-%D0%BE%D1%81%D1%96%D0%B1-%D1%81%D0%B2%D0%B0%D0%B2%D1%96%D0%BB%D1%8C%D0%BD%D1%96-%D1%81%D1%82%D1%80%D0%B0%D1%82%D0%B8-%D1%82%D0%B0-%D0%BD%D0%B0%D0%BF%D0%B0%D0%B4%D0%B8-%D0%BD%D0%B0-%D0%BE%D0%BA%D1%80%D0%B5%D0%BC%D0%B8%D1%85-%D1%86%D0%B8%D0%B2%D1%96%D0%BB%D1%8C%D0%BD%D0%B8%D1%85-%D0%BE%D1%81%D1%96%D0%B1-%D1%83-%D0%BA%D0%B8%D1%97%D0%B2%D1%81%D1%8C%D0%BA%D1%96%D0%B9

- Kherson, Donetsk, and Luhansk Oblasts — one case each;
- Sumy Oblast — 7 cases;
- Kyiv Oblast — 269 cases;
- Chernihiv Oblast — 39 cases.

We believe that the geographic distribution in our database is not fully representative because, unfortunately, our organization cannot document the entire territory of Ukraine due to limited resources. Additionally, we prioritize direct communication with victims, traveling to de-occupied regions and other communities where they reside.

Therefore, the figures provided are not final or precise. The number of victims continues to increase as the Russians have not stopped their campaign and continue to kill both civilians and military personnel. We believe the actual number of those killed is significantly higher.

Given that the number of people missing today exceeds 90,000, we can be certain that some of them are victims of murder.

To these figures, we must add a separate category tracking civilian killings carried out using FPV drones. We have recorded 783 such cases. Their geographic distribution differs from that of civilian killings by small arms. The Kherson Oblast ranks first with 55% of incidents, followed by the Kharkiv Oblast 19%.

Based on our observations, we can conclude that reports of killings by small arms and direct shootings are decreasing. However, this does not necessarily mean that such incidents are actually fewer. The apparent decline in these cases likely reflects an increase in concealment. Several factors contribute to this. First, at this stage of the war, there is almost no liberation of previously occupied territories, so we do not receive new information about events there. Second, there is a widespread reduction in movement across Ukraine, especially from occupied areas. Such movement is now nearly impossible due to restrictions imposed by the warring parties and the high danger to those trying to move. Third, the evolving nature of combat operations enables the aggressor's forces to conduct attacks on civilians remotely using FPV drones.

Drone attacks have targeted individuals on foot or bicycle, civilian vehicles, public transportation (buses, minibuses, trolleybuses, etc.), and emergency vehicles like ambulances and rescue units. Strikes on households and yards when people are present are not uncommon.

The demographic makeup of the victims shows a consistent gender trend — mainly middle-aged men who might resist the invasion are being killed. Seventy-eight percent of the attacks targeted men. Women make up nearly a third of the victims, which may suggest that attackers also deliberately targeted them to intimidate and terrorize the population.

Children were most likely victims by accident, but this cannot be confirmed because, as noted above, the drone operator always has the ability to identify the target they are striking.

Typically, Russians kill civilians arbitrarily, without any clear reason. Regardless of the type of weapon, attacks are carried out against anyone who comes into the line of sight of the shooter or drone operator.

Specific cases of killings show that Russian military forces have attacked Ukrainian civilians. Such situations were often linked to the military taking a person away in an unknown direction, only for them to be found dead later with signs of gunshot wounds or other physical trauma (death from cold weapons, beatings, etc.).

In some cases, Russian military personnel and their affiliates detained civilians because they considered them a threat to the Russian Federation's authorities. This threat was explained by the fact that the person had previously served in the Armed Forces of Ukraine or in law enforcement agencies. Those who allegedly collaborated with the Ukrainian government, provided

information on the movements of Russian military units, and so on, were also deemed dangerous. In most cases, the victims were men.

Regarding attacks using FPV drones, we are confident that the way these attacks and killings happen shows they are not aimed at specific individuals. The victim's identity does not matter to the drone operator. The main trait of the victims is their status as members of Ukraine's civilian population. Therefore, the attack is based on group affiliation.

The victims of this type of crime are mainly surviving family members, most of whom are women. They must cope with the hardships of war and the loss of a breadwinner, low income, caring for other family members, and the stress and trauma caused by these crimes.

Patterns of the killings

Murders and shootings involved various types of weapons. Victims were often tortured beforehand. Some bodies were discovered with their hands bound and bags over their heads. These signs may suggest premeditated murders and shootings.

The killings occurred both from a distance and at close range; people were shot in streets, courtyards, basements, and other locations, including forests and outskirts of populated areas. Bodies were found beneath rubble from destroyed buildings, in wrecked or burned vehicles on roads, in basements and pits, and in numerous makeshift individual and mass graves.

There have been documented cases of murder through crushing victims with military or other equipment, beating them to death, and killing with cold weapons and various objects.

Attacks using drones targeted individuals on foot or bicycle, civilian vehicles, public transportation (buses, minibuses, trolleybuses, etc.), and emergency vehicles like ambulances and rescue units. Strikes on individual households and their yards, when people are present, are not uncommon.

Precisely because the combat capabilities of FPV drones are typically designed to target individual, often moving targets, they are highly effective for killing people and terrorizing city populations.

When drones are deployed, there are no warnings or alarms, as they usually go unnoticed by most air defense systems. This makes such attacks unpredictable, leaving victims helpless. The situation is made worse because all strikes with FPV drones are carried out during daylight hours, when the drone operator has the best visibility of the target.

Excerpts from incident descriptions:

#697

A grave was discovered at the local cemetery in Balakliya. DNA analysis confirmed the remains included Mr. V.'s body with numerous injuries. The day before, Mr. V. had been detained by Russian military personnel without explanation and taken to an unknown location.

#524

Russian Armed Forces soldiers fatally shot Mr. K. on the street with automatic weapons.

#692

My father was shot in his own Zhiguli car, and then a tank ran over it.

#244

On September 15, 2022, Mr. Sh. vanished from the village of Dibrova in the Izyum District of Kharkiv Oblast. His body was later discovered in a cemetery in the city of Izyum. Mr. Sh.'s son is a former ATO participant.

#033

On September 7, 2022, Mr. Sh. was killed by Russian military forces in the city of Balakliya.

#127

The Bucha District Police Department received a statement from Mr. N. indicating that he lost contact with his parents, Mr. S.O. and Ms. L.F., on March 22, 2022, and their current whereabouts are unknown. A subsequent report revealed that during the occupation of Bucha by Russian forces, Mr. N.'s parents, Mr. S.O. and Ms. L.F., were tortured and killed.

#893

On March 22, 2022, Ms. H. was driving down a street in Izyum District with her husband when Russian military personnel shot and killed him with small arms.

#370

On March 24, 2022, during the occupation, Russian soldiers shot and killed Mr. K.'s brother in the city of Bucha.

#729

Starting on February 24, 2022, the Armed Forces of the Russian Federation (hereinafter — the Russian Armed Forces) launched a large-scale offensive against the Kyiv Oblast, specifically targeting the village of Andriivka in the Bucha district of the Kyiv Oblast.

At the start of the war, Ms. K. (hereinafter "the applicant") was living in her private home in Andriivka. Her nephew, Mr. P. (hereinafter "the applicant's nephew"), lived nearby in a separate house. Since Mr. P. had no mother or father, the applicant was his closest relative. The applicant's nephew worked as a truck driver and had never been involved with any armed forces or military groups.

On February 25, 2022, the applicant went to her nephew's house, where there was a large cellar on the property that could be used as a shelter from shelling. The applicant stayed in her nephew's house until the occupation of the settlement ended.

On February 26, 2022, the Russian Armed Forces took control of the village of Andriivka.

On March 19, 2022, around 9:30 a.m., soldiers of the Russian Armed Forces arrived at the applicant's nephew's house. The soldiers wore balaclavas and white armbands. One soldier ordered them to surrender their cell phones for inspection. The applicant stayed in the yard, where one soldier began examining her phone, while her nephew and another soldier went inside to retrieve his phone. Fifteen minutes later, a Russian soldier led the applicant's nephew out of the house and ordered the other soldiers to detain him. He was then detained by Russian soldiers and taken away in an unknown direction.

After the village of Andriivka was liberated, the applicant's nephew's body was found in a barn on the site of the former collective farm in Andriivka, with a gunshot wound to the chest.

#662

The story of volunteer Andriy, who survived an execution in Motyzhin. He sustained five gunshot wounds that went through his body and a broken leg. Andriy detailed the torture and abuse he endured at the hands of Russian soldiers. Initially, Russian soldiers kidnapped Andriy and his friend Roman, then confined them in a well and assaulted them, forcing them to dig graves. Later, on March 23, 2022, they took them to be shot. Roman died, but Andriy survived.

Source: https://www.facebook.com/OchiUA/videos/397292085544812.

Source:https://www.youtube.com/watch?v=llKfZmVL2IY

Source: https://www.youtube.com/watch?v=llKfZmVL2IY

#85

On March 19, Russian troops opened fire on residents of the village of Motyzhin. According to eyewitnesses, when a Russian armored vehicle accompanied by soldiers with rifles drove onto Zhovtneva Street, 70-year-old Ms. L. was standing by the gate of her house and then ran toward her neighbors' house. A bullet struck her in the chest, causing her death.

https://www.wsj.com/articles/execution-of-village-mayor-becomes-symbol-of-russian-brutality-in-ukraine-11649176611

https://nv.ua/ukraine/events/rasstrel-semi-suhenko-v-motyzhine-zhiteli-sela-rasskazali-o-zverstvah-voennyh-rf-novosti-ukrainy-50231551.html

#539

Ms. M. reported that on March 19, 2022, Russian military personnel shot and killed her husband, Mr. Y., in the village of Blystavitsa in Kyiv Oblast.

#352

On March 8, 2022, the village of Bohdanivka was occupied. A large convoy of Russian forces entered the settlement and started hiding their equipment near residents' homes. The occupiers forbade locals from going outside. According to eyewitnesses, Russian troops sometimes fired small arms at local houses. The village was also shelled with artillery. During the occupation, the Russians abducted a man named O.S. After the settlement was liberated, the abducted man was found dead in a neighboring village, in the basement of one of the houses, along with two other residents of Velyka Dymerka. Signs of torture were visible on the victim's body.

#970

13-year-old Dmytro was killed on the first day of Russia's full-scale invasion of Ukraine. The Russians shot him on February 24 near the Dytatky checkpoint, not far from the Chornobyl zone. At that time, Russian troops had broken through into Ukraine from Belarus, killing Ukrainian civilians in their path.

On February 24, Dima was returning home with his father from a nearby village. On the way, they encountered a column of Russian tanks. Father and son were shot at point-blank range.

Source: https://www.victims.memorial/people/dmytro-ohnyevyy

https://www.victims.memorial/people/viktor-ognyevyy

In most of these cases, KHPG lawyers provide legal assistance. The criminal proceedings are at various procedural stages. In many instances, the investigation is hindered by a lack of personnel, excessive workload for law enforcement agencies, difficulties in maintaining constant contact with victims, challenges in organizing and executing certain investigative actions, and very limited capabilities to detain suspects.

