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RUSSIA’S UNLAWFUL TRANSFER AND ABUSE OF CIVILIANS IN UKRAINE DURING ‘FILTRATION’

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Cover photo: A bus taking people from Mariupol arrives in the village of Bezimenne in Donetsk, 7 May, 2022. © Victor/Xinhua/Alamy

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EXECUTIVE SUMMARY

Since its full-scale invasion of Ukraine on 24 February 2022, Russia has indiscriminately attacked Ukrainian cities, occupied and illegally annexed large swathes of Ukraine's territory and denied civilians access to humanitarian aid. Throughout this time, in areas it has occupied, Russia has transferred many civilians from Ukraine to other Russian-occupied areas or to Russia itself while often denying or impeding civilians from having safe passage to government-held parts of Ukraine.

This report documents how Russian and Russian-controlled forces gave many civilians in Ukraine no choice but to be transported to Russia or Russian-occupied areas in Ukraine, including the self-proclaimed Donetsk People's Republic (DNR). Particularly in the case of Mariupol, people were sometimes ordered to leave places where they were sheltering and were taken to the self-proclaimed DNR and to Russia in ways that, at least in some instances, constitute the war crime of unlawful deportation or transfer and may amount to the crime against humanity of deportation or forcible transfer. This report also documents how Ukrainian civilians were forced to pass through an abusive screening process, known as "filtration", which sometimes resulted in their arbitrary detention as well as torture and other ill-treatment.

Amnesty International interviewed 88 civilians from Ukraine for this report, most of whom had fled their homes after Russian forces occupied the areas of Ukraine where they were living when the full-scale invasion was launched. Because of the situation created by Russian or Russian-controlled forces, many of those civilians had no choice but to be transferred or to otherwise flee in the direction of Russia. Some suffered arbitrary detention, torture and other ill-treatment, and other violations as a result of filtration. Some, including almost all of those Amnesty International interviewed, were able to travel on from Russia to the European Union or other countries. Others, including unaccompanied children, older people and people with disabilities, have faced more difficulties leaving Russia or Russian-occupied territories, including the self-proclaimed DNR.

Of the 88 people interviewed, 48 were from Mariupol. Prior to Russia's occupation of the city, from late February to April, civilians there lived under frequent Russian bombardment. Many interviewees lived in places with no heating, electricity or running water, and they had limited access to food and medication for weeks. While tens of thousands of people from Mariupol were able to flee to the Ukrainian government-held city of Zaporizhzhia starting in mid-March, their ability to leave often depended on what neighbourhood they lived in, when they decided to flee and whether they had a car.

After Russia's occupation of Mariupol, in many cases Russian or Russian-controlled forces prevented civilians from fleeing toward Ukrainian government-held areas. Sometimes, civilians said Russian forces explicitly refused to let them flee westward or physically escorted them to "evacuation" buses that then took them to the self-proclaimed DNR. In other instances, Russian forces offered transport only to the DNR or to Russia, leaving those without personal transport no choice; in still other cases, Russian soldiers discouraged civilians from fleeing in the direction of Ukrainian-held territory, warning them of the dangers of crossing the front line.

Taken together, these conditions created what was effectively a coercive environment in which many civilians described feeling forced by Russian and Russian-controlled forces to flee in one direction: toward the self-proclaimed DNR, from where they were almost invariably transferred to Russia.

Milena, 33, sheltered from Russian bombardments for weeks in a building in northern Mariupol. In early April, the building was taken over by Russian forces. Milena said that Russian soldiers prevented her and her family from fleeing west to Manhush, a village under Russian occupation but from which there were ongoing evacuations to Ukrainian government-held areas: "We started asking questions about evacuations, where it is possible to go... The [Russian] soldier interrupted and said, 'If you don't go to the DNR or the

Russian Federation, you will stay here forever.” Milena’s husband, a former marine with the Ukrainian military, was detained while crossing the Russian border soon afterwards and has not been released.

Amnesty International also documented several cases in which unaccompanied children, older people and people with disabilities were forcibly transferred from Mariupol to Donetsk. In some cases, children, people with disabilities and older people who had already reached areas of relative safety and were planning to travel on to Ukrainian government-controlled areas were sought out and rerouted to Russian-occupied areas of Donetsk by Russian-controlled authorities of the self-proclaimed DNR.

For example, on 23 March, staff began evacuating the 92 residents of the Institution for Older People and People with Disabilities No. 2 from Mariupol. They had reached a youth camp in Yur’ivka, a village on the western outskirts of the city that was under Russian occupation but where there was no active bombardment. The plan was to organize their further evacuation to Ukrainian government-controlled Zaporizhzhia. However, on 25 and 27 March Russian-controlled officials from the DNR arrived at the youth camp and ordered residents to board a bus, as a staff member of the institution told Amnesty International: “They said they were taking people to Donetsk. They didn’t explain anything to residents... They took their passports.” According to Ukrainian officials, the residents of the institution are still in Donetsk, as are all residents of another institution in Mariupol.

Collectively, these testimonies underscore that in Mariupol, Russian and Russian-controlled forces carried out unlawful deportations or transfers of civilians. While Russian and Russian-controlled forces did not block escape routes to Ukrainian-government controlled areas in all cases, in many cases Russian forces told civilians they could not flee to Ukrainian government-held areas, or their transfers were forced, as defined by international law, through the threat of coercion. After Russia occupied the city, people who had lived under bombardment for weeks often had no choice but to flee to other Russian-occupied areas, especially the self-proclaimed DNR, in some cases with the physical escort of Russian or Russian-controlled troops. Many civilians were then transferred to Russia, even when their preference was to return to Ukrainian government-controlled areas.

Russian authorities cannot feasibly argue, at least in many cases, that they were carrying out evacuations for the security of the population, because they could have – and should have – allowed many people to be evacuated or to otherwise flee to safe areas under the Ukrainian government’s control. Even after active fighting had ceased in Mariupol in May 2022, Russian forces continued to restrict people from fleeing to Ukrainian government-controlled areas, transferring them instead to other Russian-controlled areas of Ukraine, as well as into Russia itself.

Amnesty International also interviewed Ukrainian civilians from Kharkiv, Zaporizhzhia and Kherson regions, as well as from other parts of Donetsk and Luhansk regions. These people fled their homes for various reasons, including their fears of arbitrary detention by Russian forces as well as forcible conscription by the Russian-controlled DNR or Luhansk People’s Republic (LNR) authorities. The circumstances under which they fled varied significantly. Under international law, an occupying power, as Russia was in these areas, cannot claim to undertake evacuations for the security of the population if it is itself responsible, through unlawful actions such as arbitrary detention and forcible conscription, for causing the security and displacement crisis. More research is needed to determine the extent to which forcible transfer took place in these areas.

Civilians from Ukraine who fled toward the self-proclaimed DNR or to Russia were typically forced to undergo filtration. This process occurred when people entered the self-proclaimed DNR, when they crossed the border into Russia and when they left Russia for a third country. Russian and DNR authorities photographed and fingerprinted civilians for unstated purposes, conducted body and phone searches, and engaged in lengthy and often invasive interrogations, including questioning civilians’ political beliefs and opinions about the war. Many of these cases appear to amount to arbitrary detention and to violate people’s rights to privacy and physical integrity, among other violations.

Amnesty International documented six cases in which Russian or Russian-controlled forces arbitrarily detained people after the initial filtration process. One case involved a 31-year-old woman, and the other five cases were men in their 20s or 30s. Three of the men have been released. In the three other documented cases, two men and the woman were still presumed to be in detention as of 25 October 2022, and relatives had little information about their whereabouts or the conditions or grounds on which they were being held. Two additional cases of detention included in this report, one of a 17-year-old boy who was arbitrarily detained and tortured in Izium and one of a 43-year-old teacher from Zaporizhzhia region who was abducted and transferred to Russia, did not occur as a result of the filtration process.

Those who have been released from detention described being subjected to torture and other ill-treatment, including being beaten, electroshocked and threatened with execution; being denied food, water or access

to a toilet; and being held in shockingly overcrowded conditions. In one documented case, a woman who was detained was traveling only with her 11-year-old son, from whom she was separated by Russian-controlled authorities in clear violation of international humanitarian law. Amnesty International has received credible information of parents being separated from children in at least one other instance.

“Maksym”, a 28-year-old former Ukrainian police officer, fled Mariupol on 25 March to Volodarske in occupied Donetsk region. DNR authorities held him and his girlfriend in a school as they awaited filtration. On 29 March, DNR officials took Maksym to a local police station, where he was questioned at length about his past as a police officer and about the Ukrainian military. He told Amnesty International he was beaten repeatedly: “[A man in uniform] hit me with the baton on my legs. He started shouting, ‘Come on, fast, tell me everything’, and hit me on my shoulder. And then once again to my back... He put a white bag on my head and covered the air entry... One [of the men] said, ‘Let’s bring him to a field and then kill him.’” Maksym was released and transferred to Russia. When trying to leave Russia for Estonia, he was stopped twice at the border, interrogated for seven hours and told to return to Russia and apply for citizenship. Eventually, he managed to leave the country via Belarus.

Once in Russia, people from Ukraine have had almost no formal support to enable them to leave the country. In most cases where they have been able to leave, they received funds and logistical support from volunteers. Several people described subtle or explicit pressure by those running government shelters to apply for Russian citizenship, or said their movements were restricted.

The fate of unaccompanied, separated, and orphaned children, as well as older people and people with disabilities, is particularly concerning. As this report documents, these groups appear to be at higher risk of deportation or forcible transfer, and they face greater logistical, financial and other hurdles to leave Russia or Russian-occupied areas. No formal mechanism is in place to systematically return children, older people and people with disabilities to Ukraine if that is their choice, or to facilitate their reunification with guardians, caregivers or family members. As a result, the work of reunification or organizing the process of leaving Russia falls largely to those individuals, their guardians, and family members, with some receiving support from authorities, NGOs and volunteers.

In May 2022, Russia simplified the process of applying for Russian citizenship for orphans, children without parental care and people with disabilities who have been deprived of legal capacity by a court. This act may facilitate the absorption of children and people with disabilities into Russian society in ways that fundamentally deny their rights to choose and to preserve their nationality. It also indicates a deliberate Russian policy and the systematic nature of some deportations or forcible transfers, which, as part of a wider attack on the Ukrainian civilian population, especially in places like Mariupol, appears likely to amount to crimes against humanity.

