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UNITED NATIONS HUMAN RIGHTS COUNCIL

To the Human Rights Council Working Group on the Universal Periodic Review

4th UPR Cycle, 44th Session, Review of the Russian Federation

Joint Submission
from non-governmental organisations

Places of detention in Ukraine under the Russian occupation¹

Submitted by DIGNITY jointly with

European Prison Litigation Network, Kharkiv Human Rights Protection Group,
Protection for Prisoners of Ukraine, Ukraine Without Torture

5 April 2023

¹ The full version of the report is submitted as an annex to the present submission.

Introduction

1. This joint submission is intended to draw the attention of the United Nations Human Rights Council and the United Nations Member States to the findings of the monitoring and documentation of human rights and other violations of international law committed in places of detention in the non-government-controlled areas of Ukraine (the NGCA) between March and December 2022.
2. The submission is prepared and lodged jointly by:
 - (1) *DIGNITY*, an independent human rights and development organization. DIGNITY's vision is a world free of torture and cruel, inhuman, and degrading treatment. Founded in 1982, Dignity is one of the world's first anti-torture NGOs and specialized treatment centres for torture survivors. For 40 years, DIGNITY has been a leading civil society force in the global fight against torture, including in investigation and documentation of torture pursuant to the Istanbul Protocol.
 - (2) *European Prison Litigation Network* (EPLN), an international NGO holding a participatory status with the Council of Europe focusing its activities on enhancement of the judicial protection of the fundamental rights of prisoners in the Member States of the Council of Europe.
 - (3) *Kharkiv Human Rights Protection Group* (KHPG) is one of the oldest and most active Ukrainian human rights organizations. It has been working as a human rights protection group since 1988 under the Society "Memorial", one of the first official human rights organisations in the former USSR. KHPG is particularly active in the field of the protection of persons deprived of their liberty, whether in the field of prison monitoring, legal protection or strategic litigation.
 - (4) *Protection for Prisoners of Ukraine* is an organization that investigates and documents torture and ill-treatment of prisoners in Ukraine, and provides counselling and legal assistance to victims of torture and their families.
 - (5) *Ukraine Without Torture* is an organization bringing together human rights professionals involved in the implementation of the National Preventive Mechanism (NPM) in Ukraine and other public control instruments on human rights in places of detention. It works on the eradication torture and introduction of democratic changes in society.

General overview

3. In the year since the Russian Federation's invasion of Ukraine on 24 February 2022, a constant flow of images and accounts has painted a horrifying picture of the human rights violations and international crimes that appear to be strategies of Russia's war. At the same time, relatively little information has emerged from those areas of Ukraine in which Russia has situated itself as an occupying power.
4. The submitting organisations have documented 725 episodes of violations of international human rights and humanitarian law, including torture and other inhuman or degrading treatment or punishment, wilful killings and military strikes, in penitentiary institutions (correctional colonies and pre-trial detention centers), police establishments and social and healthcare institutions, as well as in unofficial places of detention such as makeshift torture chambers.
5. The findings reached by the submitting organisations are based on information and evidence of violations of international law gathered from 121 interviews with victims and witnesses who experienced Russian custody (conducted by the submitting organisations (64) and third parties (57)) as well as open-source intelligence. The collected data had been subject to verification and corroboration, so as to ensure its veracity.

Key findings

A. *Places of detention in the context of war*

1. Penitentiary institutions

6. Because of the initial rapid advance of Russian armed forces into Ukraine in the immediate aftermath of the 24 February 2022 invasion 11 prisons in the South and East of Ukraine (Mykolaiv, Kherson, Zaporizhzhia and Donetsk regions) collectively holding 3103 prisoners were not evacuated, rendering the prison staff and prisoners under Russian occupation.
7. According to international humanitarian law, the Russian Federation became responsible for the treatment and conditions of prisoners in places of detention as part of the civilian population under their control, including for ensuring basic necessities.¹ However, the humanitarian situation in places of detention in the NGCA rapidly deteriorated as regular supplies from Ukraine were interrupted, and no proper substitution was offered by the new Russian administrators overseeing these places. Consequently, due to the shortage of

supplies and the use of some prisons as military bases, prisoners were first transferred to and concentrated in a few prisons in Kherson region, and then transferred without their consent to other prisons in the NGCA or in Russia. Such forcible transfers of detained persons followed by concealment of their fate or whereabouts likely constitute unlawful enforced disappearances and violations of international humanitarian law.²