An example of the scope and nature of work performed by KHPG lawyers:

#237

Appeal to Ukrainian government agencies

In June 2023, a KHPG Strategic Litigations Center (SLC) lawyer interviewed the applicant about her daughter's murder, potential witnesses, and the progress of the criminal case, and found that she had not yet been recognized as a victim in this case.

On June 9, 2023, the SLC lawyer prepared and submitted a request to the Kyiv Oblast Prosecutor's Office, asking for information about which agency is handling the pre-trial investiga-

tion into her daughter's murder, identifying the specific investigator or team working on the case, and requesting the case number.

On June 12, 2023, the Kyiv Oblast Prosecutor's Office provided the attorney with an extract from the Unified Register of Pre-trial Investigations. It informed the attorney that the criminal case related to this matter is being handled by the Investigative Department of the Security Service of Ukraine in Kyiv and the Kyiv Oblast.

On June 15, 2023, the SLC lawyer prepared and submitted a motion to the Investigative Department of the Security Service of Ukraine in Kyiv and the Kyiv Oblast, requesting that the applicant be recognized as a victim in the criminal case concerning the murder of her daughter and that she be questioned as a victim.

On June 19, 2023, an investigator from the Investigative Department of the Security Service of Ukraine in Kyiv and the Kyiv Oblast contacted the attorney and arranged a date to recognize the applicant as a victim and to question her.

On June 21, 2023, the investigator of the Investigative Department of the Security Service of Ukraine in Kyiv and the Kyiv Region, in the presence of the SLC lawyer, issued an order to include the applicant in the criminal case regarding the murder of her daughter as a victim and provided her with a legal handout outlining her procedural rights and obligations.

On the same day, an investigator from the Investigative Department of the Security Service of Ukraine in Kyiv and Kyiv Oblast, in the presence of the SLC lawyer, questioned the applicant as a victim.

Immediately after the questioning, the SLC lawyer filed a motion to review the materials of the criminal case, which the investigator approved.

The lawyer reviewed the case files, from which it was revealed that:

On April 9, 2022, law enforcement authorities found the body of the applicant's daughter and transported it to the morgue, where it was examined. During the examination, gunshot wounds were discovered on the body.

On April 9, 2022, information about the murder of the petitioner's daughter was entered into the Unified Register of Pre-trial Investigations.

On April 11, 2022, the Kyiv Bureau of Forensic Medical Examinations determined that the applicant's daughter died on February 27, 2022, from gunshot wounds received at the following address: 122 Vokzalna Street.

Appeal to the Russian Federation's government agencies

On July 10, 2023, an SLC lawyer filed an appeal with the Investigative Committee of the Russian Federation (SKR), explaining the nature of the crime and requesting an investigation. The same day, the appeal was registered with the SKR. However, the lawyer did not receive a response within the legally required timeframe.

On July 26, 2023, the SLC lawyer submitted another appeal to the SKR, again outlining the nature of the crime and requesting an investigation. This appeal was also registered that same day. Yet, the lawyer still did not receive a response within the legally mandated timeframe.

On August 4, 2023, the SLC lawyer was compelled to file a complaint with the General Prosecutor's Office of the Russian Federation regarding the SKR's inaction. This complaint was recorded the same day, as confirmed by the email response.

On August 14, 2023, the SLC lawyer received a reply from the Prosecutor General's Office of the Russian Federation indicating that his complaint about inaction had been forwarded to the SKR — that is, the very agency whose actions he questioned. No additional responses were received.

Therefore, appealing to the Prosecutor General's Office of the Russian Federation proved to be an ineffective form of defense, and no criminal case was ever brought forward.

There are no other available or potentially effective remedies in the Russian Federation.

Additionally, to gather more evidence of the Russian Armed Forces' involvement in the murder of the petitioner's daughter — evidence that could be used in international courts — the attorney searched and analyzed publicly available information about the events in the city on February 27, 2022, the Russian Armed Forces units involved in military operations in Bucha on that day, and the war crimes committed by those units.

Thus, the attorney established that on February 27, 2022, the Russian Armed Forces entered Bucha and began concentrating their forces on Vokzalna Street. The Russian Armed Forces included paratroopers, tank units, engineering units, and reserves of the 36th Combined-Arms Army. The Russian forces also included units of the Special Rapid Response Detachment (SOBR) and the Mobile Special Purpose Detachment (OMON), two special-purpose police units within the Russian National Guard. Some units of the Russian forces managed to break through Bucha and advance to the neighboring city of Irpin.

It has also been established that the period of hostilities and the occupation of Bucha were accompanied by systematic and widespread killings by Russian Armed Forces personnel of civilians not involved in hostilities, as confirmed by numerous national and international investigations. Most killings in Bucha occurred near several streets, such as Novoyablunska, Sklozavodska, Tarasivska, Tsentralna, Vodoprovidna, Vokzalna, and especially Yablunska. These streets are near the neighboring town of Irpin, which Russian troops attempted to seize in March, and where there was a particularly high concentration of Russian Armed Forces. Residents could have been shot simply for appearing on the street.

On August 20, 2023, a lawyer from SLC filed a complaint with the UN Human Rights Committee regarding a violation of Article 6(1) and Article 7 of the International Covenant on Civil and Political Rights concerning the complainant. The complaint alleged that the Russian Federation failed to meet its negative obligations to prevent the killing of a civilian — the complainant's daughter — by Russian Armed Forces service members.

On the same day, the UN Human Rights Committee notified the SLC lawyer that they had received the complaint.

The National Police, responsible for criminal proceedings, reported the results of their work for 2024–2025:

- More than 2,500 Russian military personnel present in Bucha have been identified.
- Over 100 Russians involved in war crimes have been identified.
- 72 murders committed by Russians have been solved.
- 34 Russians have been charged with war crimes committed in Bucha.
- Already, 24 indictments against Russians who committed war crimes in Bucha have been sent to court.

The investigators' work is ongoing.[141]

At the same time, as of the preparation of this report, the Unified Register of Court Decisions recorded 368 first-instance court verdicts on charges related to the commission of war crimes.

Unfortunately, identifying the specific perpetrators of the killings and shootings of civilians is challenging due to difficulties in apprehending suspects. At the same time, Ukrainian law en-

[141] https://www.facebook.com/photo/?fbid=1103544311816856&set=a.457036249801002

forcement agencies have managed to identify some of them. An example is the establishment of combat positions by Russian military personnel between the settlements of Berezivka and Buzova in the Bucha district of Kyiv Oblast in March 2022. From these positions, they fired upon civilian vehicles carrying civilians who were trying to flee the occupation toward Zhytomyr.

Roman Volodymyrovych Nikolaienko, Chief of Staff of the 5th Separate Guards Tank Tatsinskaya Red Banner Order of Suvorov Brigade of the 36th Combined-Arms Army of the Eastern Military District of the Russian Federation Armed Forces, issued criminal orders to his subordinates. Police determined that Russian military personnel killed 22 people on this stretch of road, including a young child. An additional 37 people were identified as victims, with seven sustaining injuries of varying severity. One woman was rendered disabled due to her injuries.

During the pre-trial investigation of the criminal case, police carried out over 400 investigative procedures and 70 forensic tests, including medical, ballistic, and explosive analyses. Based on the evidence collected, police investigators notified the Russian commander of the charges under Parts 1 and 2 of Article 438 of the Criminal Code of Ukraine.[142]

Both national law enforcement agencies and representatives of civil society organizations involved in the documentation process have observed a new trend of attacks and killings of civilians using FPV drones. We believe that while the use of drones signifies a shift in combat tactics, this trend is also influenced by other factors. Among these, we highlight the following:

- FPV drones enable attacks across the entire territory of Ukraine that is close to combat zones.
- They make it hard to identify who is responsible for attacks and killings, as the remote operator stays hidden.
- They are relatively cheap and help save human and material resources while still allowing frequent attacks on civilians.
- They are hard to defend against.
- They successfully carry out the goal of intimidating and terrorizing the population.

Legal Classification

At the national level, all killings of civilians during an armed conflict are classified as Article 438, "war crimes" (until 2025 — "violations of the laws and customs of war"). This offense covers all acts considered to be "war crimes," including the cruel treatment of prisoners of war or civilians, the deportation of civilians for forced labor, pillaging of objects of national value in occupied territory, the use of means of warfare prohibited by international law, the unlawful transfer or deportation of a child, unjustified delays in repatriating a child, the recruitment or use of a child in armed conflict or military operations, and other violations of the laws and customs of war outlined in international treaties authorized by the Verkhovna Rada of Ukraine, as well as ordering such acts.

At the same time, there are known cases where national law enforcement agencies classify the killing of civilians under Article 115 of the Criminal Code of Ukraine (intentional homicide).

Therefore, Ukrainian law enforcement agencies categorize a purely wartime crime as a general criminal offense. This causes the true nature of their actions to be overlooked. Intentional homicide as a general criminal offense refers to an individual incident involving the criminal intent to kill a specific person. In most cases, it is connected to personal relationships between the perpetrator and the victim, indicating a single, deliberate decision by the perpetrator targeting one person, usually motivated by selfish or domestic reasons.

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[142] https://npu.gov.ua/news/viddav-nakaz-rozstriliaty-avtomobili-z-tsyvilnymy-iaki-namahalys-vtekty-vid-okupatsii-politseiski-vstanovyly-rosiiskoho-komandyra-zs-rf?v=6888630307dd3

In such cases, there can be no question of a systematic policy of aggression targeting civilians, who, under the relevant circumstances, are entitled to protection under the Geneva Conventions.

Therefore, such a classification does not accurately reflect the current situation or the public danger posed by the act.

Classification according to international legal instruments

Protocol Additional I to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts, adopted on 8 June 1977, states that civilians shall not be the object of attack, unless and for such time as they take a direct part in hostilities. During military operations, all possible measures must be taken to avoid, or at least minimize, incidental civilian casualties and injuries. International humanitarian law also forbids murder. Protocol I explicitly includes the prohibition of murder as one of its core guarantees; it is also a well-established norm of customary international law.

Wilful killing — the killing of one or more protected persons — constitutes a serious breach of the Geneva Conventions and a war crime under Article 8(2)(a)(i) of the ICC Rome Statute. As outlined in the ICC's "Elements of Crimes" guide, wilful killing is defined as a war crime if it occurs during an international armed conflict and the perpetrator was aware of the existence of the armed conflict and the victim's protected status.

Based on these provisions, we are confident that all perpetrators of the killings knew the victims were civilians and were well aware of the existence and nature of the armed conflict. After all, they were all combatants, part of military units, wore uniforms and insignia, carried weapons openly, and could use them against military targets.

This makes them all liable for war crimes.

The systematic nature of the attacks and killings of civilians, along with their large scale, may also suggest the existence of a crime against humanity. After all, the Rome Statute includes provisions that recognize an attack on the civilian population as a crime against humanity. "Attack directed against any civilian population" means a course of conduct involving the multiple commission of acts, in particular the killing of civilians, against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such an attack.

Given the widespread use of FPV drones against civilians, it is important to highlight *the legal aspects of Russia's extensive use of FPV drones against the civilian population*.

Attacks and killings of civilians using FPV drones, which have become widespread recently, violate the norms of international humanitarian law — particularly the principles of distinction and taking necessary precautions during an attack.