Amnesty International also documented two cases in which older people with disabilities were placed in an institution in Russia after fleeing their homes in Ukraine, a practice that violates the person’s rights and makes it even more difficult for them to leave Russia or to reunite with family members in Ukraine or elsewhere.

In October 2022, Russia illegally annexed the self-proclaimed DNR and LNR, as well as the parts of Kherson and Zaporizhzhia regions under its control. In areas it occupies, Russia must immediately stop the deportation of Ukrainian civilians to Russia and their forcible transfer to other Russian-occupied areas of Ukraine, release all those being held unlawfully in detention and conduct impartial and independent investigations into allegations of torture and other abuses that have resulted from the filtration process. Russia should facilitate the safe evacuation of Ukrainian civilians directly to government-held parts of Ukraine if that is their choice, and ensure that mechanisms are in place to help the most at-risk members of Ukraine’s population, including children, older people and people with disabilities, to leave Russia or Russian-occupied areas and to reunite with their families.

For their part, the Office of the Prosecutor of the International Criminal Court and other competent international, regional and national authorities should investigate the war crimes and likely crimes against humanity of deportation and forcible transfer, as well as torture and other crimes under international law committed during filtration, with an emphasis on victims from particular at-risk groups.

METHODOLOGY

Amnesty International interviewed 88 people for this report. Among them were 30 women and 32 men between the ages of 18 and 91, as well as four children, all of whom fled parts of Ukraine that came under occupation by Russian forces. The children included one 17-year-old boy who fled Kharkiv region and three children, ages 11, 15 and 16, who were separated from their families and guardians and transferred from Mariupol to Donetsk.

Amnesty International also interviewed two of the children's guardians and a man who sheltered with a group of children who were transferred from Mariupol. Amnesty International also interviewed four relatives of older people who were transferred to Russia or Russian-occupied areas and two staff members of a nursing home in Mariupol whose residents were all transferred to Donetsk. Finally, Amnesty International interviewed a woman whose 31-year-old daughter was arbitrarily detained as part of the "filtration" process, though the woman did not undergo filtration herself, and a man who was abducted from Zaporizhzhia region and taken to a detention centre in Russia.

In almost all cases, interviewees had little choice but to go to Russia; from there, they were able to travel on to European Union countries, where they either remained or returned to Ukraine. In a small number of cases, people who were forced to flee towards the self-proclaimed Donetsk People's Republic (DNR) were nonetheless able to go directly across the front line to government-controlled parts of Ukraine, typically at high cost and great risk to their physical safety.

Forty-three interviews were conducted in person in Estonia. The rest were conducted remotely by telephone. At the time of the interviews, only one person, an older man who was unable to leave occupied Donetsk, was still in a Russian-occupied area. The rest had returned to government-controlled Ukraine or were elsewhere in Europe. The interview methods were a result of the significant security risks an interviewee inside Russia or Russian-occupied areas would face in speaking about their transfer or any other violations they were suffering. As a result, the situation may well be worse than is described in this report since these interviewees had the means, connections and ability to leave Russia; many others, especially those from certain at-risk groups and those still in arbitrary detention, have not been able to leave (see section 5.2 for more information).

Amnesty International informed interviewees about the nature and purpose of the research and how the information they provided would be used. Amnesty International delegates obtained oral consent from each person before the interview. No incentives were provided to interviewees in exchange for speaking. Most interviews were conducted via translation from Russian or Ukrainian into English. About one-third were conducted in Russian. As a result of ongoing security risks for many interviewees, including concern for relatives or acquaintances still living in occupied areas, Amnesty International has shielded the identities of the civilians interviewed, based on their preference. Some preferred to have only their first name used. Others preferred not to have even their first name used; in those cases, Amnesty International has given the person a pseudonym, denoted by quotation marks on the first mention in each chapter.

In addition to interviews with civilians who had to flee Ukraine, Amnesty International spoke with five Ukrainian government officials and six representatives of non-governmental or international organizations who were collecting information on the transfer of Ukrainian residents to Russia and on the subsequent efforts of those Ukrainian residents to leave Russia for Ukraine or third countries.

In October 2022, Russia illegally annexed four regions of Ukraine, including parts occupied by Russian-controlled forces since 2014 known as the DNR (the Russian initials for the self-proclaimed Donetsk

People's Republic) and the Luhansk People's Republic (LNR).¹ Almost all interviews for this report were conducted before this annexation, and hence a distinction is made here between the actions of Russian forces or authorities and of Russian-controlled forces of the DNR and LNR. These references are intended to distinguish these entities from parts of Ukraine that came under Russian control at some point after February 2022, and do not confer any sovereignty or legitimacy on these entities, which Amnesty International recognizes as legally part of Ukraine. Nor does this distinction imply that Russia did not have responsibility for violations carried out by Russian-controlled forces before October 2022: as the occupying power, it is responsible for violations committed in the areas under its control, including the self-proclaimed DNR and LNR.

On 25 October 2022, Amnesty International sent a letter to the Russian Ministry of Foreign Affairs with findings from this research and requesting responses related to questions about the deportation or transfer of civilians from Ukraine by Russian or Russian-controlled forces as well as about arbitrary detention and torture and other ill-treatment committed in the context of filtration.

¹ Reuters, "Russia's Federation Council ratifies annexation of four Ukrainian regions", 4 October 2022, <https://www.reuters.com/world/europe/russias-federation-council-ratifies-annexation-four-ukrainian-regions-2022-10-04/>

1. DEPORTATION AND FORCIBLE TRANSFER FROM MARIUPOL

Russia's full-scale invasion of Ukraine has caused mass displacement of people, forcing roughly one-third of the country's population to flee their homes. As of 17 October 2022, there were more than 7.6 million refugees from Ukraine living across other parts of Europe, and around another seven million people displaced internally.² Much of that mass displacement has been caused by unlawful Russian actions, including indiscriminate attacks, unlawful killings, torture and arbitrary detention, among other abuses.

This report focuses on violations associated specifically with the deportation of Ukrainian residents to Russia and their forcible transfer to the self-proclaimed DNR once Russian or Russian-controlled forces occupied areas of Ukraine, and especially Mariupol, during the first months of the war. This chapter focuses on the acts of deportation and transfer, Chapter 4 examines violations linked to the practice of so-called filtration as people were fleeing or being transferred, Chapter 5 looks at the experience of people in Russia after being deported and Chapter 6 provides the relevant international legal framework.

According to the United Nations High Commissioner for Refugees (UNHCR), as of 17 October 2022, 2.8 million Ukrainians have been registered as crossing into Russia since the full-scale invasion began on 24 February 2022.³ According to Russian officials, the number is higher, with some 4.5 million Ukrainians in Russia, including 690,000 children, as of 5 October 2022.⁴ Russian reports state that about half of these people are from the self-proclaimed DNR or LNR.⁵ There is no publicly available data about how many Ukrainians have remained in Russia, versus how many have left for European or other countries.

Amnesty International interviewed 48 civilians from Mariupol who were forced to flee towards the self-proclaimed DNR and, in almost all cases, subsequently to Russia.⁶ Although residents could still leave the city for government-controlled parts of Ukraine in the first few days of the war, Mariupol was completely surrounded by Russian forces from early March and evacuations were impossible.⁷ Many civilians spent weeks in basements sheltering from constant shelling. They lacked running water, heat or electricity and often had little access to food, medication or medical treatment.⁸

² See UNHCR, Ukraine Refugee Situation – Operational Data Portal, <https://data.unhcr.org/en/situations/ukraine> (accessed 17 October 2022); IOM, Ukraine – DTM, <https://displacement.iom.int/ukraine>

³ UNHCR, Ukraine Refugee Situation – Operational Data Portal, <https://data.unhcr.org/en/situations/ukraine> (accessed 17 October 2022).

⁴ TASS, “Поток с беженцев с Украины и из новых регионов России снизился в несколько раз”, 6 October 2022, <https://tass.ru/obschestvo/15970035>

⁵ The use of this nomenclature serves to distinguish them from other parts of Ukraine that came under occupation after February 2022; it is not intended to confer any sovereignty or legitimacy on these entities, which are legally part of Ukraine.

⁶ For previous and related reporting on Mariupol, Amnesty International has interviewed 53 other people who fled Mariupol towards Ukrainian government-controlled areas, primarily to the city of Zaporizhzhia. See: Amnesty International, “*Children*”: *The Attack on the Donetsk Regional Academic Drama Theatre in Mariupol, Ukraine*, (Index: EUR 50/5713/2022), 30 June 2022, <https://www.amnesty.org/en/documents/eur50/5713/2022/en/>

⁷ BBC News, “Mariupol: Key moments in the siege of the city”, 17 May 2022, <https://www.bbc.com/news/world-europe-61179093>

⁸ Interviews, April-July 2022.

Russia progressively occupied Mariupol from mid-March through April. As it took control of areas, it transferred many civilians to other Russian-occupied areas of Ukraine, such as the self-proclaimed DNR, and to Russia itself. Of the 48 civilians from Mariupol interviewed for this report, 39 were transferred after Russia occupied their area of the city.

In many cases in Mariupol, Russia's actions amount to the war crime of unlawful deportation or transfer. In several instances – particularly with regards to unaccompanied, separated, and orphaned children; older people; and people with disabilities – people who had already evacuated Mariupol for relatively safe areas were sought out and diverted to the city of Donetsk by Russian-controlled DNR authorities, clearly constituting the crime of unlawful deportation or transfer.

More generally, after it occupied areas of Mariupol Russia's actions often created a coercive environment in which many civilians could feasibly leave only for other Russian-occupied areas and eventually Russia. In some instances, Russian or Russian-controlled forces restricted civilians from using escape routes towards Ukrainian government-held areas. In other situations, civilians had no choice but to flee in “evacuation” buses towards Russia or Russian-occupied areas – in some cases while under escort by Russian or Russian-controlled forces, the presence of whom created conditions in which civilians had to comply. Finally, some people who did not have access to a car or other means of leaving the city were compelled to accept transfers in Russian “evacuation” buses to points inside the self-proclaimed DNR, from which they were often only given the option of going to Russia. From the DNR, all but three of 48 civilians were transferred to Russia by bus or other means.

While Amnesty International cannot conclude that all movement of civilians from Mariupol to Russian-occupied areas or to Russia amounts to the crime of deportation or forcible transfer, in many cases documented in this report, the movement of civilians was forced, as defined by international law. Furthermore, civilians who fled towards Russia were forced to undergo the abusive filtration screening process, which resulted in the arbitrary detention and torture of many (see Chapter 4 for more information on the filtration system).