8. From the moment of gaining control of Ukrainian prisons, Russian servicemen committed human rights violations and international crimes in relation to the prisoners. These violations included wilful killings, torture, other ill-treatment, and threats thereof, forced labour, including for military purposes, forced imposition of Russian citizenship, and forced participation in the illegal referenda on Russia's annexation of the occupied Ukrainian territories. These and other violations are described in detail in the attached report (Annex 1) outlining individual survivors' experiences in the form of their direct testimonies.
9. Prisoners remained in prisons in the NGCAs, even when they were located in areas of active hostilities or used as Russian military bases. Moreover, in some cases Russian artillery systems were placed next to places of detention in cynical attempts to use them, and in particular the protected status of the prisoners inside them, as de facto shields against attack. Consequently, some prisons were targeted and damaged by artillery strikes resulting in injuries and death of prison staff and prisoners.

2. Police establishments

10. According to the Ukrainian Ministry of Internal Affairs, at least 100 police establishments ended up under Russian occupation following the invasion on 24 February 2022. The Russian military and the occupation police in the NGCA used police establishments as offices, accommodation, and detention centers.
11. Russian servicemen used police stations to establish their occupation regime by detaining local citizens and torturing them soon after the occupation. The primary targets were former Ukrainian civil servants, including teachers and community leaders, former and retired Ukrainian soldiers or policemen, and ordinary civilians, including children, known for patriotic sentiments or suspected of any support of the Ukrainian state. The fact that the Russian occupying forces targeted these groups may demonstrate their intention to punish and intimidate those seen as threatening to Russia's sustained rule of the area.
12. Nearly ubiquitously, torture chambers were established in the basements of police stations. The official cells of police stations and temporary detention facilities ('ITT')³ were also used to detain and torture civilians.

3. Social and health care institutions

13. Soon after the occupation began, administrations in social and health care institutions (psychiatric hospitals, institutions for children and elderly) began to struggle to maintain regular operations due to staff shortages and interruptions in supplies of basic necessities such as water, food and medicine. In such conditions, the administrations grappled with protecting detainees from military strikes, and ensuring basic needs and minimum standards of detention conditions. These institutions had to rely heavily on local volunteers' support and resources of their individual staff members.
14. Because of the issues with substituting regular supplies and ongoing hostilities, and like detainees in penitentiary institutions, many persons detained in social institutions were transferred to other places in the NGCA and in Russia, reportedly without their consent.
15. Currently, there is no consolidated reliable data on the number of such institutions that ended up under the Russian occupation in the NGCAs of Ukraine. However, the number of persons who remained in such institutions is likely several hundred if not thousands. For example, as of March 2022, about 6,000 persons remained in at least 42 Ukrainian social institutions in the NGCA and, therefore, were cut-off from support and supplies. As of 25 March 2022, the largest number of such institutions was in Kherson region – at least 10.

B. Identified violations

1. Torture and other ill-treatment

16. The submitting organisation have collected information concerning at least 152 documented instances of torture and other ill-treatment in places of detention in the NGCA of Ukraine. Review of these instances, including their details and context, reveal the Russian military and other officials used torture in places of detention as a tool to support and solidify their occupation regime.
17. More specifically, the main purposes of the torture were to intimidate the civilian population, including detainees and, to ensure a more effective control of NGCA in general and of places of detention in particular. Other related purposes of torture were to obtain information and to punish civilians for their pro-Ukrainian patriotic position or for any ties with people holding such a position, especially with the Ukrainian armed forces.