The general ban on attacking civilian populations requires parties to the conflict to distinguish between combatants and civilians and ensure that civilians are not harmed during military operations. To achieve this, parties must verify the legality of their targets. Any doubts about a person's status as a combatant should be resolved in that person's favor. If there is uncertainty regarding the legality of a target, the individual should be presumed to be a civilian, and the target should not be struck.[143]

FPV drones, used by the military for their real-time video surveillance capabilities, allow for detailed identification and targeting.

However, the data collected tell a different story. Strikes were carried out against individuals who were clearly civilians — no uniforms, no distinguishing marks, and unarmed. Ambulance and rescue workers were often among the victims. In such cases, it can be considered a war crime

[143] Articles 50 and 57 of Additional Protocol I to the Geneva Conventions.

and a failure to take measures to distinguish military targets. The widespread and systematic nature of these actions by Russian military forces heightens the severity of this crime, potentially classifying it as a crime against humanity.

A separate issue concerns the legal evaluation of Russian armed formations using combat components equipped on FPV drones. The Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps, and Other Devices to the 1980 Convention on Certain Conventional Weapons (Protocol II) forbids the use of remotely delivered mines. In fact, if the FPV drone's warhead includes anti-personnel mines, such actions could also be considered a war crime.

4.4.3. Extrajudicial executions and shootings

KHPG lawyers, while providing legal assistance, classified this type of killing as a separate category because, objectively, it was carried out differently from civilian killings. While civilian killings often happened chaotically, without warning, communication with the victim, or an apparent motive, shootings had distinct characteristics, particularly a specific purpose and motive. Typically, the purpose was to gather information from the victim before execution, such as determining their connections to the Armed Forces of Ukraine, law enforcement, or government authorities.

In such cases, the executions occurred after the victim was detained. Sometimes, the victim was held for some time in confinement, subjected to interrogation and torture, and efforts were made to force a confession. The Russians collected the victim's personal information, investigated their contacts, searched them, and inspected their belongings, among other things.

After a period of time (which varied each time; sometimes it happened quickly, other times the victim was held longer or shorter), the victim was shot. In some instances, the victim was tied up, a bag placed over their head, and then shot while in this helpless position. Sometimes, the victim was shot while unconscious, and other times, quite the opposite, while awake and unrestrained.

The likely goal of these actions was to intimidate, try to eliminate witnesses to other crimes, or because the victim was no longer perceived as "interesting" or useful to the Russians.

From the victims' testimonies:

#506

Mr. M.V., a soldier from Military Unit AXXXX, was taken prisoner and shot by personnel of the Russian Armed Forces.

#143

On the night of September 9, 2022, Russian soldiers shot and killed Mr. A.A. and Mr. A.N., residents of the village of Dibrova.

In 2019, Mr. A.A. fought in the Russian-Ukrainian war as a member of the 92nd Separate Mechanized Brigade named after Ataman Ivan Sirko. When the full-scale invasion began, he was serving in the territorial defense of Izium.

Mr. A.N. was also a soldier but was at home during the town's occupation.

After Izium was occupied, Russian troops searched homes door to door for military personnel, including former service members. Mr. A.A. and Mr. A.N. were detained but later released with orders not to leave the village.

On September 5, the occupiers returned to the house where Mr. A.A. and Mr. A.N. lived for the second time. The men were detained again and taken away to an unknown location.

Three days later, Mr. A.A. and Mr. A.N. came back. They said they had been released after interrogations and torture.

That same night, from September 8 to 9, the men were taken away for a third time.

"They surrounded the entire yard here; they came with automatic weapons. Three men were standing behind the yard... They arrived as if they were after some terrorists," said Mr. A.A.'s wife and Mr. A.N.'s mother.

The next day, September 9, the village was liberated by the Armed Forces of Ukraine. The men's bodies were found on September 10 in the forest. According to residents, they were shot at night. Mr. A.A.'s hands were untied, and a black wire was next to the body, which had been used to tie his hands the day before.[144]

4.4.4. Indiscriminate shelling of civilian populations, populated areas, and civilian and critical infrastructure

International humanitarian law encompasses a wide range of prohibited acts, including:

i) deliberately targeting the civilian population or individual civilians not participating in hostilities;
ii) intentionally attacking civilian objects, meaning objects that are not military targets;
iii) deliberately attacking personnel, objects, materials, units, or transport means involved in delivering humanitarian aid or peacekeeping operations according to the United Nations Charter, provided they are protected under international law of armed conflict;
iv) intentionally executing an attack knowing it will cause incidental civilian casualties, damage to civilian property, or significant, long-term environmental harm that is clearly disproportionate to the concrete and directly anticipated military advantage;
v) attacking or shelling unprotected, non-military targets — such as cities, villages, homes, or buildings — by any means.

According to the documentation carried out by the KHPG, all these acts are classified under the criteria of disproportion and indiscriminateness, as these are the fundamental signs of all crimes — without exception — related to shelling civilians, civilian objects, and critical infrastructure.

We recorded 6,004 incidents involving the shelling of civilians and infrastructure. Of these, 2,276 cases involved killings, injuries to civilians, or the use of weapons that caused excessive damage or indiscriminate suffering, or resulted in indiscriminate destruction.

Meanwhile, the total number of attacks on populated areas in Ukraine amounts to 80,433 incidents.[145]

The total number of dead and wounded is as follows:

- Deaths caused by shelling (ICC RS Article 8(2)(b)(iv)) — 6,766;
- Injuries caused by shelling (ICC RS Article 8(2)(b)(iv)) — 11,278[146].

This shelling has been and continues to be carried out using various types of weapons. All of these fall under the category of non-small arms of mass destruction and are divided into two types:

- Unguided: aviation missiles, multiple launch rocket systems, unguided surface-to-air missile systems, and various types of field artillery.
- Guided: S-300 and S-400 anti-aircraft missile systems; Kinzhal, Iskander, Kalibr, Tochka, and Tochka-U missiles; and various modifications of Shahed-type kamikaze drones.

144 https://www.victims.memorial/people/arsen-ambarcumyan
145 https://t4pua.org/stats
146 Ibid.

Unguided strikes were launched from the current land positions of the Russian Federation's armed forces and armed formations under its control. Guided strikes were launched from various locations and directions, including from military aircraft in the Caspian Sea, from the sea — specifically from missile-carrying ships operating in the Black Sea — and from ground-based multiple-launch rocket systems located on Russian territory at significant distances from the front lines.

During the first half of 2022, strikes primarily targeted military objects and facilities. However, starting in late 2022 and continuing into subsequent years, the number of strikes on civilian and critical infrastructure began to increase. Recently, from late 2024 through 2025, there has been a trend of strikes specifically aimed at civilian facilities and infrastructure.

Facilities increasingly targeted include residential buildings, hospitals, train stations, stores, shopping centers, hotels, educational institutions, and government buildings, including those of central government agencies.[147] Cultural and historical landmarks are also among the targets.

The figures for targets hit during indiscriminate shelling are as follows:

- Shops, factories, and other business facilities — 5,848;
- Educational institutions — 2,705;
- Government buildings — 1,075;
- Residential buildings — 42,858;
- Transport infrastructure — 713;
- Hospitals — 885;
- Entertainment venues — 602;
- Churches — 419;
- Life-support infrastructure facilities — 2,972;
- Historical landmarks — 196[148].

Unfortunately, identifying the specific perpetrators of the shelling and those who ordered the attacks is very difficult. Most of the perpetrators are beyond the reach of Ukrainian law enforcement. Identifying them is challenging, and sometimes even impossible.

However, some commanders responsible for ordering the shelling of populated areas, civilian facilities, and critical infrastructure have been identified.

Notably, Colonel Lazarev — Chief of Staff and Deputy Commander of the 18th Motorized Rifle Division of the 11th Army Corps of the Baltic Fleet in the Western Military District, which includes the 9th Motorized Rifle Regiment — personally issued criminal orders to his subordinates to carry out systematic, large-scale, indiscriminate strikes on civilian targets in the villages of Malynivka, Korobochkyne, and Osikovyi Hai in the Chuhuiv District, where there were no Ukrainian Armed Forces personnel or equipment at the time.[149]

As a result of investigative actions, the identity of another invader involved in the massive artillery shelling of Kherson and the killing of the city's civilians has been confirmed. He was identified as Lieutenant Colonel Dmytro Zharkikh, commander of the 8th Separate Artillery Regiment of the 22nd Army Corps of the Coastal Forces of the Russian Federation's Black Sea Fleet. On December 24, 2022, the occupier ordered a fire strike on the central part of Kherson using BM-21 "Grad" multiple rocket launchers stationed on the left bank of the Dnipro River.

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147 During Russia's nighttime attack on Kyiv on September 7, 2025, a 9M727 cruise missile from the Iskander-K system struck the building of the Cabinet of Ministers of Ukraine: https://tsn.ua/ukrayina/udar-po-kabminu-stalo-vidomo-chym-rosiia-poshkodyla-uriadovu-budivliu-2908235.html

148 https://t4pua.org/en/stats

149 https://suspilne.media/kharkiv/774279-viddav-nakaz-pro-obstril-sil-harkivsini-sbu-povidomila-pro-pidozru-rosijskomu-polkovniku-oleksandru-lazarevu/

Residential buildings, shops, a hospital, and a humanitarian aid distribution point in the central part of the regional capital were hit.

As a result of the enemy shelling, 11 civilians were killed, and another 64 were wounded. Most of the victims were women and older people.

Based on the evidence collected, the SSU investigators notified the suspect of charges under Part 2 of Article 28 and Part 2 of Article 438 of the Criminal Code of Ukraine (violation of the laws and customs of war).[150]

4.4.5. Civilian injuries caused by shelling

The shelling has also caused injuries to civilians. KHPG has documented 11,282 incidents of injuries resulting from shelling. In 1,041 cases, KHPG staff are providing legal and other assistance to victims.

The injuries sustained by victims vary in severity; some involve limb amputations, significant physical damage, health disorders, loss of work capacity, and resulting medical disabilities. The KHPG lawyers, while helping victims, offer advisory support, assist with paperwork, communicate with law enforcement agencies, accompany victims during criminal proceedings, and refer victims to medical facilities for expert examinations and treatment. Many victims also need psychological support. In such cases, KHPG staff refer victims to professional psychologists.

In some cases involving injuries resulting from indiscriminate shelling of populated areas, KHPG lawyers prepare appeals to the UN Human Rights Committee. Unfortunately, these communications have not yet been successful because, to be complete, they require reliable evidence confirming that the injuries were caused by such shelling by Russian forces, as well as the exhaustion of all possible legal remedies at both the national level and within Russia. Unfortunately, in most cases, evidence has been destroyed or lost due to ongoing hostilities and the inability to collect it. Pursuing legal remedies also presents significant challenges, as national-level investigations are progressing very slowly due to the heavy workload of Ukraine's law enforcement agencies and the difficulty of identifying or arresting the perpetrators. As for exhausting remedies in Russia, its government is doing everything possible to hinder access to information and to prevent communication about these incidents. After all, in most cases, investigations into injuries are still in the early stages.

4.4.6. Destruction or damage to property

This crime is also one of the most common. The T4P database reports 54,062 cases of property destruction or damage. Most victims are civilians whose property was damaged or destroyed due to the shelling and bombing of populated areas.