1.1 DEPORTATION OR FORCIBLE TRANSFER OF AT-RISK GROUPS

In some cases, children, older people and people with disabilities who had already fled or been evacuated from Mariupol to relatively safe areas were sought out and diverted to Donetsk by the authorities of the self-proclaimed DNR. These cases present the strongest evidence of the war crime of deportation or forcible transfer because there are no credible reasons, from the standpoint of the population's safety or military necessity, for Russian or Russian-controlled forces to have carried out such transfers.

In several cases documented by Amnesty International and corroborated by media reporting, children without guardians or parents fleeing Mariupol towards Ukrainian-held territory were stopped at Russian military checkpoints and transferred to the custody of local authorities in Donetsk. Following Russia's full-scale invasion of Ukraine, some children who were staying in sanitoriums, hospitals and state boarding schools in and around areas of Ukraine under attack became permanently separated from their guardians and families. In other cases, children's parents or other family members died in the hostilities. As electricity and the internet were cut off in areas under siege, several of these children were unable to communicate with their guardians or family members.⁹

In one case, on 20 March 2022, two boys, ages 16 and 15, from Mariupol, who were orphans separated from their guardian and were fleeing to Ukrainian government-held Zaporizhzhia, were stopped in the Russian-occupied village of Manhush and told by children's services from the self-proclaimed DNR that they were not allowed to leave. The 16-year-old explained to Amnesty International, “There was no choice for the boys who were under 18 years old.”¹⁰ His older brother, who was 19 at the time, continued on to Ukrainian-held territory while the authorities from the self-proclaimed DNR took the 16-year-old and the 15-year-old to Donetsk Children's Hospital No. 5, where they were joined by 18 other children not accompanied by parents or guardians.¹¹

⁹ Group interview by video call with guardian and 15- and 16-year-old boys, 11 July 2022; group interview by video call with grandmother and her 11-year-old grandson; interview by video call with individual sheltering with the 17 foster children in Mariupol, 5 July 2022; Ніна Назарова, “Я привіз малих здоровими і живими”. Як шестеро дітей вижили в Маріуполі, застрягли в “ДНР” і опинилися в Європі,” BBC, <https://www.bbc.com/ukrainian/features-62164267>

¹⁰ Group interview by video call, guardian and 15- and 16-year-old boys, 11 July 2022.

¹¹ Group interview by video call, guardian and 15- and 16-year-old boys, 11 July 2022.

In another prominent case, on 18 March 2022, armed men at a Russian-controlled checkpoint in Manhush stopped a Ukrainian volunteer evacuating 17 children, including foster children, from the Regional Children's Bone and Tuberculosis Sanatorium in Mariupol.¹² The children were told they were not allowed to leave and authorities from the self-proclaimed DNR ultimately took the children to Donetsk.¹³

In one case documented by Amnesty International, an 11-year-old boy was separated from his mother during the filtration process (see Chapter 4) and forcibly transferred to Russian-controlled Donetsk. This is a violation of international humanitarian law, which prohibits the occupying power from separating families during evacuations.¹⁴ The boy was separated from his mother in Bezimenne, where they were transported after being detained from the Illich Steel and Iron Works in Mariupol in mid-April by Russian or Russian-controlled forces. The boy explained:

“They took my mom to another tent. She was being questioned... They told me I was going to be taken away from my mom... I was shocked... They didn't say anything about where my mom was going. A lady from Novoazovsk [child protection] service said maybe my mom would be let go... I didn't get to see my mom... I have not heard from her since.”¹⁵

From Bezimenne, authorities from the Russian-controlled DNR transferred the boy to a hospital in Novoazovsk and then to Donetsk for medical care. He was ultimately able to reunite with his grandmother, who discovered his whereabouts through a Facebook post from the hospital.¹⁶

As of April 2022, Russian authorities stated 2,161 orphans had arrived in Russia from Ukraine, including some from the self-proclaimed DNR and LNR.¹⁷ Ukraine's National Information Bureau alleges that as of 17 October 2022, 8,140 children have been deported or forcibly transferred, presumably to Russia and Russian-controlled areas, although it does not specify the children's current location.¹⁸

Amnesty International also documented the forcible transfer to Donetsk of all residents of a state institution for older people and people with disabilities in Mariupol. Within a week of Russia's full-scale invasion of Ukraine, the Mariupol Institution for Older People and People with Disabilities No. 2, which had 92 residents, had its electricity, running water and gas cut off.¹⁹ Only eight of 123 employees were still working. According to one employee, on 6 March a Grad rocket, likely fired by Russian forces, struck the courtyard outside the administrative building of the facility, destroying its façade.²⁰ A few days later, a shell, also likely fired by Russian forces, hit the ground between a residential building and a warehouse. There were no casualties. Staff said it was too cold in the basement for residents to shelter there, so many stayed in their rooms, leaving them at even greater risk of injury or death from the shelling.²¹

Starting on 23 March, staff evacuated residents to a youth camp in Yur'ivka, a village on the western outskirts of Mariupol that was under Russian occupation but where there was no active bombardment. The plan was to then move the residents to Ukrainian government-controlled Zaporizhzhia. But on 25 and 27 March, officials from the emergency services of the self-proclaimed DNR appeared at the youth camp and ordered residents to board a bus for Donetsk. One staff member who was present said:

“I looked out the window and saw a bus. There were about five guys with uniforms... some appeared armed. They ordered us to load everyone in the bus. They said they were taking people to Donetsk. They didn't explain anything to the residents... They took their passports.”²²

¹² Interview by video call with individual sheltering with the 17 foster children in Mariupol, 5 July 2022; Ніна Назарова, “Я привіз малих здоровими і живими”. Як шестеро дітей вижили в Маріуполі, застрягли в “ДНР” і опинилися в Європі,” BBC (previously cited); Human Rights Watch, “We Had No Choice” “Filtration” and the Crime of Forcibly Transferring Ukrainian Civilians to Russia, 1 September 2022, <https://www.hrw.org/report/2022/09/01/we-had-no-choice/filtration-and-crime-forcibly-transferring-ukrainian-civilians>, pp. 54-57.

¹³ Interview by video call with individual sheltering with the 17 foster children in Mariupol, 5 July 2022; Ніна Назарова, “Я привіз малих здоровими і живими”. Як шестеро дітей вижили в Маріуполі, застрягли в “ДНР” і опинилися в Європі,” BBC (previously cited); Human Rights Watch, “We Had No Choice” “Filtration” and the Crime of Forcibly Transferring Ukrainian Civilians to Russia, 1 September 2022, <https://www.hrw.org/report/2022/09/01/we-had-no-choice/filtration-and-crime-forcibly-transferring-ukrainian-civilians>, pp. 54-56

¹⁴ Fourth Geneva Convention, Article 49.

¹⁵ Group interview by video call, grandmother and her 11-year-old grandson, 22 July 2022.

¹⁶ Group interview by video call, grandmother and her 11-year-old grandson, 22 July 2022.

¹⁷ TASS Russian News Agency, “Минпросвещения готовит соглашения по передаче сирот из Донбасса в российские семьи”, 13 April 2022, https://tass.ru/obschestvo/14364609?utm_source=google.com&utm_medium=organic&utm_campaign=google.com&utm_referrer=google.com

¹⁸ Ukraine Ministry for Reintegration of the Temporary and Occupied Territories and National Information Bureau, “Children of War”, <https://childrenofwar.gov.ua/en/> (accessed 17 October 2022).

¹⁹ Interview by voice call, 30 June 2022; interview in person, 28 June 2022, Kyiv, Ukraine.

²⁰ Interview in person, 28 June 2022, Kyiv, Ukraine.

²¹ Interview by voice call, 30 June 2022; interview in person, 28 June 2022, Kyiv, Ukraine.

²² Interview by voice call, 30 June 2022.

A representative of the Donetsk Regional Department for Social Protection said she had lost contact in the first days of the war with staff of a second Mariupol institution for older people and people with disabilities, which was on the Left Bank – the easternmost part of the city. However, she confirmed that all residents were now in an institution in the occupied city of Donetsk, though the exact nature of their transfer there was unclear.²³

International humanitarian law prohibits the individual or mass forcible transfer of protected persons from occupied territory (see Chapter 6 for a full discussion of the international legal framework).²⁴ It specifies that no party to a conflict shall evacuate children who are not that party's own nationals to a foreign country without the written consent of parents or legal guardians or other persons responsible for the care of the children, except temporarily for health or safety reasons.²⁵ In the cases documented by Amnesty International, those exceptions do not apply, and the Russian authorities did not seek or receive the required written consent and thus violated international humanitarian law.

International law likewise provides special protections to older people and people with disabilities during armed conflict.²⁶ In the case documented above, Russian-controlled DNR authorities clearly did not seek the consent of institutionalized older people and people with disabilities before transferring them to Donetsk.

Once in Russia or Russian-occupied areas, children, older people and people with disabilities have faced greater barriers to reuniting with family members or guardians, or to leaving Russia for Ukraine or another country (see Chapter 5).

1.2 DEPORTATION AND TRANSFER OF OTHER CIVILIANS FROM MARIUPOL

Before the war, Mariupol had a population of about 450,000 people.²⁷ In June 2022 Ukrainian officials from the Mariupol mayor's office estimated that the city's population had shrunk to between 100,000 and 120,000.²⁸ According to a statement by the Russian Ministry of Defence, as of 22 April 2022 at least 143,631 civilians had been transferred out of Mariupol by Russian authorities.²⁹ It is unclear how many have left the city and been forced to go to Russia in the six months since.

Civilians from Mariupol described several situations in which they were forced, as defined by international law, to flee the city towards Russian-occupied areas and then to Russia. These situations included being explicitly prevented by Russian or Russian-controlled forces from evacuating to Ukrainian-held areas and being accompanied by Russian or Russian-controlled forces to "evacuation" buses, creating effective pressure to comply. In all cases documented by Amnesty International, Russian "evacuation" buses only took people to the self-proclaimed DNR or directly to Russia.

In other cases, civilians said they felt it was impossible to cross the front line towards Ukrainian government-held areas, either because it was too dangerous or because they did not have a car. Once civilians were in the self-proclaimed DNR, Russian or Russian-controlled forces, in many documented cases, then deported people on buses to Russia, which amounts to a war crime.

According to previous Amnesty International reporting, civilians first attempted a mass evacuation from Mariupol on 5 March: people were instructed to come to three gathering points in the centre of Mariupol, but the expected evacuations did not take place.³⁰ Beginning on 14 March, convoys of cars began evacuating; on 15 March, hundreds of cars – and thousands of people – followed suit and left the city for Ukrainian-controlled areas, such as Zaporizhzhia.