18. In *official* places of detention, torture and other ill-treatment quickly became an instrument to extract confessions from prisoners, to intimidate and coerce them to obey the newly established Russian administration. Torture was used from the very moment of gaining control over prisons to install an atmosphere of fear and obedience among prisoners. For example, the first prisoners who were tortured were those who openly supported the prison subculture and were thus considered informal prisoner leaders. Prisoners were also subjected to torture, other ill-treatment, and threats thereof to coerce them to accept the Russian citizenship, to participate in the sham referenda staged by Russia in the occupied regions of Ukraine and to force them to work for various military purposes, such as digging trenches and producing fortifications.
19. In addition, torture was applied to civilians in the so-called ‘filtration camps’ – *unofficial* places of detention used to ‘filter’ civilians to identify those who may pose even the smallest threat to the occupation regime. Here, the purpose of inflicting pain and suffering on civilians was to identify potential threats to the occupation regime, to punish them for their pro-Ukrainian patriotic position or for any ties to such persons, especially within the Ukrainian armed forces, or for lack of cooperation.
20. The methods of torture included both physical and psychological torture, including beatings (such as kicks, punches and slaps), truncheon blows, mock executions, electric shocks, including through connecting wires to genitalia (amounting to sexual torture), positional torture, near-suffocation (gas mask, bag over head), inhumane detention conditions, deprivation of basic necessities (of space, light, fresh air, food, water, sleep, sanitary facilities, medication), shootings close to parts of the body, excessively tight handcuffing, subjecting to sounds of explosions and shootings, threats of execution and/or inflicting mental harm, including directed at close relatives, humiliation.
21. Importantly, this list is not exhaustive, but it reflects the most commonly used torture methods. The types of torture used, varied depending on the places where such severe pain and suffering was inflicted, on the availability of specific instruments, as well as on the personalities of the perpetrators – hence the variety of methods.
22. Establishing improvised torture chambers was one of the first administrative decisions of the Russian occupying power, followed closely thereafter by stamping out any opposition to their rule. Such places were, in many instances, found upon liberation of occupied cities, towns and villages. Our findings suggest that establishing torture chambers and torturing people in them was a routine practice in all places occupied by the Russian forces. The detention places were mostly basements of individual houses and official institutions (e.g. police stations, schools, hospitals, railway stations). They also included make-shift places

of detention, such as garages, factories and agricultural compounds. Torture and other ill-treatment in unofficial places of detention were often accompanied by other human rights violations such as unlawful detention and extrajudicial execution.

23. Further, out of 64 prisoners from prisons in the NGCAs whom we interviewed, 55 alleged that Russia's occupying authorities used torture and other ill-treatment in their institutions. The testimonies came from 7 prisons in the NGCAs and they contain consistent and credible claims about torture and other ill-treatment in all of them.
24. Given the ubiquity of torture and other ill-treatment in official and unofficial places of detention, its broad geographic spread, the commonality across occupied regions and places of detention in terms of methods and targeted victims, torture and other ill-treatment could be considered widespread and systematic.

2. Inadequate conditions of detention

25. Conditions in the official places of detention in the NGCA worsened rapidly after the occupation with regular supply of water, electricity and heating interrupted. Supply chains of food, medicine and other necessities were severed. In addition, many staff members of the places of detention – sometimes up to 80 % – left their service for various reasons such as evacuation or unwillingness to collaborate with the occupying authorities. Ensuring decent detention conditions became impossible as the administrations ran out of essential human and material resources.
26. During the initial periods of the occupation, places of detention in the NGCA continued to rely on their stocks of food, medication, and other necessities. Later, it appeared that the Russian occupying forces did not plan for a continuity of these supplies. The administrations of places of detention had to operate relying on volunteers and other alternatives such as requesting other state institutions to share their stocks (e.g., medication from local hospitals).
27. As regards unofficial places of detention, they are unlawful,⁴ and by definition unsuitable for detaining people as they were not designed for this purpose. Such unofficial locations on the NGCAs featured extremely poor detention conditions, including lack of food and potable water, absence of toilets, deprivation of fresh air and natural and/or artificial light. In many instances, such conditions were combined with physical ill-treatment and could amount to torture or inhuman treatment.

3. Killings

28. There have been numerous reports of extrajudicial killings by Russian servicemen in unofficial places of detention. For example, in its recent report, the United Nations Office of the High Commissioner of Human Rights (OHCHR) documented 30 cases of executions of civilians in detention.⁵ According to a December 2022 thematic OHCHR report,⁶ civilians were detained in houses, basements, garages, a post office, agricultural compounds, or other premises occupied by Russian troops. Bodies were found in makeshift detention facilities, and, in most cases, with cuffed or duct-taped hands and injuries such as gunshot wounds in extremities or groin area, stab wounds, and mutilated limbs, suggesting the victims were tortured before being killed.⁷ Our findings corroborate these patterns and suggest that unofficial detention was often a precursor to torture and killings of civilians.