The database separately notes 1,980 incidents involving large-scale destruction or misappropriation of property. These incidents are characterized by the significant scale of damage, totaling tens of thousands of euros. The reports describe both situations where civilian property was destroyed by indiscriminate shelling and cases where Russian military personnel looted entire farms and residential buildings.

Examples of large-scale property destruction include the Pivnichna Saltivka residential area in Kharkiv. In the first months of the war, many residential buildings there were destroyed, with some becoming completely uninhabitable.

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[150] https://www.facebook.com/SecurSerUkraine/posts/pfbid02GRN5PTTq9qo5NrypTed4xS6JnbmnHKc9iVMCifr-2WqRdorPGoN35UDLgNQ4MD8Jfl/

Other instances involve Russians destroying and looting entire households.

From the testimonies of victims:

#188

On May 6, 2022, my neighbor G. called me and reported that a VAZ-2109 car and a Russian "URAL" truck had arrived at our two households. Russian soldiers slaughtered 11 pigs, loaded household appliances from the house into the truck, and took away 5 tons of wheat and 2 tons of corn. Additionally, they took 1 cow, 3 bulls, and 24 pigs.

As a result of explosions during the fighting, the property was heavily damaged, including the gate, the house windows, the roof, the slate fence, the Euro-fence, the summer kitchen, the cellar, interior doors, two large livestock sheds, and the slaughterhouse. All kitchen appliances, a vacuum cleaner, a laptop, linoleum, clothing, two angle grinders, two electric trimmers, two televisions, and other items were stolen from the house.

The estimated damage amounts to 5,000,000 UAH (more than 100,000 euros).

Criminal proceedings have been initiated regarding all these incidents. Investigations are ongoing.

The total property damage is staggering, with over 230,000 buildings considered destroyed or severely damaged. Ukrainian cities such as Volnovakha, Mariupol, Izyum, Popasna, Rubizhne, Severodonetsk, Kreminna, Zolote, Maryinka, Soledar, Vuhledar, Bakhmut, Avdiivka, and others have been nearly destroyed.

The damage to Ukrainian civilians' property raises the issue of compensation for the harm caused. Given the extent of the destruction, addressing this issue requires coordinated efforts.

An International Register of Damages Caused by Russia's Aggression Against Ukraine has now been established. It is a system for recording claims submitted by individuals, legal entities, and the government of Ukraine for compensation for damages, losses, and harm caused by Russia's aggression against Ukraine.

The Registry will also store evidence supporting these claims. Its mission is to receive and process claims along with their supporting evidence. This includes categorizing, classifying, and organizing these claims based on specific criteria.

The Registry Council evaluates the claims and determines their eligibility. Claims that are deemed eligible are entered into the Registry for further review and assessment.

For claims to be registered, they must relate to losses, damages, or harm caused to natural persons, legal entities, and the State of Ukraine — including its regional and local authorities, and state or state-controlled institutions — on or after February 24, 2022; the location of the damage must be within Ukraine. A key requirement is that such damage resulted from internationally unlawful acts by the Russian Federation in Ukraine or against Ukraine.

Therefore, the Registry acts as a system that collects information for further processing, evaluation, and determination of compensation amounts and procedures. Work on establishing a compensation mechanism is already underway, and the Registry's role includes supporting this effort.

Currently, the Registry has more than 100,000 applications.[151]

4.4.7. Deportation or forcible displacement of populations, including children

International humanitarian law defines this type of crime as the forced displacement of people through eviction or other coercive measures from the territory where they have a legal residence, without valid grounds under international law.

[151] Register of damages to Ukraine https://rd4u.coe.int/uk/

During armed conflicts, displacement is allowed but must adhere to the requirements of the Geneva Convention relative to the Protection of Civilian Persons in Time of War.

In this context, children are a particularly vulnerable group of victims. They are not only subjected to deportation but also to situations where they are separated from their parents and forcibly sent to different regions of the Russian Federation for eventual adoption and integration into Russian society.

Article 50 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War stipulates that "The Occupying Power shall take all necessary steps to facilitate the identification of children and the registration of their parentage. It may not, in any case, change their personal status, nor enlist them in formations or organizations subordinate to it." Article 24 provides that the parties to the conflict shall facilitate the reception of children by a neutral country for the duration of the conflict, with the consent of the protecting power.

The Kharkiv Human Rights Group documents these types of crimes. However, this process is heavily complicated by several specific factors. Most of the abducted children and their relatives, who are victims, are located in the occupied territories or inside Russia. Russia actively hinders efforts to gather information about the abducted children and their fate. When contact is possible, it is very difficult because relatives often do not want to communicate, fearing for their own safety and that of their children. Moreover, this information is very sensitive, and sharing it raises many questions, not just legal ones.

This is why the KHPG database includes only a small number of such cases.

At the same time, the Russian Federation has been and continues to pursue a deliberate policy aimed at destroying Ukrainian society by any means necessary. The deportation of children is one of the tools used in this policy.

We see these actions as an attempt at genocide — that is, a desire to eliminate a group of Ukrainians protected based on their nationality. The elimination happens through the de-identification of children and their transfer to another national group. The main methods include deportation, relocation to remote areas, and total cultural and national assimilation of the deported.

The fact that this policy was intentional is demonstrated by the actions taken by Russia's highest leadership.

Some examples of events related to the forced removal of Ukrainian children

On March 22, 2022, Russian general Mikhail Mizintsev, known as "butcher of Mariupol," reported that since the start of the so-called "special military operation," 366,182 people had been evacuated from Ukrainian territory, including 77,062 children.

In February 2023, Russian media reported that 738,000 children had arrived in Russia but did not specify who was included in this figure.[152]

On August 23, 2022, the Krasnodar city Department for Family and Childhood website published information stating that over 1,000 children from "liberated" Mariupol had already found new families in Tyumen, Irkutsk, Kemerovo, and the Altai Krai. An additional 300 children are currently in temporary care at specialized institutions in the Krasnodar Krai and are "eagerly" waiting to meet their new families. It was also highlighted that people interested in adopting children from Ukraine will be eligible for special financial assistance.[153]

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[152] Svetlana Osipova. Children of War. Russia readily designates children as orphans but is reluctant to return them to their homeland — an investigation " Systems" . Current date (June 1, 2023). Accessed August 23, 2024.

[153] Children from Mariupol are looking for new families. https://archive.ph/q03Uw cited from materials in the Submission to the Office of the ICC Prosecutor: Forcible Transfer of Children from Ukraine to Russia: Genocide https://library.khpg.org/1722953062

During a meeting between the President of the Russian Federation and the Commissioner for Children's Rights, a key goal was set to find solutions for issues related to deported Ukrainian children. These efforts led Vladimir Putin to sign a decree on May 30, 2022, which simplified the process for Ukrainian children to obtain Russian citizenship. Significant emphasis was placed on the cultural assimilation of the deported Ukrainian children. This was achieved by immersing the children in the Russian education system without recognizing their Ukrainian identity. As the Commissioner for Children's Rights noted during a visit to one of the occupied regions of Ukraine: "We must reorient them (note: the children) toward the Russian system so that the children can understand the new opportunities that the Russian Federation is opening up for them."[154]

Legal classification of these actions

The cases described involve the forcible displacement by a perpetrator of one or more persons, especially children. International humanitarian law offers an interpretation of this crime, clarifying its meaning.

In particular, the term "forcibly" is not limited to physical force alone but can also include threats of force or coercion, such as fear of violence, coercion, detention, psychological pressure, or abuse of authority against these individuals or others, or by exploiting a coercive environment. We believe that the deportation of children always occurs under conditions of pressure and denial of the chance to leave for Ukraine, as well as intimidation through myths suggesting that cruel treatment and oppression await children in Ukraine.

Other elements of intent include: The deported individuals must belong to a specific national, ethnic, racial, or religious group. The perpetrator aimed to destroy, wholly or partially, the relevant national, ethnic, racial, or religious group. The transfer involved moving from one group to another. The individuals were under 18 years old. The perpetrator knew or should have known that the individuals were minors. The conduct occurred within a pattern of similar actions directed at that group or was conduct that could itself have caused such destruction.

In the decision in the case of Milorad Krnojelac[155], it was clarified that the key question is whether the victim was "able to exercise a genuine choice"; "an essential element is that the displacement was involuntary in nature, where the persons concerned had no real choice." The deportation process and the transfer of children to another ethnic group involve a series of actions that, taken together, form a single process.

The Russian Federation carried out all of these actions.

Reaction from international judicial bodies

On March 17, 2023, the ICC issued arrest warrants for V. Putin and M. Lvova-Belova, who are suspected of committing war crimes involving the illegal deportation and transfer of the population (children) from the occupied territories of Ukraine to the Russian Federation (according to ICC RS Articles 8(2)(a)(vii) and 8(2)(b)(viii)). These crimes likely occurred in the occupied parts of Ukraine starting in February 2022. There are reasonable grounds to believe that Putin bears personal responsibility for these crimes and, because of his authority as a commander, for failing to properly control his civilian and military subordinates under his effective command who committed or permitted these acts.

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[154] Submission to the Office of the ICC Prosecutor: Forcible Transfer of Children from Ukraine to Russia: Genocide https://library.khpg.org/1722953062

[155] Prosecutor v. Milorad Krnojelac, Case No. IT-97-25-T, Judgment (TC), March 15, 2002, paras. 233, 475

Currently, the Ukrainian portal "Children of War" has documented 20,000 children who were deported to the Russian Federation during the war.[156]

Some testimonies from the KHPG database

During the large-scale invasion, Mr. D., his wife Ms. E., and their son P. lived in the village of Kupiansk-Vuzlovyi, located in the Kupiansk district of the Kharkiv region. The village of Kupiansk-Vuzlovyi was occupied on February 27, 2022. There was no opportunity to leave for territory controlled by Ukraine during the occupation.

On the day before the counteroffensive by the Armed Forces of Ukraine, around September 6, 2022, Mr. D.'s wife and son were in Kupiansk-Vuzlovyi, staying with his mother, Ms. E., while Mr. D. was in the city of Kupiansk.

That night, the Ukrainian Armed Forces launched a counteroffensive, and the family found themselves on opposite sides of the front lines — the city of Kupiansk was liberated, and Ukrainian authorities were reinstated there. Meanwhile, the settlement of Kupiansk-Vuzlovyi remained under the control of Russian military forces. Mr. D. lost all contact with his son and wife, as well as the ability to travel to them.

On September 23, 2022, Mr. D. was forced to evacuate to Kharkiv because Kupiansk was under constant shelling. While in Kharkiv, on September 25, 2022, Mr. D. saw a report on the Russian channel NTV featuring his son P. From his son's account on television, he learned that P., Ms. E., and her brother had been trying to evacuate to a safe location as part of a convoy of local civilians. On the way, this convoy was attacked by Russian forces. Ms. E. was killed instantly, and P. received shrapnel wounds. Along with the survivors, he attempted to return to Kupiansk-Vuzlovyi, but on the way, he was captured by Russian military personnel and taken to the Central Children's Clinical Hospital in Luhansk.

Mr. D. tried to contact his son, the hospital where he was being treated, and the Luhansk city administration. However, all attempts failed. A week later, Mr. D. was able to get in touch with volunteers in Luhansk and, through them, gather more information about his son. He was not allowed to speak directly with his son. He couldn't cross the Ukrainian border and travel to Luhansk in person because he was subject to conscription.