²³ Interview by voice call with Olena Tokareva, head of Department of Social Protection, Donetsk Oblast Administration of Ukraine, 2 June 2022.

²⁴ Fourth Geneva Convention, Article 49.

²⁵ Additional Protocol I, Article 78.1.

²⁶ Fourth Geneva Convention, Articles 16, 17, 27, 85, and 119. See also ICRC, Customary IHL Study, Rule 138.

²⁷ Energy Cities, "City of Mariupol", <https://energy-cities.eu/members/city-of-mariupol/> (accessed 17 October 2022).

²⁸ Glavcom, "Как изменилось количество населения Мариуполя: Советник мэра обнародовал цифры", 7 June 2022, <https://glavcom.ua/ru/news/kak-izmenilos-kolichestvo-naseleniya-mariupolya-sovetnik-mera-obnarodoval-cifry-851349.html>

²⁹ Izvestia, "Минобороны назвало количество эвакуированных из Мариуполя жителей", 22 April 2022, <https://iz.ru/1324757/2022-04-22/minoborony-nazvalo-kolichestvo-evakuirovannykh-iz-mariupolia-zhitelei>

³⁰ Amnesty International, "Children": *The Attack on the Donetsk Regional Academic Drama Theatre in Mariupol, Ukraine*, (Index: EUR 50/5713/2022), 30 June 2022, <https://www.amnesty.org/en/documents/eur50/5713/2022/en/>, pp. 13-15.

Civilians' ability to flee towards Ukrainian-controlled areas rather than through Russia or the self-proclaimed DNR depended on what part of the city they lived in, when they fled and the type of transport available. Mariupol is divided into four administrative districts:

- Livoberezhnyi, often referred to as the Left Bank, which is the easternmost part of the city and is separated from the rest of the city by the Kalmius River;
- Kalmiuskyi, in the northeastern part of the city;
- Tsentralnyi, or the Central district, often called the City Centre;
- Prymorskyi, often referred to as the Port, the westernmost part of the city.

Fighting started in the vicinity of Mariupol on the first day of the war.³¹ The first part of the city itself to be attacked was the Left Bank, parts of which bordered territories controlled by the self-proclaimed DNR before February 2022.³² Fighting gradually spread to nearly all other parts of the city. By 2 March, Russian forces had encircled the city and residents were effectively living under siege.³³

Constant bombardment by Russian forces resulted in their gradual advance into the City Centre: in late March, Russian forces reportedly made significant gains in the Central and Kalmiuskyi districts, and by 7 April they established full control over those areas, according to the Institute for the Study of War.³⁴ On 16 April they likely captured the Port.³⁵ On 21 April, Russia had claimed victory over Mariupol, though some Ukrainian forces remained in the area of the Azovstal steel plant, which was on the Left Bank.³⁶ Forces defending Azovstal formally surrendered on 17 May.³⁷ People interviewed for this and previous Amnesty International reports said Russian bombardments of the city were most intense throughout March and the first half of April.³⁸

Those fleeing Mariupol in convoys of cars that left the City Centre in mid-March, before it came under the control of Russian forces, still had to pass through numerous Russian checkpoints on the western fringes of the city. They risked shelling as well as arbitrary detention by Russian forces at checkpoints, but for the most part were able to travel through western parts of Mariupol and on to the Ukrainian-held city of Zaporizhzhia.³⁹ Evacuations continued in the second half of March. According to Ukrainian Deputy Prime Minister Iryna Vereshchuk, by 1 April at least 75,000 people from Mariupol had been able to evacuate the city, often in their own vehicles.⁴⁰ In April, however, Ukrainian officials said evacuations from the city had slowed significantly and accused Russia of failing to guarantee safe passage for civilians fleeing via evacuation routes organized by the Ukrainian side.⁴¹

The focus of this section is on civilians who were unable to leave districts of Mariupol before those districts came under Russian occupation, and who were subsequently transferred to the DNR and then, in almost all cases, to Russia. In some cases, they described an outright refusal by Russian forces to allow them to go to Zaporizhzhia. There does not appear to have been a justification for such actions, whether for military necessity or people's security; the civilians Amnesty International interviewed made clear that they felt safer going to and living in Ukrainian government-controlled areas. Evacuation to Ukrainian government-controlled

³¹ Reuters, Aleksandar Vasovic, "Port city of Mariupol comes under fire after Russia invades Ukraine," 24 February 2022, [reuters.com/world/europe/strategic-city-mariupol-wakes-blasts-russia-invades-ukraine-2022-02-24/](https://www.reuters.com/world/europe/strategic-city-mariupol-wakes-blasts-russia-invades-ukraine-2022-02-24/)

³² Interviews, April-August 2022.

³³ BBC News, "Mariupol: Key moments in the siege of the city," 17 May 2022, [bbc.com/news/world-europe-61179093](https://www.bbc.com/news/world-europe-61179093); Reuters, Max Hunder, "Timeline: Russia's siege of the Ukrainian city of Mariupol," 30 March 2022, [reuters.com/world/europe/russias-siege-ukrainian-city-mariupol-2022-03-30](https://www.reuters.com/world/europe/russias-siege-ukrainian-city-mariupol-2022-03-30/)

³⁴ See: Institute of War, "Russian Campaign Assessment, March 24", 24 March 2022, <https://www.understandingwar.org/backgrounder/russian-offensive-campaign-assessment-march-24>; Institute of War, "Russian Offensive Campaign Assessment, March 29", 29 March 2022, <https://www.understandingwar.org/backgrounder/russian-offensive-campaign-assessment-march-29>; Institute of War, "Russian Offensive Campaign Assessment, April 7", 7 April 2022, <https://www.understandingwar.org/backgrounder/russian-offensive-campaign-assessment-april-7>.

³⁵ Institute of War, "Russian Offensive Campaign Assessment, April 17", 17 April 2022, <https://www.understandingwar.org/backgrounder/russian-offensive-campaign-assessment-april-17>

³⁶ Reuters, "Putin claims victory in Mariupol; Ukrainian fighters hold on", 21 April 2022, <https://www.reuters.com/world/middle-east/leading-putin-ally-predicts-mariupol-victory-thursday-2022-04-20/>

³⁷ Reuters, "Hundreds of Ukrainians defending Azovstal plant surrender to uncertain fate", 17 May 2022, <https://www.reuters.com/world/europe/russia-backed-separatists-say-256-ukrainian-fighters-surrendered-azovstal-2022-05-17/>

³⁸ Interviews, April-July 2022.

³⁹ Interviews in person with residents who fled Mariupol directly for Zaporizhzhia or other Ukrainian-government held areas, April-June 2022.

⁴⁰ Office of the President of Ukraine, *Telegram Post*, 19 March 2022, "Iryna Vereshchuk informs about the results of the humanitarian corridors on 19 March (video)" (translation from the Ukrainian by Amnesty International), https://t.me/OP_UA/5971; Newsmaker, "Война в Украине: Двадцать седьмой день", 22 March 2022, <https://newsmaker.md/rus/novosti/voyna-v-ukraine-dvadsat-sedmoy-den-onlayn-nm/>; Kyiv Day (Den'), "Із Маріуполя загалом евакуювали 75 тисяч людей – Верещук", 31 March 2022, <https://m.day.kyiv.ua/uk/news/310322-iz-mariupolya-zagalom-evakuyovali-75-tysyach-lyudey-vereshchuk>

⁴¹ Ukrainianskaya Pravda, "З Маріуполя вдалося евакуювати 4 автобуси людей", 21 April 2022, <https://www.pravda.com.ua/news/2022/04/21/7341074/>

areas should have been an option but generally was not once Russian forces occupied an area. Given that Russia completely occupied all areas around Mariupol as early as mid-March, there should have been no logistical difficulty in facilitating the evacuation of civilians to points west of the city, such as Manhush or Berdiansk, from which they could evacuate to Zaporizhzhia or other Ukrainian government-held parts of the country, if that was their choice.

Milena, 33, was in Kalmiuskyy District when the factory where she was sheltering came under the control of Russian forces on 2 or 3 April. Milena wanted to flee with her husband and two children towards the village of Manhush on the western outskirts of the city, where evacuations to Ukrainian government-held territory were ongoing. Milena said that even when she pretended to be from Manhush, Russian soldiers said she could not flee in that direction. The family then walked with 20 others to a neighbouring area, hoping to find somewhere to spend the night, when they were stopped again by Russian soldiers. Milena said:

“Russian soldiers said: ‘Don’t walk here, go in that direction, there will be evacuation.’ It’s not good to argue with soldiers, especially in a situation where my husband is in danger... We started to ask questions about evacuation, where it is possible to go, etc., and I was told that it was only possible to go to the DNR or to Russia. Another girl asked about other possibilities [to evacuate], for instance to Ukraine... The answer came straight away; the soldier interrupted and said: ‘If you don’t go to the DNR or the Russian Federation, you will stay here forever.’”⁴²

Russian forces’ refusal to allow Milena and her children to flee toward Ukrainian government-controlled areas and the coercion applied to their transfer to other Russian-controlled areas amounts to the war crime of unlawful transfer.

Milena and her husband decided to cross the border with Russia. A former marine for the Ukrainian military, her husband was detained at the border and has been in detention in the self-proclaimed DNR ever since.⁴³

Other people similarly described having little choice but to move towards Russia or the self-proclaimed DNR when they were fleeing Mariupol in March and April, after Russian forces had taken control of their part of the city. This was particularly true of people from the Left Bank, which is separated from the rest of the city by a river. Amnesty International was unable to interview anyone from the Left Bank who was there after Russia occupied the area and, if trying to flee, was able to avoid being transferred to the self-proclaimed DNR and then, in almost all cases, to Russia. Again, there do not appear to have been any legitimate security or military necessity reasons to prevent civilians from fleeing to Ukrainian government-controlled areas instead.