4. Military strikes

29. Many cases of shelling and damage to the premises of places of detention were recorded between March and December 2022 both in the NGCA, but also in the GCA. The context of war thus directly impacted places of detention in all of Ukraine. Such incidents consisted mostly of artillery shelling of colonies, pre-trial detention facilities, and social institutions. The shelling resulted in the destruction of these places, damage to facility infrastructure, injuries and sometimes death of prison staff and prisoners as well as staff and residents of social institutions.

30. According to Ukraine's Ministry of Justice, at least 22 prisons were damaged, causing the death of 5 prison staff and injuries of another 5 prison staff. At least 1 detainee was killed. However, these numbers do not reflect the casualties in prison in the NGCA, which are difficult – or even impossible – to fully record. For example, reportedly at least 53 Ukrainian prisoners of war were killed by an explosion in Olenivka Colony in Donetsk region.⁸ Shelling of places of detention took place even during evacuation. For example, at least 4 medical workers were killed, and 2 patients were injured during evacuation of a psychiatric hospital in the village of Strilecha, Kharkiv region.

Conclusion

31. The submitting organisations respectfully ask the Human Rights Council and the UN Member States to take into consideration the information contained in the present submission and to recommend to the Russian Federation:

- immediately cease the use of any form of torture and cruel, inhuman or degrading treatment or punishment against any persons detained in the occupied territories of Ukraine and / or transferred to Russia from Ukraine;
- immediately end enforced disappearances of civilians and prisoners, including by way of forcible transfers to unacknowledged places of detention in Ukraine or to places of detention in Russia.
- immediately end the deprivation of liberty of persons in places of detention that are not officially acknowledge and supervised;
- ensure appropriate conditions in all places of detention, including by securing energy and water supplies, and by providing sufficient food, medication and other basic necessities;
- ensure the safety and security of persons in areas of active hostilities and the Ukrainian territories occupied by Russia, including by taking all necessary measures to ensure that prisons and colonies where detainees are being held are not targeted or exposed to shelling or military strikes;
- provide information about the location/whereabouts of all persons who are or were detained in the Ukrainian territories, including those who were subsequently transferred to Russia;
- to provide the utmost assistance and allow unrestricted access to all places of detention in the occupied territories of Ukraine to the national and international independent monitoring bodies, including the National Preventing Mechanism of Ukraine, the UN Human Rights Monitoring Mission in Ukraine, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), and the International Committee of the Red Cross.

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¹ See, e.g., Section I of the Fourth Geneva Convention (Relative to the protection of civilian persons in time of war) of 12 august 1949.

² The definition of enforced disappearances can be found in Art. 2 of the International Convention for the Protection of All Persons from Enforced Disappearances (2010) and the United Nations Declaration on the Protection of All Persons from Enforced Disappearance (1992). Such transfers to the territory of the Russian Federation violate international humanitarian law: Articles 49 and 76 of Geneva Convention (IV) on Civilians, 1949; this is a grave breach of the Geneva Conventions (see Article 85 (4) (a) of Additional Protocol I) and a war crime under the ICC Rome statute (Article 7 (1)(i), Article 8 (2) (b) (viii)).

³ Temporary detention facilities (Ukrainian: “Izoliatory tymchasovoho trymannia” (ITT)) are police facilities designed for a short-term detention (up to 10 days) of suspects prior to placement in pre-trial detention centers. The ITTs are also used for detention on other purposes such as serving the administrative penalty of detention.

⁴ International Convention for the Protection of All Persons from Enforced Disappearance, art. 17.

⁵ OHCHR Press release, *UN report details summary executions of civilians by Russian troops in northern Ukraine*, 7 December 2022: <https://www.ohchr.org/en/press-releases/2022/12/un-report-details-summary-executions-civilians-russian-troops-northern>

⁶ OHCHR Report *Killings of Civilians: Summary Executions and Attacks on Individual Civilians in Kyiv, Chernihiv, and Sumy regions in the context of the Russian Federation’s Armed Attack against Ukraine*, December 2022: <https://ohchr.org/sites/default/files/2022-12/2022-12-07-OHCHR-Thematic-Report-Killings-EN.pdf>.

⁷ Ibid.

⁸ OHCHR, *Report on the treatment of prisoners of war and persons hors de combat in the context of the armed attack by the Russian Federation against Ukraine 24 February 2022 – 23 February 2023*, 24 March 2023, paras. 72-76, <https://www.ohchr.org/sites/default/files/documents/countries/ukraine/2023/23-03-24-Ukraine-thematic-report-POWs-ENG.pdf>.