About 10 days later, Mr. D. received word from the volunteers in Luhansk that if no relatives visited his son soon, local authorities would start the process of transferring him to an orphanage, and then deporting him to Russia.

To prevent his son's deportation, Mr. D. asked his son's grandmother, Ms. K. (the mother of his late wife), to travel to Luhansk to see P., entering Russian territory through one of the European countries. Mr. D. also gave her a notarized statement authorizing P. to cross the state border accompanied by Ms. K.

While in Luhansk, Ms. K. was allowed to see P., but she was warned in advance that the local occupying authorities do not recognize Ukrainian notarial documents and that P. could only be taken into Russian territory.

Ms. K. and P. were also offered to begin the process of obtaining Russian citizenship, with the promise of being immediately given an apartment and a pension in Russia. After Ms. K. refused, she and her grandson were offered the opportunity to travel to the city of Yeisk in Krasnodar Krai for P.'s further treatment and rehabilitation at the "Yeisk" sanatorium, which she accepted.

[156] https://childrenofwar.gov.ua/

During recovery in Yeisk, representatives from the Krasnodar Krai administration and the city of Krasnodar visited her multiple times, repeatedly recommending that they apply for Russian citizenship and offering various material benefits. Ms. K. refused all such offers, and she was told that otherwise she would not be able to leave Russian territory with P. They stated that the only way to leave Russia was if Mr. D. either arrived in person in Yeisk or obtained a notarized permission exclusively from a Russian notary.

After a month in Yeisk, Ms. K. and P. packed their belongings and traveled through Russian territory to the border with Latvia, hoping to resolve the exit issue on the spot. In the end, when crossing the Russian border, they were not asked for any additional documents. Currently, P. is in the Czech Republic with his grandmother, undergoing rehabilitation and attending a Czech school.

5. CONCLUDING REMARKS AND RECOMMENDATIONS

Overall Summary

Since the described crimes show signs of widespread occurrence (they are committed throughout the territory under or formerly under the control of the Russian Federation), systematicity (their recurrence is regular and not limited to isolated incidents), and uniformity (the crimes share similar and typical characteristics), this could suggest the existence of an explicit order or implied consent for such criminal behavior.

Regarding prisoners of war, Russia is brutally and deliberately violating international humanitarian law through a policy of systematic torture and humiliation of Ukrainian military personnel who fall under Russian control.

The torture of civilians fully controlled by Russia also exhibits clear signs of being a coordinated, systematic, and state-approved phenomenon.

Furthermore, the crimes described are being committed as part of a widespread or systematic attack against the civilian population of Ukraine. These attacks are completely deliberate (as shown by “reporting” from the Russian Ministry of Defense and Russian media regarding attacks on civilians); they may be classified as crimes against humanity.

The information, testimony, and facts gathered have enabled the identification of patterns and the drawing of conclusions regarding the actions of the Russian Federation. Based on these conclusions, we believe it is possible to provide recommendations that may be useful to national and international bodies and institutions.

The information in this report provides reasons for the following conclusions:

Conclusions on ratifying the Rome Statute and investigating international crimes

Ratifying the Rome Statute of the ICC and criminalizing war crimes and other international offenses at the national level are key steps toward establishing effective mechanisms to hold perpetrators accountable. We believe that ratification will motivate Ukrainian law enforcement bodies to continue investigating international crimes, enhance the capabilities of the national law enforcement system, and encourage the adoption of best practices in investigation and its coordination with international mechanisms and institutions.

Several issues concerning the procedures and mechanisms for investigating these crimes by Ukrainian law enforcement agencies are already emerging. We hope that efforts to incorporate the norms and provisions of the Rome Statute into the national legal framework and law enforcement practices will promote the consistent application of these norms, align this process with existing practices for investigating international crimes, and ultimately improve effectiveness and strengthen international mechanisms for criminal prosecution.

Furthermore, we believe that creating a legal framework at the national level opens opportunities to start and investigate criminal cases against Russia's top officials. After all, the widespread, repeated, consistent, and systematic nature of the violations provides reasonable grounds to believe that the Russian Federation's leadership directed and supported such actions and encouraged behavior toward Ukrainians (both civilians and military personnel).

At the same time, we are convinced that peace negotiations, developing compromise solutions, and mutual concessions must never interfere with investigating international crimes. Achieving peace should not conflict with accountability, justice, and fairness.

Conclusions on the areas of KHPG activities and the international crimes committed by the Russian Federation

By launching a full-scale invasion of Ukraine, the Russian Federation violated international law and committed an act of aggression. Aggression is defined, according to Resolution 3314 (XXIX) of the United Nations General Assembly dated December 14, 1974, as the use of armed force by a state against the sovereignty, territorial integrity, or political independence of another state, or in any other manner inconsistent with the Charter of the United Nations. The actions of the Russian Federation include all acts listed in points a–g of Article 3 of the mentioned resolution.

- The actions of the Russian Federation extend beyond the crime of aggression. Armed groups under the Russian Federation's control and other individuals affiliated with Russia are committing additional international crimes in Ukraine. We believe that war crimes, crimes against humanity, and genocide are occurring.
- We are documenting key categories of crimes, including enforced disappearances and unlawful detentions; torture; sexual violence; killings and attacks against civilians; indiscriminate shelling of populated areas and critical infrastructure; injuries to civilians; damage or destruction of property; and the deportation or forced displacement of people, including children.

Each category of crimes was examined in its respective section, with separate conclusions provided for each.

An overview of the information on each type of crime, as well as all types combined, indicates that they demonstrate characteristics of a large-scale, systematic, and ongoing phenomenon. This further suggests the presence of administrative and political will to carry out and promote these actions during the war against Ukraine.

Furthermore, the events of the winter of 2025–2026 clearly demonstrate that Russia is intentionally shifting and directing criminal activity across various sectors of life in Ukraine.

We firmly believe that Russia's current dynamics of actions since the start of the full-scale invasion suggest a shift in the focus of its criminal intentions.

While sticking to two main objectives — the annexation and occupation of parts of Ukraine and the terrorizing and intimidating of the population — Russia's top leaders have been setting different "priorities" during specific phases of military operations.

It is clear that during the cold season, the Russian Federation concentrates on destroying Ukraine's energy infrastructure to create harsh living conditions, mainly for civilians, thereby indirectly pressuring the Ukrainian government and undermining its reputation.

Meanwhile, shelling, killings, and attacks on civilians are ongoing. The increased use of FPV drones has put civilians in all frontline settlements under constant risk. UAVs have become the primary weapon used by the Russian Federation against civilians.

Torture is also a constant practice used on all Ukrainians under full Russian control. This includes both prisoners of war and civilians. The widespread, systematic, and uniform nature of torture in all detention sites holding Ukrainian captives shows that this is a coordinated, approved, and centralized policy by Russia against Ukrainians.

The European Court of Human Rights reached a similar conclusion in its judgment in Ukraine and the Netherlands v. Russia on July 9, 2025 (applications Nos. 8019/16, 43800/14, 28525/20, and 11055/22). In that judgment, the Court recognized as administrative practices the systematic violations that started in 2014 in territories under Russian jurisdiction, continued through that period, and became most widespread after the full-scale invasion in 2022.

According to the judgment, these administrative practices include extrajudicial executions, unlawful detentions, torture and inhuman treatment of civilians and prisoners of war, deportation and forced displacement of civilians, including children, persecution of religious groups, restrictions on freedom of speech, systematic destruction of homes and civilian infrastructure, the prohibition of education in the Ukrainian language, and others.

The Court established, and this is recorded in the judgment, that Russia is using all means to hinder the establishment of facts of violations, conduct investigations, and exchange information. Specifically, the Russian Federation denies access to relevant territories, including to independent observers and international missions, restricts opportunities to monitor detention facilities, and intimidates victims, causing them to fear filing reports of violations due to potential persecution of themselves or their relatives.

We are convinced that the Russian Federation is deliberately inflicting harm on Ukraine in various spheres of public life. This is part of Russia's policy during the war. The infliction of harm is not limited to military facilities and targets. On the contrary, Russia's attempts to expand the scope and targets of its harm are quite evident. In this indirect way, the aggressor state is attempting to pressure the Ukrainian government, forcing it to capitulate, and the Ukrainian population, forcing them to express dissatisfaction with the government. After all, these steps are intended, among other things, to sow division in society and exacerbate conflicts and problems within society.

The frequency, repetition, and consistency of the aggressor state's actions suggest they are not random or isolated incidents. As the conflict persists, the strategic framework of the full-scale invasion has become increasingly discernible. While Russia's specific objectives may have evolved, the underlying aggression of the state remains constant. Indeed, the execution of these goals underscores a systemic disregard for human life and the inherent brutality of the leadership's policies. The actions taken and the situation created in Ukraine, as well as around the world, do not deter Russia from further aggression, escalating the conflict, involving more participants, or trying to shift blame for this war onto other countries.

In summary, we also conclude that the Russian Federation is making every effort to avoid cooperation and hinder the exchange of information in areas defined by international humanitarian law as mandatory during an armed conflict. Specifically, the Russian Federation does not provide complete and accurate information about prisoners of war and civilians who have been taken hostage. The situation is similar regarding deported children and forcibly displaced adult civilians. Russia avoids providing information on their numbers, whereabouts, and health status. Communication between the Russian Federation and the ICRC and other international mechanisms is highly complex and ineffective.

Therefore, efforts to document crimes and assist their victims must continue in all areas.

Conclusions about the work of international bodies, mechanisms, and institutions

The KHPG experience has clearly revealed significant issues in effectively communicating and engaging with international bodies, institutions, and mechanisms regarding the documentation and investigation of international crimes, as well as providing assistance to their victims. We believe that such communication and engagement are essential because they establish the connection between the complainant and the relevant institutions. This is especially important because such communication offers initial information about the admissibility or inadmissibility of submissions and appeals, along with the prospects for their progress.

In the context of the ICC's work, it is crucial for developing international criminal procedures and improving procedural standards. Staying connected is essential to ensure the transparency

of international criminal justice and to build trust in it. Additionally, criminal proceedings should be adversarial, open, and accessible. Therefore, a lack of communication weakens these principles and creates doubt in the ICC's abilities. Sadly, such sentiments and narratives are often seen today in the media and in the statements of some civil society and political figures.

About efforts to locate missing persons and to assist their relatives

Our experience gives us grounds to assert that, in the context of submitting appeals to certain UN working bodies (in particular, the WGEID), the exhaustion of search measures is not mandatory for either international institutions or other participants in this process. After all, when it comes to searching, one should not exhaust measures but rather continue searching. The search as a process and the legal establishment of the existence of an enforced disappearance are distinct procedures, differing both in their consequences and in the set of procedural actions involved. However, even with this distinction, exhaustion of measures is not mandatory during the search for missing persons.

It has been established that the WGEID does not require adherence to the "exhaustion" procedure for search measures. This body has low requirements for confirming the fact of a probable disappearance (which is not surprising, since in cases of disappearance, the main problem is precisely the lack of information and the inability to obtain it). At the same time, the KHPG's experience indicates that today, slightly more than 1% of appeals submitted to the WGEID receive a response. This situation is unacceptable; it effectively undermines the very purpose of establishing the WGEID. Its mission should be to provide maximum support for search efforts and to resolve uncertainties regarding the whereabouts of missing persons. Therefore, feedback from such bodies is absolutely essential.