Viktoria, 51, who was from the Left Bank, was sheltering in City Hospital No. 4 when it was taken over by DNR soldiers on 3 April. According to Viktoria, DNR soldiers fired from an armoured personnel carrier on the concrete wall surrounding the hospital. She then heard the DNR soldiers demand that civilians there open the doors to the basements where they were sheltering, and threatened to throw grenades inside when they did not immediately comply.⁴⁴ The soldiers ordered everyone to move to a church in Vynohradne, a suburb to the east of Mariupol.⁴⁵ Viktoria said:

“They told us to go on foot. We put our packs on. When we started moving, we were in front... and behind us [were] soldiers... As we walked, shelling was going on, there were [shells] going over our heads and we saw many dead bodies in the street. At one point my daughter said: ‘Mom, I stepped on somebody’s brain.’ I told her not to look.”⁴⁶

In Vynohradne, the family was offered a place in a tent camp where they slept on plastic reclining chairs. The tent wasn’t heated, and the temperature fell well below freezing. But Viktoria did not want to leave right away, saying, “My original plan was to gather any information about what’s happening around (us), because we had no information, no internet. We wanted to stay in Ukraine and evacuate towards there, not the DNR.”⁴⁷ But ultimately, Viktoria realized she had no choice but to undergo filtration in the village of Bezimenne, and from there she was put on a bus to Taganrog in Russia. It is unclear whether Viktoria’s transfer from the hospital to Vynohradne was justifiable on security grounds; however, her subsequent

⁴² Interview by voice call with Milena, 23 July 2022.

⁴³ Letter from the Ministry of Justice of the self-proclaimed DNR to Milena, 26 July 2022, shared with Amnesty International by the Moscow Helsinki Group with Milena’s consent; on-file with Amnesty International.

⁴⁴ Interview in person with Viktoria, 24, 26, and 28 July, Tallinn, Estonia.

⁴⁵ Interview in person with Viktoria, 24, 26, and 28 July, Tallinn, Estonia.

⁴⁶ Interview in person with Viktoria, 24, 26, and 28 July, Tallinn, Estonia.

⁴⁷ Interview in person with Viktoria, 24, 26, and 28 July, Tallinn, Estonia.

transfer to a filtration camp in Bezimenne amounts to the crime of forcible transfer and her transfer to Russia amounts to the crime of deportation. The family ultimately managed to leave Russia for Estonia.

Natalia, 34, who was sheltering in the basement of her apartment building on the Left Bank, said armed men with white armbands emblematic of the Russian military entered the building on 19 March:

“They opened the door to our basement and made us come out; they went through all the apartments looking for snipers. They told us to get our things and leave. There were about 20 of them, I wasn’t about to argue. We got in a car and went to [filtration in] Bezimenne. I was very scared because I have the Ukrainian coat of arms [tattooed] on my shoulder... I was very scared they would find it, I was scared for myself and my children.”⁴⁸

In other cases Amnesty International has documented, civilians from Mariupol said that after Russia occupied the city and surrounding areas, the risks of fleeing across the front line were simply too high. In many cases, Russian soldiers discouraged them from going to the Ukrainian-held side, including by warning them of the dangers of crossing the front line. Many of the risks associated with fleeing across the front line resulted from unlawful Russian actions, including arbitrary detention and related abuses at the many Russian checkpoints, as well as attacks on the paths people would use to flee. As discussed in Chapter 6, an occupying power cannot justify transfers based on the security of the population when its unlawful actions are responsible for the security risks. Moreover, civilians should have been given the option of evacuating to Ukrainian government-controlled areas, but Russian forces failed to do so, with some evacuation convoys even coming under likely Russian fire.

Those who had been hospitalized for injuries or other health conditions had particularly little choice over their movements and were forced to leave medical facilities in Mariupol and go to other Russian-occupied areas, particularly the self-proclaimed DNR, to receive treatment. Oleksandr, 32, received shrapnel injuries to his shoulder, chest and legs after a mortar exploded 5–10m from the entrance of the building in which he was sheltering. He was moved to City Hospital No. 3, in an area controlled by Ukrainian forces. Fighting intensified there quickly; doctors could not get supplies and were unable to even feed patients or change bandages. DNR forces entered the hospital on 25 March, according to Oleksandr, and began using it as a de facto base.⁴⁹ Oleksandr, fearing for his life and unable to receive treatment, agreed to evacuate to a hospital in Donetsk on 6 April. When he was discharged on 27 April, he had no choice but go through filtration in Donetsk: “There were still fights going [along the route towards] Zaporizhzhia. We didn’t want to risk our lives; that’s why we took the other route,” he said. Russian authorities transferred him and other people from Ukraine by bus to Russia,⁵⁰ which amounts to the crime of deportation.

In most cases, people who did not have access to a car were less likely to be able to flee to Ukrainian-held territory and to be forced to accept access to Russian-organized transport instead. Many were then subject to the crime of deportation, in being transferred from the self-proclaimed DNR to Russia without any feasible alternative, even when they wanted to return to Ukrainian government-controlled areas. Almost all interviewees said that after the interviewees were pushed into the self-proclaimed DNR, Russian and DNR authorities offered evacuation buses only to Russian cities or, if people had relatives in the occupied city of Donetsk, to Donetsk. The only way to get back to government-controlled parts of Ukraine or to a third country for many people was therefore to travel through Russia.

“[DNR authorities] said I could go [from filtration] on a bus to Taganrog or Rostov-on-Don. If people said they had relatives in [the city of] Donetsk, they could stay. Otherwise they took you where they took you, from one place to another, it was like being in a [prison] convoy,” said Valentyna, a 91-year-old woman who was transferred from Mariupol to the self-proclaimed DNR and then to Russia in April. “It was either the DNR or Russia. Nobody would have let [me] go back to [government-controlled] Ukraine.”⁵¹

Ihor, 33, fled Mariupol on 20 March after the area where he lived, in Kalmiuskyi District, came under the control of Russian forces: “I couldn’t go straight to Ukrainian-held territory, you have to have a car to cross the front line and it was too far on foot.”⁵² Ihor was forced to undergo filtration by DNR authorities and was then deported to Russia. He was eventually able to leave Russia for Estonia.

“Nina”, 30, who sheltered with relatives in the City Centre during the war, said:

⁴⁸ Interview by voice call with Natalia, 2 May 2022.

⁴⁹ Interview by voice call with Oleksandr, 22 July 2022.

⁵⁰ Interview by voice call with Oleksandr, 22 July 2022.

⁵¹ Interview by voice call with Valentyna, 4 October 2022.

⁵² Interview by voice call with Ihor, 28 April 2022.

“We learned about the evacuations [to Ukrainian-held areas], maybe around 16 March during the evening. But overnight there were strikes on our building, and shrapnel from a shell hit our car and the radiator was damaged. We tried to fix it but in order to do that you had to risk getting shelled, and it was too dangerous to stand outside for a long time... [If not for the broken car] we would have left earlier.”⁵³

Nina and her family stayed in the basement of their building until 7 April, when a fire started after an attack and they were forced to flee. They encountered DNR soldiers, who told them to go to another Russian-controlled part of the city. Nina said the DNR soldiers did not say why, and, out of fear, she did not ask questions and felt compelled to comply,⁵⁴ a feeling shared by many people Amnesty International interviewed.

From filtration points, the Russian and DNR authorities offered free buses to take people to the city of Donetsk in the self-proclaimed DNR, or to the southern Russian cities of Rostov-on-Don or Taganrog. Several interviewees without personal vehicles who were able to get from the city of Donetsk to Ukrainian-held areas did so at significant cost and risk to their personal safety.⁵⁵

Natalia, mentioned above, was separated during the war from her teenage daughter, who was sheltering in a central part of the city and was able to evacuate to Ukrainian government-held territory. Natalia was on the Left Bank and was transferred to the self-proclaimed DNR. After undergoing filtration with her son, Natalia went to the occupied city of Donetsk, where she had distant relatives. She said she constantly tried to get help from the Donetsk authorities to reunite with her daughter:

“I went to the Ministry of State Security, Ministry of Interior, all the administrative buildings... I begged them and asked them, I said my child is injured, please help me get back to Ukraine. But they just gave us two options: either stay in Donetsk or go to the Russian Federation... When I went to the State Security Services, a man came out of his office and said, ‘You must live here, enjoy life, and find a job here.’”⁵⁶

Natalia managed to find somebody who would drive her to Berdiansk and then to Zaporizhzhia for 11,000 rubles (US\$188), which was the last money she had.

Those who left Mariupol from May 2022 onward, when the active hostilities had ceased, were not fleeing bombardment. However, the scale of the destruction of the city meant many areas did not have heat, electricity or running water. There was very little access to medication or healthcare, there were few prospects of employment and the threat of arbitrary detention or violence by Russian forces was constant. While Russian claims of evacuating civilians for security reasons are inconsistent with Russian actions, which consistently put those civilians at risk throughout the bombardment and occupation of Mariupol, from May 2022 onwards there is no question that there could be no legitimate security justification for preventing any civilian from going towards Ukrainian government-controlled areas.

Valentyn, 24, left Mariupol in July on a direct bus to the Russian border. He said he would have preferred to flee to Ukrainian government-controlled territory, but could not. He said friends who had attempted to go by car directly to Ukrainian government-controlled territory had been turned around: “If you go to the checkpoint and ask whether you can go to Ukraine, [Russian soldiers] say no, please go back.”⁵⁷

Khrystyna, 29, left her neighbourhood in Mariupol on 14 July after Russian soldiers went door-to-door collecting personal information, including information about people who had previously served in the military, two days prior. Khrystyna, who before the war was a journalist for a Ukrainian outlet, was increasingly concerned about staying in the city. But she was forced to travel to the self-proclaimed DNR and then to Russia: “Many civilians were asking for green corridors to leave, but Russians only offered corridors to the DNR... [The Russian troops] were scaring people, saying that they’d be shot by Ukrainians if they tried to go in that direction.”⁵⁸ She was eventually able to flee Russia for Estonia.

⁵³ Interview by voice call with Nina, 3 May 2022.

⁵⁴ Interview by voice call with Nina, 3 May 2022.

⁵⁵ Interviews, May-July 2022.

⁵⁶ Interview by phone with Natalia, 2 May 2022.

⁵⁷ Interview in person, 17 July 2022, Narva, Estonia. It appears to have often depended on the specific checkpoint and Russian soldiers operating it, as Amnesty International interviewed other people who were able to move to Ukrainian government-controlled territory.

⁵⁸ Interview in person, 17 July 2022, Narva, Estonia.

DISPLACEMENT FROM OTHER AREAS OF UKRAINE

Amnesty International spoke with 21 people from Ukraine who fled areas other than Mariupol after those areas came under the control of Russian forces in 2022, including Kharkiv, Luhansk, Donetsk, Kherson and Zaporizhzhia regions. Because the places, timing and circumstances under which people fled varied significantly, more research is needed to determine to what extent forcible transfer took place in these areas.