About the activities of international mechanisms for ensuring international security

The experience gained during the war in Ukraine has brought to the forefront the question of why bodies and mechanisms for ensuring international security were created in the first place. This is not to say that such institutions are "unnecessary." On the contrary! The point is that these institutions and mechanisms are very necessary, but they must be more imperative and effective, more decisive and persistent. Of course, one might argue that in matters involving sovereignty, issues of intervention and influence become particularly delicate and difficult. And this is indeed true. But situations involving wars — and especially unprovoked, aggressive wars — must be treated as exceptions. Currently, the war launched by Russia against Ukraine is an obvious fact, which, incidentally, has been recognized by the UN as an act of aggression. This circumstance makes Russia's war against Ukraine a prejudicial fact. That is, a fact that requires no proof. In such cases, international security mechanisms must act automatically, decisively, and firmly. After all, in exceptional cases, regardless of the aggressor's "authority," international mechanisms must "automatically" kick in, compelling the aggressor to cease the aggression.

All of the findings presented provide grounds to assert that the Russian Federation is deliberately disregarding international law and security mechanisms, thereby undermining their existence, authority, and ability to act effectively. The general conclusions outlined also indicate that existing international mechanisms are unable to act when international security is threatened by a major nuclear power with significant influence on international politics and global markets. This creates an atmosphere of permissiveness and impunity. As a result, Russia feels it can commit international crimes and violate the requirements of international humanitarian law, international peace, and security without fear of consequences.

Recommendations regarding the investigation of international crimes

1. We believe that the investigation of international crimes should primarily take place at the national level. Given that the Russians have committed a large number of crimes and that these crimes have no statute of limitations, investigations must continue indefinitely. To this end, we consider it advisable to specialize this activity as much as possible by establishing permanent special units within law enforcement agencies.

Therefore, it is advisable to create joint investigative teams or units comprising representatives from various law enforcement agencies — the National Police, the Security Service of Ukraine (SBU), the State Bureau of Investigation (DBR), and the Prosecutor's Office. The primary task of such teams should be to investigate international crimes.

2. When investigating international crimes, Ukrainian law enforcement agencies must adopt a victim-centered approach. This is especially important when communicating with the families of missing persons and victims of other crimes. Relatives must receive regular updates, even when there is no significant progress, because a prolonged lack of information causes severe distress. Each family should be assigned a designated contact person. Communication should be trauma-informed, gender-sensitive, and accessible; and referrals to psychological support, legal aid, and social protection should be available from the earliest stage. Particular attention should be paid to women, who bear a disproportionately heavy burden in searching for missing relatives and maintaining family life amid uncertainty.

3. Legal practices should be continuously evaluated, and a unified approach to investigating the most serious international crimes should be developed. Explanatory notes and guidelines for applying CC Article 442-1 must be prepared. Because this provision was introduced only in 2024, prosecutors and courts require clear guidance on interpreting concepts such as "widespread or systematic attacks," persecution, unlawful detention, enforced disappearance, and torture under international criminal law. Clarification is also needed on how this article should apply to acts committed before its entry into force, as uncertainty about its temporal scope could undermine accountability in the most serious cases.

4. Given that the principle of complementarity prevails in international criminal law, and taking into account the broad scope of the international crimes committed — the fact that they were and continue to be committed on the territory of various countries — all of this necessitates coordination of investigations into international crimes between national law enforcement agencies and international institutions, in particular the Office of the Prosecutor of the ICC. Furthermore, the use of the institution of universal jurisdiction becomes crucial. This option, of course, lies outside the jurisdiction of national law enforcement agencies, but its application may require corresponding coordination of investigations and cooperation between law enforcement agencies of different jurisdictions.

In this regard, specialized joint law enforcement task forces established at the national level should include among their priorities maintaining constant contact and coordinating their activities with international mechanisms and institutions engaged in similar efforts to investigate international crimes.

5. We believe that national law enforcement agencies involved in investigating international crimes should conduct a preliminary classification of the acts under investigation in accordance with the specific provisions of Ukraine's criminal law that establish liability for such crimes. During this preliminary classification, one should rely on the contextual element (namely, the existence of an international armed conflict without which these crimes would not have occurred), which is inherent in all international crimes without exception.

6. When investigating international crimes, it is mandatory to take into account the perpetrator's position and rank, role in the relevant crime, ability to influence the course of events, amplify the impact of the crime, and issue binding orders and directives. Because those who issue orders may often be unaware of the details of the criminal events or be located far from the sites where the crimes were committed, this complicates the investigation and the establishment of a causal link between the commander's actions and those of the perpetrators. We believe that in such cases, one should again proceed from the contextual element and rely on the commander's authority, the "style" and priorities of his command, the general rhetoric, and the main narratives of his orders. Often, it is precisely these factors that indicate the implementation of criminal orders leading to the commission of specific international crimes and that inspire their spread and continuation.

7. For European institutions and international jurisdictions, the primary recommendation is to apply mechanisms of universal jurisdiction. After all, it is likely that, over time, perpetrators of international crimes may find themselves on the territory of countries that have a duty to investigate such crimes and bring the guilty to justice.

Recommendations to Ukraine's legislative and administrative bodies

Ukrainian lawmakers should continue harmonizing domestic criminal legislation with international standards and ensure that the protracted nature of enforced disappearances and the systematic nature of the crimes committed are fully reflected in legislation and practice. Legal reform should strengthen the procedural status and rights of the missing's relatives, including access to information, participation in proceedings, and practical assistance. National legislation and policy should better reflect that the families of the missing are themselves victims of a protracted violation.

Adequate and stable funding must be provided to institutions responsible for investigating conflict-related disappearances and torture. Effective investigations require qualified personnel, competent forensic facilities, safe access to de-occupied territories, transportation and protective equipment, digital evidence systems, and long-term psychosocial support structures for victims and witnesses.

Recommendations regarding efforts to document international crimes committed by the Russian Federation and to assist victims of such crimes

The primary and unquestionable recommendation is to continue documenting and investigating international crimes committed by Russians.

Given that this work is linked to an ever-increasing volume of such crimes, it is advisable to expand cooperation between law enforcement agencies and civil society organizations.

It is probably advisable to standardize these activities and define the entities involved, their authorities, and areas of cooperation.

A unified national coordination center needs to be established to consolidate organizational and administrative authorities. In particular, one of its main tasks could be to organize and coordinate cooperation among national law enforcement agencies and with representatives of civil society. Under the auspices of such a center, it is necessary to synchronize all state registries and databases that document international crimes.

Such a center could also serve as a training and advisory hub for disseminating and standardizing approaches to documenting and investigating international crimes. Given this work's long-term perspective, such a center will undoubtedly justify its existence. It may prove useful in developing international security mechanisms based on the experience of the war in Ukraine.

Recommendations for law enforcement agencies in European countries with jurisdiction over the investigation of international crimes, including under the rules of universal jurisdiction

1. States hosting Ukrainians displaced by the war must ensure that victims, witnesses, and relatives can report enforced disappearances, torture, unlawful detentions, executions, and related crimes in the country where they are temporarily residing. Reporting should not depend on a victim's understanding of jurisdictional rules. Local police stations, specialized units investigating international crimes, refugee reception centers, and online reporting portals must be able to receive information and forward it appropriately.

2. Such authorities must ensure that reporting procedures are victim-centered. This includes providing interpretation services, conducting interviews that account for traumatic experiences, applying gender-sensitive procedures, providing information in Ukrainian, and offering clear pathways to psychosocial and legal support. Survivors of torture and relatives of missing persons should not face additional obstacles because they are abroad, displaced, or unfamiliar with the host country's legal system.

3. States should use available forms of jurisdiction, including universal jurisdiction where appropriate, to initiate or support investigations into serious international crimes committed against Ukrainians. This is particularly important when victims or witnesses currently reside abroad, when evidence is located outside Ukraine, or when suspected perpetrators enter the territory of third countries.

Recommendations for maintaining and expanding cooperation with civil society

1. Authorities and organizations involved in documenting and investigating international crimes at both the national and international levels should maintain systematic cooperation with Ukrainian civil society initiatives that document international crimes and provide legal assistance in these proceedings. Organizations such as the Kharkiv Human Rights Protection Group possess crucial evidence on patterns of disappearances, detentions, torture, transfers, and persecution. Cooperation with these entities can help place individual testimonies within a broader political context and strengthen both national and international efforts to ensure accountability.

2. European embassies, other stakeholders, and international organizations should support initiatives led by civil society organizations that document international crimes, provide legal assistance, and seek justice, through flexible, long-term funding. Long-term funding is essential to laying a solid foundation for the success of such efforts. Most of the practical work involved in tracing, documenting, accompanying, and supporting the families of the missing is carried out by civil society. Therefore, ongoing support for such organizations is part of an effective response to both accountability and protection.

Recommendations for Action by International Bodies, Mechanisms, and Institutions

1. International bodies, institutions, and mechanisms must establish a comprehensive administrative system capable of processing relevant documents and materials generated in connection with specific events (crimes, disappearances, materials, and communications). These bodies must formulate rules and regulations that obligate them to respond to communications and to establish communication with applicants. It is necessary to define the conditions for submitting communications and applications, the criteria for their admissibility, the timeframes for review and processing, the procedure for informing applicants, and the deadlines for reviewing relevant applications and communications.

2. International judicial bodies investigating facts related to the alleged commission of international crimes must continue to apply victim-centered approaches. This is particularly important in cases of disappearance. Families should not bear an excessive burden of proof when the territory where the disappearance occurred is occupied, inaccessible, or under the control of the alleged perpetrator. Procedures for submitting information must remain accessible, flexible, safe, and adapted to the realities of displacement and the victim's traumatic experience.

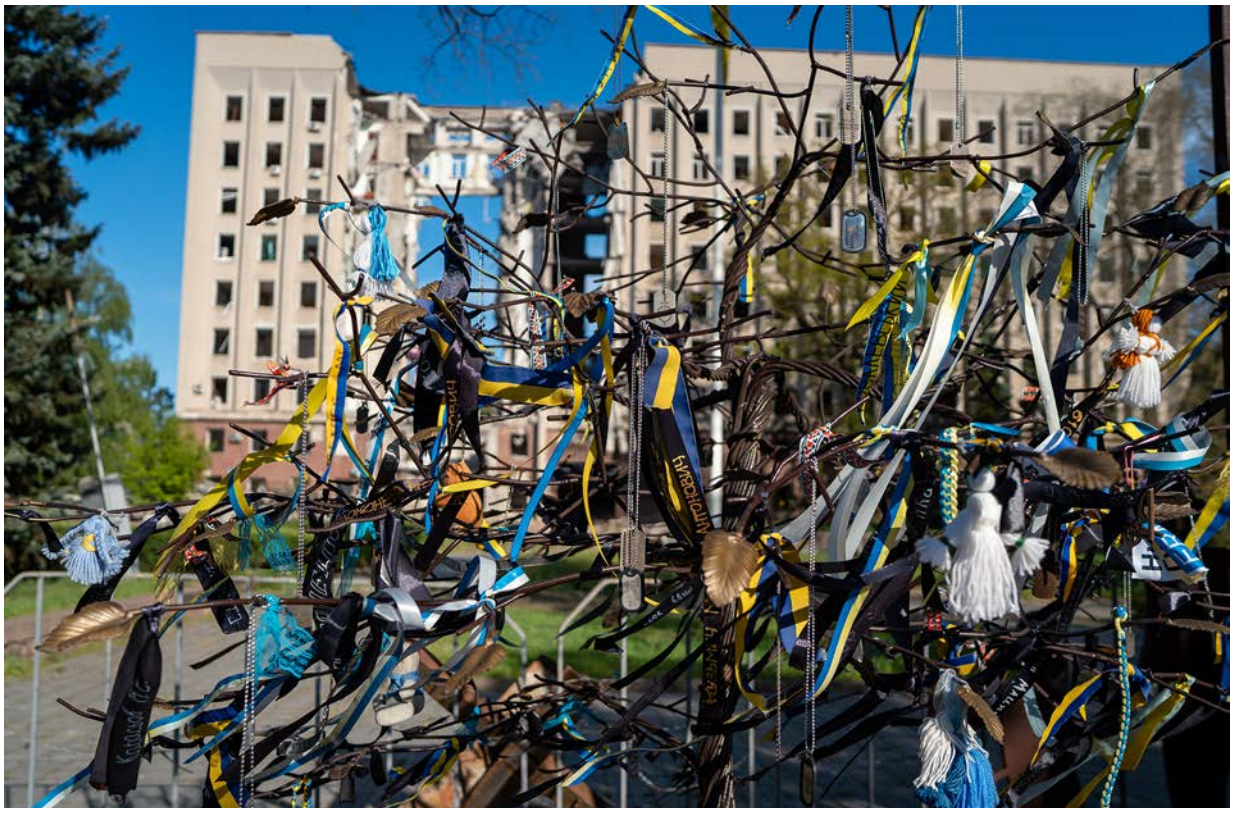
3. International judicial bodies must continue to examine enforced disappearances and torture in the context of Russian aggression against Ukraine as widespread, typical crimes, taken together, may constitute not only war crimes but also crimes against humanity or the crime of genocide. Particular attention should be paid to the link between abduction, secret detention, transportation through occupied territory or to the Russian Federation, torture, sexual violence, fabricated criminal proceedings, and the prolonged concealment of a person's fate or whereabouts.

4. There is an urgent need to establish effective, operational mechanisms to ensure international security. Their future model must ensure the independence and objectivity of these mechanisms, define procedures for their consideration of relevant issues, and provide for the application of response measures in connection with the emergence of specific situations and events. Moreover, certain acts and events must be recognized as critical and requiring the implementation of immediate, imperative measures of international response (the most obvious example is the imposition of immediate restrictive, sanctioning, and deterrent measures in response to a recognized act of aggression or aggressive war). The application of such measures cannot depend on who (which state) they are imposed against.

5. UN Member States must ensure sustained political and financial support for UN mechanisms essential to victims of enforced disappearances, torture, arbitrary detention, and related violations. This is particularly important amid ongoing discussions on UN reform under the UN80 initiative, which include a review of mandates and proposals for structural changes to the UN system.

Member States, including Sweden, must publicly support the continued independent functioning and adequate funding of the specialized UN mechanisms relevant to this report, including the WGEID and other procedures addressing torture, arbitrary detention, and violence. These mechanisms remain among the few international avenues available to many families seeking justice.

6. The ICC and the Council of Europe must take more decisive and proactive steps to investigate international crimes, establish a Special Tribunal for the crime of aggression against Ukraine, and identify and seize funds to be used in the very near future for reparations payments to Ukraine and compensation for the damage caused by the Russian Federation.



The Mykolaiv Regional State Administration building after a rocket attack on March 29, 2022

Kyiv, Independence Square

Meeting with employees of the Mykolaiv branch of the Coordination Headquarters for the Treatment of Prisoners of War

Meeting of the Mykolaiv KHPG reception center with members of the Swedish organization Östgruppen

Mykolaiv KHPG public reception office with guests from Kharkiv

A moment of discussion with Swedish guests. In the center is Jon Fridholm

Mother shows a photo of her son, who is missing

Father shows a photo of his son, who is missing

Yevhen Zakharov, director of KHPG, talking to a relative of a missing Ukrainian

KHPG lawyers meeting with families of missing Ukrainians in Mykolaiv

Exhibition “Angels of Kharkiv Region” in the Swedish Parliament

Tatiana Matyash-Myrna, mother of the deceased 11-year-old son Mark

Opening of the exhibition “Angels of Kharkiv Region” in the Swedish Parliament

Welcome speech by Björn Söder, Member of the Swedish Parliament (Sweden Democrats) and Head of Sweden’s Delegation to the OSCE Parliamentary Assembly

Speech by Yevhen Zakharov

Yevhen Zakharov and Carina Ödebrink, Member of the Swedish Parliament and Special Envoy of the OSCE Parliamentary Assembly on the abducted Ukrainian children

Carina Ödebrink, Tatiana Matyash-Myrna and Yevhen Zakharov

Roundtable about missing Ukrainians in the Swedish Parliament

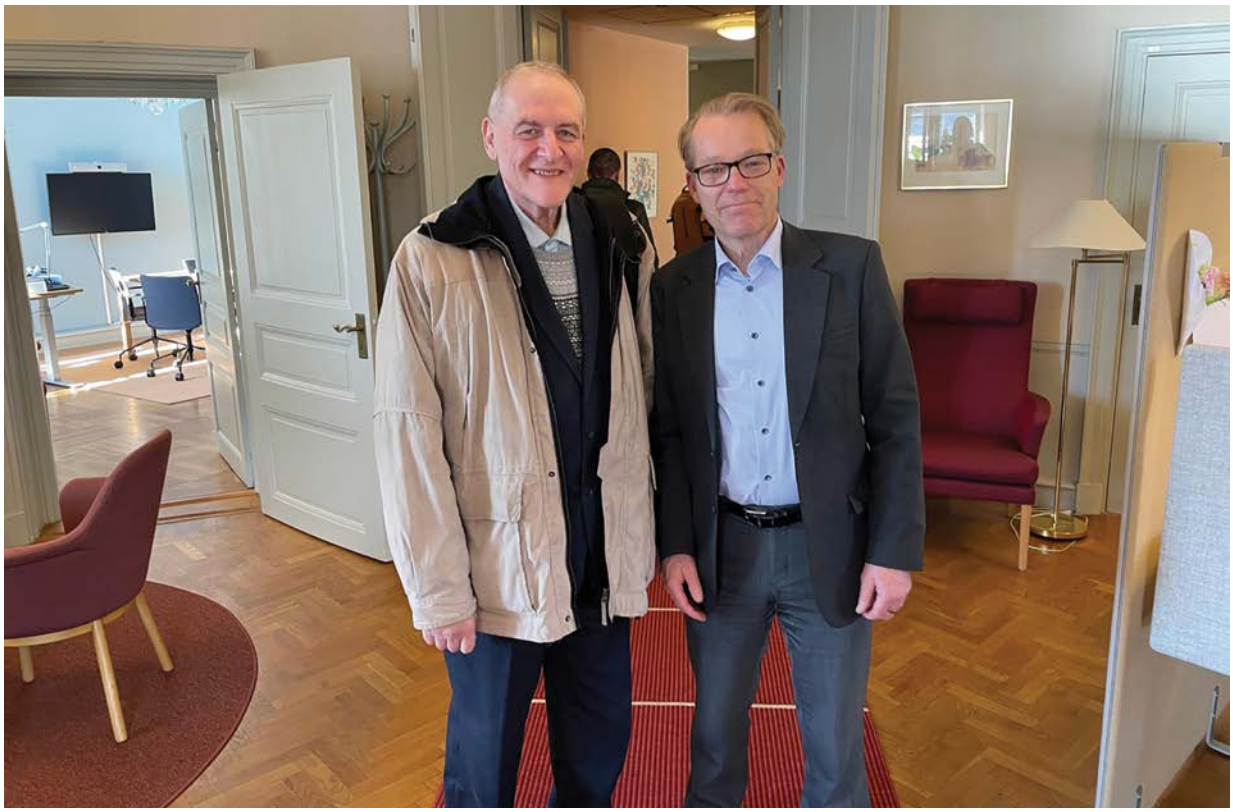
Amanda Valentin (Östgruppen) presenting the analytical report at a roundtable in the Swedish Parliament

Former political prisoners Natalia Shylo and Yuriy Shapovalov as well as Amanda Valentin (Östgruppen), Yevhen Zakharov (KHPG) and Kateryna Buriakovska (KHPG) at the roundtable in the Swedish Parliament

Panel discussion about missing Ukrainians with Mark Klamberg (Stockholm University), Östgruppen, KHPG, Natalia and Yuriy

Natalia and Yuriy sharing their testimonies at a public event in Stockholm

Director of KHPG, Yevhen Zakharov



Yevhen Zakharavo and Joakim Zetterstedt, Judge at Svea Court of Appeal.
Photo: Ausra Padskocimaite

Yevhen, Yuriy and Natalia speaking at a demonstration against Russia's war on Ukraine. Photo: Magnus Runsten

Yevhen Zakharov (KHPG), former civilian prisoners Yuriy and Natalia and Ausra Padskocimaite (Östgruppen) in Stockholm

Yuriy Shapovalov, Anders Mattsson (Östgruppen) and Natalia Shylo in Stockholm

Natalia Shylo, Yuriy Shapovalov and Yevgen Zakharov

Meeting at the Embassy of Ukraine in Sweden. Yuriy Shapovalov, Yevhen Zakharov, Ambassador Svitlana Zalishchuk

KHPG's and Östgruppen's meeting at the Embassy of Ukraine in Sweden

Natalia Shylo, Yevgen Zakharov (sitting), Mikhailo Romanov,
Ausra Padskocimaite, Yuriy Shapovalov, Kateryna Buryakovska (standing)

The cover of the analytical report written by KHPG and Östgruppen
within the framework of the Swedish Institute project

ANNEX

STATISTICAL DATA ON MAJOR TYPES OF INTERNATIONAL CRIMES

Missing Persons

As of December 31, 2025, the T4P initiative[157] has documented 3,696 cases of enforced disappearances involving 4,794 missing persons, including 246 children. The geographical distribution of missing persons is presented in the table below:

Oblast of Ukraine	Number of incidents	Number of incidents affecting children
Kharkiv	1,890	81
Zaporizhzhia	316	3
Kherson	568	3
Luhansk	69	—
Donetsk	505	64
Kyiv	204	5
Mykolaivska	52	3
Chernihiv	38	1
Sumy	35	—

Ukrainian prisoners of war may be exchanged for Russian prisoners of war; the competent authorities of the Ministry of Defense of Ukraine and the Ministry of Defense of the Russian Federation facilitate these exchanges. As of December 2, 2025, 70 exchanges had been carried out, resulting in the return of 6,266 prisoners to Ukraine, including 372 civilians; a total of 5,976 men and 259 women were released.[158] In addition, 500 seriously ill prisoners were transferred to Ukraine outside the exchange process. On the Ukrainian side, the Coordination Headquarters for the Treatment of Prisoners of War and the Security Service of Ukraine (SSU) participate in organizing exchanges.