Some interviewees said they left because Russian forces arbitrarily detained, abducted or tortured people they knew, prompting fears for their own safety. Amnesty International documented one case of a 17-year-old boy from Iziium, in Kharkiv region, who had briefly helped the Ukrainian Territorial Defence Forces by making Molotov cocktails before the city was taken over by Russian forces in early March. He was beaten and tortured, including with threats of sexual assault and genital mutilation, for eight hours (see Chapter 4 for more information on arbitrary detention and torture by Russian forces).⁵⁹ After he was released, he was able to flee Iziium via Russia and then go to the European Union. According to a report published in June, the Office of the United Nations High Commissioner for Human Rights (OHCHR) has documented at least 248 cases of arbitrary detention of civilians in Russian-controlled areas, including 214 men, 33 women and one boy.⁶⁰ Several who lived in areas occupied by Russian or Russian-controlled forces said looting of businesses and theft of property, including personal vehicles, caused them to leave.

Such abuses by Russian and Russian-controlled forces in areas under their occupation are strong evidence against any Russian claim to be evacuating civilians for their safety. As discussed in Chapter 6 on the legal framework of these violations, when unlawful actions by an occupying power are the underlying reason for a security and humanitarian crisis, the occupying force cannot claim to be undertaking transfers for those civilians' security.

Amnesty International also interviewed five people who had been living in territories controlled by the self-proclaimed DNR or LNR, for whom forced conscription of military-age men into the DNR and LNR armies was the most common reason for fleeing. A 25-year-old man said he knew of two friends, ages 22 and 25, who had been forcibly conscripted into the Russian-controlled DNR forces; one was asked by the director of the university where he was studying to come and sign something, and was mobilized to the front days later.⁶¹ While it is unclear how many people have been forcibly mobilized in the self-proclaimed DNR and LNR, the OHCHR has documented individual cases of forced conscription, including cases in which people were called by their employer to an assembly point or forcibly taken to an assembly point after being stopped on the street.⁶²

⁵⁹ Interview by voice call, 2 August 2022.

⁶⁰ UN Office of the High Commissioner of Human Rights (OHCHR), *Situation of Human Rights in Ukraine in the Context of the Armed Attack by the Russian Federation: 24 February – 15 May 2022*, 29 June 2022, <https://www.ohchr.org/sites/default/files/documents/countries/ua/2022-06-29/2022-06-UkraineArmedAttack-EN.pdf>, p. 28.

⁶¹ Interview in person, 20 July 2022, Narva, Estonia.

⁶² OHCHR, *Situation of Human Rights in Ukraine in the Context of the Armed Attack by the Russian Federation: 24 February – 15 May 2022* (cited previously), p. 36.

2. ABUSES RELATED TO ‘FILTRATION’

After fleeing their homes, and in many cases being provided no option by Russian forces but to go to Russia or the self-proclaimed DNR, Ukrainian civilians were pushed into a series of invasive screening processes known as “filtration”. These processes included lengthy intrusive interrogations, body and phone searches, and collection of fingerprints and other data in ways that undermine the rights to privacy and physical integrity.

Filtration has also led, in some instances, to Russian or Russian-backed forces committing war crimes against civilians. Amnesty International has documented six cases of people who were arbitrarily detained following filtration and subjected to torture or inhuman treatment by Russian or Russian-controlled authorities; the arbitrary detention amounts to the war crime of unlawful confinement.⁶³ Most of these people were men in their 20s and 30s; one was a 31-year-old woman. One person was separated from their child, and Amnesty International received credible information of this happening in at least one other instance.

Most people interviewed for this report were able to leave Russia via the European Union or other countries, typically with logistical and financial support from volunteers. At the border with European Union countries such as Estonia, they faced additional screening and questioning by Russian authorities. One man who attempted to cross into Estonia twice was turned away and told he should stay in Russia and apply for citizenship. Such actions provide additional evidence of deportation or forcible transfer, both in demonstrating further coercion and in taking actions contrary to the Fourth Geneva Convention requirement that if civilians are evacuated for their security, they should be “transferred back to their homes as soon as hostilities in the area in question have ceased”.⁶⁴

2.1 OVERVIEW OF FILTRATION

Ukrainian civilians fleeing fighting and destruction typically passed through several points of control en route to Russia. If they were fleeing Mariupol or surrounding areas, the first control point was in the self-proclaimed DNR. After filtration in the DNR, a person received a document allowing them to cross the Ukraine-Russia border, where they were screened again. They underwent a similar process a third time at the border between Russia and European Union countries. Collectively, these screenings are referred to in this report as “filtration”, which is the name given to them by authorities of the self-proclaimed DNR.

In March 2022, self-proclaimed DNR authorities put in place screening procedures for all those fleeing to areas under their control, which included all people fleeing Mariupol.⁶⁵ According to local news websites,

⁶³ Rome Statute, Article 8(2)(a)(ii) and (vii). See also ICRC, Customary IHL, Rule. 99. Deprivation of Liberty.

⁶⁴ Fourth Geneva Convention, Article 49.

⁶⁵ Strana.ua, “В ‘ДНР’ ввели фильтрацию для беженцев с контролируемых Киевом территорий”, 27 March 2022, <https://strana.today/news/383512-v-dnr-nachnut-proverjat-vsekh-pribyvshikh-s-territorii-ukrainy.html>. When many interviewees began fleeing the city starting in mid-March, only those who were transferred to the self-proclaimed DNR underwent filtration by de facto authorities there. Those who fled westward, towards the Ukrainian government-held city of Zaporizhzhia, were not forced to undergo a formal filtration process, though many described being subject to body and phone searches and document checks at Russian or Russian-controlled checkpoints along their journey, and in one case documented by Amnesty International, a man on his way out of Mariupol bound for Zaporizhzhia was arbitrarily detained for almost a month (see section 4.2). Later, beginning at least in May, it appears that filtration was required for people attempting to flee towards the Ukrainian-held city of Zaporizhzhia as well.

there were at least 10 filtration points, many of them in former police buildings.⁶⁶ Amnesty International interviewed people who had undergone filtration in Starobesheve, Dokuchaevsk, Bezimenne, Manhush and Donetsk.

People who fled Mariupol on evacuation buses in the most acute phases of the fighting said they often waited at least a week for filtration, amounting, in some cases, to arbitrary detention. They were held in schools or other facilities and their liberty was restricted during that time. People were taken individually from these facilities for questioning, typically at a former police station.

At filtration points, self-proclaimed DNR officials checked passports and other documents, took photographs and collected fingerprints of people fleeing. Their phones and other belongings were searched. Men were typically asked to undress to the waist and were checked for tattoos, bruises or other signs that they may have been combatants. Many men were questioned at length; questions centred on their possible involvement in the Ukrainian military or volunteer battalions, but also ranged to their broader views on Ukraine or the war. One 33-year-old man from Mariupol said that a DNR official came to the school where he was being held for filtration, and told everyone there they had to be recorded on video blaming Ukraine for destroying their homes. He said: “When we refused, [the man] told us, ‘We could take you to another place where they won’t ask you so nicely.’”⁶⁷

Some people Amnesty International interviewed raised concerns about conditions at filtration points and the amount of time people were held. While most said they received beds and food, a 31-year-old man from Mariupol who went through filtration in late March in Starobesheve said there were not enough places to sit or sleep in the building where he was held, and that multiple people there had dysentery from the unsanitary water supply.⁶⁸ A 19-year-old woman from Mariupol described fleeing by car with her 88-year-old grandmother towards Russia because they had run out of medications for her grandmother and believed it would be easier and safer to travel to Russia than to Ukrainian government-held territory. The woman said her family was forced to wait in a field from 25 to 28 April for filtration, also in Starobesheve, where they slept in the car and had to change her grandmother’s incontinence pads in public view.⁶⁹

In another documented case, a 60-year-old woman fleeing Mariupol with her 82-year-old mother said they arrived at a Russian checkpoint in Vynohradne at 9:30am on 23 March and were not allowed onto an evacuation bus until 2am: “There was nothing to sit on... You could sit on the ground if you wanted but it was –6 degrees Celsius... I no longer felt my legs at all.”⁷⁰

In general, it appears there were insufficient mechanisms in place to expedite the filtration process for people with young children or for older people or people with disabilities. Such conditions are in breach of the Fourth Geneva Convention, which requires, for any transfer or evacuation, that “proper accommodation is provided to receive the protected persons [and] that the removals are effected in satisfactory conditions of hygiene, health, safety and nutrition”.⁷¹

If a person passed through filtration in the self-proclaimed DNR, they were given a paper that allowed them to travel on towards Russia. People going to Russia from other parts of occupied Ukraine, such as Kharkiv or Luhansk regions, did not have to undergo filtration until they reached the border with Russia.

Once Ukrainian residents reached the Russian border, they underwent a similar process again: they were questioned; their photographs and fingerprints were taken; and their bodies, belongings and phones were almost always searched. They faced similar treatment a third time when trying to leave Russia for Estonia. As in the self-proclaimed DNR, questioning at the Russian border often focused on suspected ties to or support for the Ukrainian military, but could range much more broadly. Many Ukrainians said they deleted photographs and information from their phones, including photographs of destruction during the war, to avoid additional screening at the border.⁷²

The Russian government has remained defiant in the face of criticism from Russian human rights activists about filtration. In a Telegram post, the Russian Embassy in Washington, D.C. said it had established “inspection points for civilians who are leaving areas of active military hostilities”, but said that “Russian forces do not create any barriers to the civilian population, but rather helps them to remain alive, guaranteeing them food and medication”.⁷³ With regards to checks on the Russian border, a spokesperson

⁶⁶ Social Movement ‘Donetsk Republic’, “Где пройти обязательную фильтрацию?”, <http://oddr.info/gde-projti-objazatelnuju-filtraciju/>

⁶⁷ Interview by phone, 28 April 2022.

⁶⁸ Interview in person, 28 July 2022, Tallinn, Estonia.

⁶⁹ Interview by phone, 27 July 2022.

⁷⁰ Interview in person, 22 July 2022, Tallinn, Estonia.

⁷¹ Fourth Geneva Convention, Article 49.

⁷² Interviews, May-July 2022.