During 2025, 19,005 people were added to the KHPG database, categorized as follows:

Missing persons — 7,608, including 7,432 men and 176 women, 6,898 military personnel and 551 civilians; the status of 159 missing persons is undetermined.

Prisoners of war — 6,815, including 6,694 men and 121 women, 6,174 military personnel (of whom 696 have been convicted) and 641 civilians (of whom 276 have been convicted).

Released: 4,546, including 4,265 men and 281 women, 3,850 military personnel and 696 civilians.

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157 https://t4pua.org/en/stats

158 Yevgen Zakharov. The Forgotten Prisoners of Russian Aggression in Ukraine. // https://t4pua.org/2984. It should be noted that in 2025, only six women were released. In 2026, three prisoner exchanges took place, with 157, 200, and 300 prisoners returning to Ukraine, including 9 civilians. Not a single woman was released.

Died in captivity — 27, all of whom were men.

Children — 200, including 115 boys (2 in captivity, 86 missing, 27 released) and 85 girls (none in captivity, 60 missing, 25 released).

Efforts to locate captives have yielded the following results: we know where 2,176 prisoners of war and 420 civilian prisoners are being held.[159]

Unlawful detention and deprivation of liberty of civilians

As of December 31, 2025, the T4P initiative had documented 1,670 incidents of unlawful detention and deprivation of liberty of civilians, including 35 involving children.

608 of these incidents are in the Kharkiv Oblast, 218 in the Kyiv Oblast, 201 in the Zaporizhzhia Oblast, 182 in the Kherson Oblast, 219 in the Donetsk Oblast, 90 in the Chernihiv Oblast, 82 in the Luhansk Oblast, 48 in the Mykolaiv Oblast, and 12 in the Sumy Oblast.

Torture

Data from the KHPG database on incidents of torture

Oblast of Ukraine	Number of incidents	Number of victims
Kharkiv Oblast	372	372
Chernihiv Oblast	288	288
Donetsk Oblast	109	109
Kyiv Oblast	106	106
Kherson Oblast	43	43
Luhansk Oblast	22	22
Sumy Oblast	10	10
Mykolaiv Oblast	9	9
Zaporizhzhia Oblast	8	8
City of Mariupol	1	1
Total	**968**	**968**

Distribution of torture incidents between military and civilian victims.

Oblast of Ukraine	Incidents involving civilians	Incidents involving military personnel
Kharkiv Oblast	313	8
Chernihiv Oblast	272	3
Donetsk Oblast	38	38
Kyiv Oblast	34	1
Kherson Oblast	21	3
Luhansk Oblast	11	9
Zaporizhzhia Oblast	6	1

[159] Statistical data are taken from the T4P initiative database.

Mykolaiv Oblast	6	1
Sumy Oblast	5	1
City of Mariupol	1	—
Total	**707**	**65**

Location of detention facilities (list is not exhaustive)

Russian Federation subject	Facility	Address
Republic of Mordovia	Ozerny, PK 17	Ozerny, 3 Lisova St.
Republic of Mordovia	Yavas, PK2	Yavas, Chornorichenska St., 1
Republic of Mordovia	Sosnovka, PK 1	Sosnovka Settlement, 8 Pochtovaya St.
Republic of Mordovia	Torbeevo, PK 6	Torbyeevo, Vesnyana St., 50
Republic of Mordovia	Polyana, PK 10	Udarnoy, Molodizhna St., 1

Currently, 196 detention sites are known to be located in the Russian Federation and 84 in the temporarily occupied territories of Ukraine.

Rape or Sexual Violence

The KHPG database contains the following information on incidents of rape or sexual violence.

Oblast of Ukraine	Number of incidents	Number of victims
Kharkiv Oblast	84	84
Donetsk Oblast	23	23
Luhansk Oblast	4	4
Kyiv Oblast	3	3
Kherson Oblast	2	2
Sumy Oblast	1	1
Chernihiv Oblast	1	1
Total	**118**	**118**

Incidents of sexual violence against military personnel.

Oblast of Ukraine	Number of incidents	Number of victims
Donetsk Oblast	6	6
Luhansk Oblast	3	3
Kharkiv Oblast	3	3
Total	**12**	**12**

Incidents of sexual violence against civilians.

Oblast of Ukraine	Number of incidents	Number of victims
Kharkiv Oblast	63	63
Donetsk Oblast	5	5
Kyiv Oblast	1	1
Sumy Oblast	1	1
Kherson Oblast	1	1
Chernihiv Oblast	1	1
Total	**72**	**72**

Number of cases in which women were victims of sexual violence or rape — 48.

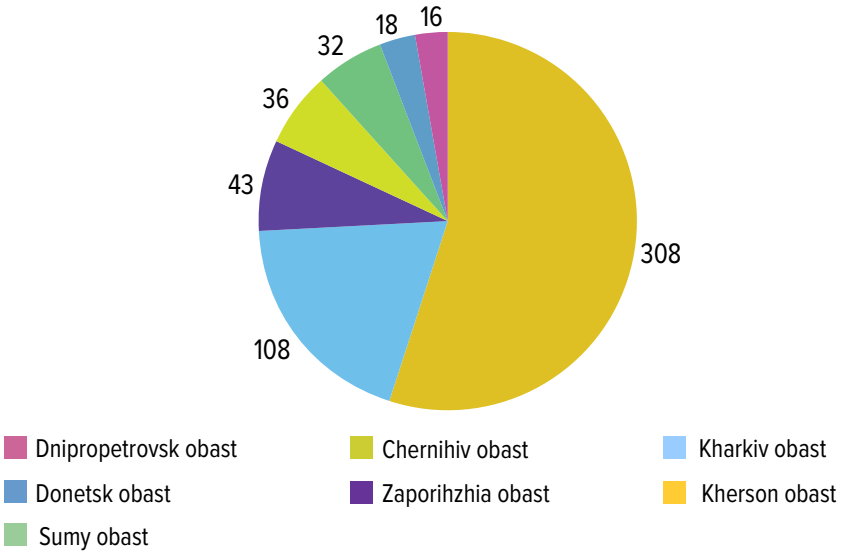
26 complaints involving CRSV (conflict-related sexual violence) were reported to the UN Human Rights Committee.

Intentional killings and attacks on civilians

As of December 31, 2025, 561 incidents of suspected killings and attacks on the civilian population had been recorded in the KHPG database.

The identified incidents are distributed geographically as follows:

Attacks on and killings of civilians in Ukraine



Demographic composition of victims of attacks and killings of the civilian population.

Oblast of Ukraine	Number of incidents	Total number of victims	Number of women	Number of children
Kherson Oblast	308	238	77	4
Kharkiv Oblast	108	148	47	6
Zaporizhzhia Oblast	43	49	8	—
Chernihiv Oblast	36	4	—	—
Sumy Oblast	32	16	3	1

Donetsk Oblast	18	17	3	—
Dnipropetrovsk Oblast	16	10	5	2
Total	**561**	**482**	**143**	**13**

Indiscriminate shelling of the civilian population, populated areas, and objects of civilian and critical infrastructure

Total figures for deaths and injuries in the T4P initiative database are as follows:

- Number of people killed by shelling (ICC RS Article 8(2)(b)(iv)) — 6,766.
- Number of people injured by shelling (ICC RS Article 8(2)(b)(iv)) — 11,278.[160]

Data on the types of weapons used during shelling and on those affected by shelling.

Type of incident	Total number of incidents including those affecting children	Available identities of victims
Type of shelled object — civilian	41	Injured: 32
Type of shelled object — military	14	Injured: 14
Artillery shelling (bombing)	4,307	Injured: 2,587 Killed: 2
MLRS “Grad”	14	Injured: 23
Airstrike	102	Injured: 107
Missile strike	138	Injured: 130 Killed: 5
MLRS “Smerch”	1	Injured: 5
MLRS “Uragan”	1	
Cluster munitions	5	Injured: 7
Mortar launcher	14	Injured: 14
UAV	17	Injured: 13
Small-arms fire	64	Injured: 61
Explosive device	3	Injured: 2
Injuries caused by a vehicle	5	Injured: 3
Disappearances	14	Victims: 14
Disappearances — Missing in action	14	Victims: 14
Disappearances — Enforced disappearances	14	Victims: 14
Use of civilians as human shield	1	Victims: 1
Seizure of civilian property	13	Victims: 11
Intentional bodily harm to a civilian	1	Victims: 2
Seizure of a civilian building	3	Victims: 6
Other	76	Victims: 1

The KHPG lawyers are handling 362 cases with the following statistical characteristics:

[160] https://t4pua.org/stats

Oblast of Ukraine	Number of cases	Total number of victims	Number of women	Number of children
Kyiv Oblast	270	387	39	14
Chernihiv Oblast	49	50	7	—
Kharkiv Oblast	33	36	1	1
Sumy Oblast	7	7	2	—
Donetsk Oblast	1	1	—	—
Luhansk Oblast	1	1	—	—
Kherson Oblast	1	1	—	—
Total	**362**	**483**	**49**	**15**

Injuries[161]

Oblast of Ukraine	Number of incidents	Total number of victims	Number of women	Number of children
Kharkiv Oblast	644	678	288	42
Chernihiv Oblast	277	296	122	36
Kyiv Oblast	257	259	66	12
Sumy Oblast	83	83	30	9
Donetsk Oblast	82	82	35	8
Dnipropetrovsk Oblast	13	13	4	
Zhytomyr Oblast	5	5	2	1
Kherson Oblast	5	7	3	
Zaporizhzhia Oblast	3	3	1	
Luhansk Oblast	2	2	1	
Mykolaiv Oblast	2	2		
Lviv Oblast	1	1	1	
Poltava Oblast	1	1	1	
Total	**1,375**	**1,432**	**554**	**108**

Destruction or damage to property during the shelling of populated areas[162]

Oblast of Ukraine	Number of incidents	Number of shelled objects
Kharkiv Oblast	2208	2311
Chernihiv Oblast	1,440	1451
Kyiv Oblast	756	800
Donetsk Oblast	209	210

161 Statistical data from the KHPG databases.
162 Statistical data from the KHPG databases.

Sumy Oblast	132	164
Luhansk Oblast	11	14
Zaporizhzhia Oblast	5	23
Mykolaiv Oblast	5	6
Zhytomyr Oblast	4	4
Kherson Oblast	4	4
Odesa Oblast	2	5
Total	**4,776**	**4,992**

According to the T4P database, the number of damaged facilities is as follows:

- Stores, factories, and other business facilities — 5,848
- Educational institutions — 2,705
- Government buildings — 1,075
- Residential buildings — 42,858
- Transport infrastructure — 713
- Hospitals — 885
- Entertainment venues — 602
- Places of worship — 419
- Life support infrastructure facilities — 2,972
- Historical landmarks — 196

Deportation or forced displacement of the population, including children[163]

Oblast of Ukraine	Number of incidents	Total number of victims	Number of women	Number of children
Donetsk Oblast	2	2	1	
Kharkiv Oblast	2	5	3	1
Total	**4**	**7**	**4**	**1**

The Ukrainian portal "Children of War"[164] has recorded 20,000 missing children.

[163] Statistical data from the KHPG databases

[164] https://childrenofwar.gov.ua/

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