⁷³ Embassy of Russia in the USA, *Telegram Post*, 21 March 2022, “Comments of the Russian Embassy in the USA” (translation from the Russian by Amnesty International), <https://t.me/EmbUSA/90>

for Russia's Federal Security Service (FSB) said in June 2022: "If they [border officials] work with a person 20 minutes, or perhaps three hours, it means it was necessary. It means it was done with the goal of not bringing those horrors which are happening in Ukraine here, to Russia. It is justified."⁷⁴

However, the collection of such large amounts of data and the lengthy and intrusive interrogations, including questions pertaining to the political views and personal opinions of people from Ukraine, create serious concerns about violations of the right to privacy. And as detailed below, filtration has resulted in serious violations of international human rights and humanitarian law, at times amounting to the war crimes of unlawful confinement and of torture or inhuman treatment, particularly against Ukrainian men of military age.

2.2 DETENTION AND TORTURE

Amnesty International interviewed four survivors of arbitrary detention and torture and other ill-treatment, as well as the relatives of three others presumed to still be in detention. The four survivors include three people who were arbitrarily detained by Russian or Russian-controlled forces during screening after they fled Russian-occupied Mariupol. Of those who were still believed to be in detention, two were detained at the official Ukraine-Russia border, while a 31-year-old woman was detained during the filtration process carried out by DNR authorities. Amnesty International also interviewed a 17-year-old boy who was tortured after Russian forces took over Izium in early March.

Of the seven cases of arbitrary detention and ill-treatment documented by Amnesty International, most were men in their 20s and 30s; the others were the 31-year-old woman and the 17-year-old boy. Two of the men had previously been in the Ukrainian military and one was a former police officer; the others had no connection to military or security services of any kind. Those who were released were then able to travel on to Russia and subsequently to a third country in Europe, but one man faced difficulty leaving Russia and was turned away twice at the border with Estonia. Others were still presumed to be in detention. The relatives of those who appear to remain in detention have made inquiries with Russian authorities but have received no information about their loved ones' whereabouts or the grounds for their detention. Some of these cases may constitute the crime of enforced disappearance.

These arrests are consistent with other cases documented by other organizations, institutions and media outlets. For example, OHCHR has received "numerous allegations that men and women who were perceived as having ties with Ukrainian armed forces or state institutions, or as having pro-Ukrainian or anti-Russian views, were subjected to arbitrary detention, torture, ill-treatment, and enforced disappearance" as a result of filtration.⁷⁵

"Maksym", a 28-year-old former Ukrainian police officer, fled the basement where he was sheltering in Mariupol on 25 March. Supplies, including food and candles, had run out, and Russian soldiers controlling the area did not allow men to move freely around the neighbourhood, even to fetch water. As a result, Maksym and his girlfriend decided to accept an "evacuation" bus to Volodarske, in occupied Donetsk region, in the hopes of being able to travel from there to Europe or back to government-held parts of Ukraine. DNR authorities held them in a school as they awaited filtration. On 29 March, DNR officials came to the school. They began questioning Maksym about his past as a police officer and took him to a local police station.⁷⁶

Maksym said that once there, he was taken to an interrogation room with five officers. He was questioned at length about what he had learned at the police academy and about the Ukrainian military. When he responded, a man in a black uniform started beating him with a baton. Maksym said:

"He hit me with the baton on my legs. He started shouting, 'Come on, fast, tell me everything,' and hit me on the shoulder. And then once again to my back. I covered my head with my hands. Then he put a white bag on my head and covered the air entry. He hit me with the baton on the other leg, then on the

⁷⁴ RBC, "ФСБ ответила на жалобы беженцев с Украины на фильтрационные пункты", 24 June 2022, <https://www.rbc.ru/politics/24/06/2022/62b5a4ed9a79479a7db11145>

⁷⁵ UN Office of the High Commissioner of Human Rights (OHCHR), *Report on the Human Rights Situation in Ukraine: 1 February – 31 July 2022*, 27 September 2022, <https://ukraine.un.org/sites/default/files/2022-09/ReportUkraine-1Feb-31Jul2022-en.pdf>. See also: *The New Yorker*, "Inside Russia's 'Filtration Camps' in Eastern Ukraine", 10 October 2022, <https://www.newyorker.com/magazine/2022/10/10/inside-russias-filtration-camps-in-eastern-ukraine>; and Human Rights Watch, "We Had No Choice" "Filtration" and the Crime of Forcibly Transferring Ukrainian Civilians to Russia, 1 September 2022, <https://www.hrw.org/report/2022/09/01/we-had-no-choice/filtration-and-crime-forcibly-transferring-ukrainian-civilians>

⁷⁶ Interview in person, 22 July 2022, Tallinn, Estonia.

other shoulder... One [of the men] said, 'Ok, let's finish him up, let's bring him to a field and then kill him.'"⁷⁷

Maksym was questioned again, and released the next morning back to the school. He travelled with his girlfriend to Russia, where they stayed in Taganrog. They attempted to travel to Estonia, but Maksym was stopped twice at the border: the first time Russian officials held and interrogated him for seven hours; the second time they held him for seven hours and told him he should go back to St. Petersburg and apply for Russian citizenship. Eventually, he managed to leave Russia via Smolensk and then Belarus.⁷⁸

Vitalii, 31, sent his wife and two children out of Mariupol before the war began, and during the intense bombardment of the city took shelter with neighbours. He tried to flee towards Zaporizhzhia in his car on 25 March, but Russian forces at a checkpoint told him he could not leave because he did not have the right registration documents for his car.⁷⁹

On 28 April, Russian soldiers detained Vitalii while he was waiting for a Ukrainian evacuation bus at Port City, a large shopping mall on the outskirts of Mariupol. The soldiers voiced suspicions over the fact that he was originally from Crimea and that his mother was from western Ukraine.⁸⁰ They forced him into a bus with several other men. The detained men waited there for six hours and were taken to a police station in Nikolske, a village near Mariupol, where Vitalii was interrogated. The next day he was driven to Dokuchaevsk, a city closer to Donetsk, and placed in a cell with 15 other men. Vitalii said some of the detained men had transferred money to the Ukrainian military and others had previously served as conscripts in the Ukrainian military.⁸¹ Vitalii was summoned for another interrogation:

"They bound my hands with tape and put a bag over my head and put tape around my neck. For [a while], nobody said a single word. Then they said, 'Tell us everything... Tell us where you serve, which base?'... [When I said I wasn't a soldier] they started beating me in the kidneys very hard... I was on my knees, they were mostly kicking me. When they took me back to the garage, they said, 'Every day, we will do this to you'... They threatened to use electroshock on me.'"⁸²

Vitalii did not face further beatings. He was held in the garage, where he was taken to the toilet only twice a day by guards and had to sleep on a concrete floor in the cold. He said detainees were given just a few pieces of bread each day.⁸³ He was transferred to the Department for the Combat of Organized Crime in occupied Donetsk and released on 5 May with papers confirming he had passed through filtration. Together with two other men released that day, he hitchhiked back to Mariupol and managed to get a ride to Zaporizhzhia on 8 May.⁸⁴

As noted, people fleeing areas other than Donetsk region usually did not have to undergo filtration until they reached the border with Russia. Amnesty International documented two cases of people who were detained at, or soon after attempting to cross, the Ukraine-Russia border.

At the start of the full-scale Russian invasion, "Oleksandra" and "Oleh", together with their two daughters, left their home in Kharkiv, which was under heavy bombardment, for the village in Kharkiv region where Oleh's parents lived. A week later, the village was occupied by Russian forces. On 17 March, Oleh's extended family decided for their safety to leave for Russia, and they travelled to the border in three cars. They arrived at the border at 10am. The three military-age men of the family were taken away as the others waited. Oleh, 36, who made a living installing internet in people's homes, was released at 11:30pm. Oleksandra said:

"Oleh told us that they accused him of being a Nazi, saying he had the wrong haircut. He said he was forced onto the ground with his hands tied behind his back and beaten. They stomped on his hands. He had a split lip, bruised ribs; he was in pain. They tried to force him to sign documents admitting he was a Nazi, but he refused... They made accusations that he was a spy for the Ukrainian military.'"⁸⁵

According to Oleksandra, a Russian soldier told the family that Oleh had a problem with his documents and would have to remain in Ukraine. The rest of the family was free to travel to Russia but decided to return to

⁷⁷ Interview in person, 22 July 2022, Tallinn, Estonia.

⁷⁸ Interview in person, 22 July 2022, Tallinn, Estonia.

⁷⁹ Interview by phone with Vitalii, 19 May 2022.

⁸⁰ Interview by phone with Vitalii, 19 May 2022.

⁸¹ Interview by phone with Vitalii, 19 May 2022.

⁸² Interview by phone with Vitalii, 19 May 2022.

⁸³ Interview by phone with Vitalii, 19 May 2022.

⁸⁴ Interview by phone with Vitalii, 19 May 2022.

⁸⁵ Interview in person, 16 July 2022, Narva, Estonia.

their village. On 20 March, Russian soldiers in a black car with no licence plates and a “Z”⁸⁶ on the door came to the family’s house. They asked for Oleh’s documents, told him to put a hat on and led him to the car. Oleksandra said she went five times to a school where Russian soldiers were based to ask them about Oleh’s whereabouts.⁸⁷ Each time, they told her they had no information. On 27 April, the family decided to leave the village for Russia and went from there to Estonia. They sent multiple letters to the Russian authorities asking about Oleh’s whereabouts but have never received a response.⁸⁸ Oleh’s case amounts to an enforced disappearance under international human rights law and to the war crimes of unlawful confinement and torture and inhuman treatment.⁸⁹

Amnesty International also documented the case of a 31-year-old woman, Snezhana, who had cleaned houses before the war and whose husband was in the Ukrainian military previously and re-enlisted when Russia’s full-scale invasion began in February 2022. According to her mother and her 11-year-old son, Snezhana was subjected to prolonged detention during filtration in Bezimenne, in the self-proclaimed DNR, on 10 April, after she and her son were detained at the Illich Steel and Iron Works in Mariupol by Russian or Russian-controlled forces.⁹⁰ Her son’s story is documented above, in section 3.1: Forcible Transfer or Deportation of At-Risk Groups. Snezhana’s family has not heard anything about her whereabouts since she was detained; it has appealed to the Security Service of Ukraine to petition for Snezhana to be part of a prisoner exchange.⁹¹

Finally, Amnesty International documented the case of Hussein, a 20-year-old student who was detained by Russian forces and held for almost a month while on his way to Zaporizhzhia in mid-March. While the filtration process was not formally established in this area yet, Russian or Russian-affiliated soldiers at checkpoints effectively carried out the same type of screening, with similar abuses. Hussein and six other men travelling in a car were stopped at a Russian checkpoint in Berdiansk, a town west of Mariupol, and detained. After being transported to a detention facility, Hussein was taken to a room and undressed to his underwear. His hands were tied behind his back. Interrogators asked whether he was a soldier, and beat him every time he said no.⁹² Hussein described the interrogation on the first day in the detention facility:

“Then one of the soldiers said, ‘He won’t talk like this, bring the electric shocker.’ ... There were two wires; they put them around my big toes and started shocking me repeatedly. They grabbed my legs and pulled them apart so I couldn’t move while they shocked me. They beat me repeatedly, they pulled my hair back... I lost consciousness. They poured a bucket of water on me, and I woke up again. I couldn’t take it anymore, I just said ‘Yes, I’m a soldier.’ They continued beating me, I fell off the chair and they pulled me back up. There was blood coming out of my feet.”⁹³

Hussein said he was threatened with execution when one of the officers put a gun to his head; another put a gun to his leg and said he would give Hussein a permanent injury.⁹⁴ That day, Hussein was taken back to a cell where he was held with three other men, all of whom Hussein said were civilians. One man’s face was beaten and bloody. Russian soldiers operating the detention centre continued to beat and give Hussein electric shocks daily up until just a few days before his release on 12 April.⁹⁵

Although not linked to filtration, as indicated above in the text box on page 17, Amnesty International interviewed a 17-year-old boy from Izium who had briefly helped Ukrainian Territorial Defence Forces before the city was taken over by Russian forces. Russian soldiers took the boy away and, over eight hours, seven men in military fatigues wearing balaclavas beat and interrogated him:

“They hit me so many times to each leg, behind the knee, it’s very painful, I even fainted... And then after that, they put me on my legs and I couldn’t stand, I started to fall. They started to ask the same questions – where I hide my gun, and I said, ‘I don’t have a weapon, I don’t have a gun.’... One of them held me while the other hit me with a fist on the back, to my kidney, three or four times, and then I urinated from the pain. And then after that I urinated with blood for a week.”⁹⁶

⁸⁶ One of several symbols marking vehicles of the Russian Armed Forces.

⁸⁷ Interview in person with “Oleksandra”, 16 July 2022, Narva, Estonia.

⁸⁸ Interview in person with “Oleksandra”, 16 July 2022, Narva, Estonia.

⁸⁹ ICRC, Customary IHL, Rule 98. Enforced disappearance; International Convention for the Protection of All Persons from Enforced Disappearance.

⁹⁰ Group interview by video call with Snezhana’s mother and 11-year-old son, 22 July 2022.

⁹¹ Interview by voice call with Snezhana’s mother, 9 August 2022.

⁹² Interview in person in Tallinn, Estonia, 28 July 2022.

⁹³ Interview in person in Tallinn, Estonia, 28 July 2022.

⁹⁴ Interview in person in Tallinn, Estonia, 28 July 2022.

⁹⁵ Interview in person in Tallinn, Estonia, 28 July 2022.

⁹⁶ Interview by voice call, 2 August 2022.

Two men transferred the boy to the basement, where they continued to hit and threaten him and threatened him with sexual assault and genital mutilation. Ultimately he was released with little explanation. The boy, who stayed in Iziurm to help care for his grandparents, was able to flee in July, after his relatives decided to leave, though he had to go to Russia first before being able to escape to a third country in Europe.⁹⁷



ABDUCTION, TRANSFER TO RUSSIA AND TORTURE

“Yevhen”, 43, a teacher in Verbove, a village in Zaporizhzhia region that came under Russian occupation, was abducted from his mother’s home by Russian soldiers on 25 March. Yevhen told Amnesty International that Russian soldiers accused him of transferring information about the location of a Russian checkpoint to the Ukrainian army.⁹⁸ From his mother’s home, Yevhen was taken to the local cemetery, where he was threatened with execution and ordered to dig his own grave, the first of many times he would be subjected to the war crime of torture. Yevhen was taken to several detention facilities where he was repeatedly interrogated, beaten and often denied sufficient food, water or access to a toilet.

On 9 April, Yevhen was transported to Olenivka in the self-proclaimed DNR, where he was put in a crowded quarantine cell. On the night of 14–15 April, guards at the facility transported Yevhen and about 90 other detainees, all men, to an unknown airport. He was put on a plane and flown to what he later learned was Russia.⁹⁹ On 27 March 2022, Yevhen’s mother and colleagues went to a Russian military checkpoint in their community to ask about his whereabouts and to see if they could take him warm clothes. They were met with hostility and told that the personnel there could not disclose any information about Yevhen’s whereabouts or help transfer items to him.

After landing in Russia, the detainees were put into prison trucks and taken to a detention facility. Detainees were ordered to face the wall, state their names on video and undress. Yevhen recalled:

“After the word ‘Undress’, [I felt] a blow on the right, on the left, in front, as if you were caught in a strong storm... with sticks, with boots. And at the same time, you have to strip naked, they are shouting obscenities, swearing... ‘Now take your things and run’— and they again beat you.”¹⁰⁰

The prisoners were transferred to another room where they were ordered to lie down. Guards walked on their backs and forced them to sing the Soviet national anthem and Russian military songs and to insult Ukrainian President Volodymyr Zelensky; prisoners who refused to sing patriotic Russian songs were beaten. In another room, Yevhen was forced to do head-stands on the concrete floor, leaving him with scars. Prisoners were forced to recite Russian or Soviet poems to be allowed to use the toilet.¹⁰¹

On the night of 15 April, Yevhen was interrogated by Russian soldiers. He was ordered to take his pants off and was lashed severely with an army belt. He was forced to sign a statement saying he would work for the Russian security services. Yevhen was returned to his cell in the morning. After the interrogation, Yevhen and other prisoners were beaten again with batons, electroshocked, forced to stand with their arms and legs outstretched and forced to crawl on the floor.

Early on the morning of 18 April, Yevhen was taken out of his cell and ordered to write a statement that all his injuries were caused by an accidental fall. Only then did he learn that he was being held in a pre-trial detention centre in Kursk, Russia.¹⁰² He was returned to Ukraine on 19 April as part of a prisoner exchange.

⁹⁷ Interview by voice call, 2 August 2022.

⁹⁸ Interview by video call, 4 August 2022.

⁹⁹ Interview by video call, 4 August 2022.

¹⁰⁰ Interview by video call, 4 August 2022.

¹⁰¹ Interview by video call, 4 August 2022.

¹⁰² Interview by video call, 4 August 2022.

3. CONDITIONS IN RUSSIA

Once in Russia, people transferred or fleeing from Ukraine often had little control over their movement, particularly if they did not have relatives or acquaintances who could give them shelter or otherwise support them. Some were sent to cities far from the border with Ukraine and placed in Russian government-run shelters, where some described being subject to additional surveillance. Some described pressure to apply for Russian citizenship or other residency documents; those who wanted to leave the country were given almost no support to do so, and typically sought the help of informal volunteer networks.

Amnesty International is particularly concerned about the fate of unaccompanied, separated, and orphaned children; older people; and people with disabilities from Ukraine who are now in Russia or Russian-occupied areas. Russia has taken a number of steps, such as simplifying the process of obtaining Russian citizenship to facilitate the adoption of some Ukrainian orphans and children without parental care, that strongly suggest an organized effort to absorb some members of these groups into Russian society. These actions indicate a deliberate Russian policy related to its deportation from Ukraine to Russia of some civilians, including children, suggesting that in addition to war crimes, Russia has likely committed the crime against humanity of deportation or forcible transfer, as discussed in Chapter 6.

Children, older people and people with disabilities face significant logistical, financial and other hurdles when it comes to leaving Russia or reuniting with family members or guardians. While much attention has been focused on the transfer of children to Russia, there are no formal mechanisms in place to systematically return them to Ukraine or to reunite them with their guardians. And there has been almost no transparency in, or international attention directed to, the situation of older people and people with disabilities, including the number who remain in Russia or Russian-occupied areas, and similarly there are no mechanisms to help them return to Ukraine or reunite with family members.

3.1 NO SUPPORT

People fleeing areas of Ukraine that came under Russian occupation often had little if any choice over where they ended up once in Russia. Some stayed in Russia with relatives or friends who accommodated them and, in some cases, helped them buy train or bus tickets to leave the country. But those who did not have relatives and could not independently afford accommodation were typically sent to government-run shelters, called Temporary Accommodation Points.

Victoria, 55, said that after she was transported to a temporary shelter in Taganrog, Russian officials told everyone they would have to leave for another location:

“They said, ‘Everyone get ready, the buses will come now and take everyone to the train station and to your destinations.’ People got indignant. ‘Where to? How come?’ ‘What’s the difference to you?’ [they said]. I started arguing with them; I said, ‘We are not prisoners, we are not going anywhere.’ Then they said ‘Ok, you can go wherever you want, but at your own expense.’”¹⁰³

According to reporting by the BBC based on an analysis of Russian state tenders, 54 of 85 Russian regions have placed people in Temporary Accommodation Points between February and August 2022, amounting to

¹⁰³ BBC News Russian Service, “Путин поручил принять беженцев из Донбасса и выплатить каждому по 10 тысяч рублей”, 18 February 2022, <https://www.bbc.com/russian/news-60432497>

at least 3.1 billion rubles (US\$51 million) in spending.¹⁰⁴ The centres are located in children's camps, sports complexes, schools, institutions for older people and people with disabilities, and other types of buildings.¹⁰⁵ In February, before Russia's full-scale invasion began, President Vladimir Putin announced that those leaving the self-proclaimed DNR and LNR would receive a one-time payment of 10,000 rubles (US\$165) upon arrival.¹⁰⁶

In interviews with Amnesty International, people who had entered Russia from Ukraine and requested the 10,000-ruble payment said they had received it, together with a Russian bank card. But they said there was little other formal support for the displaced, particularly if they sought to leave Russia. Only volunteer organizations were willing to help people navigate the process of leaving Russia, including helping them buy train and bus tickets.¹⁰⁷

"Ruslana", 18, who fled Mariupol and could only escape towards Russia, spent about a month at a government-run shelter in a small city in western Russia. She said that beyond helping her receive the 10,000 rubles and a Russian bank card, the shelter administration had been unwilling to support her and her boyfriend, who wanted to leave the country:

"We didn't want to stay in Russia. But we needed to get help from volunteers. We didn't have any money so we couldn't travel to Europe without help. Finally, via the internet we were able to contact people and get help to leave... The Russian authorities weren't helpful. In contrast, they were really helpful with my boyfriend's mother. But she wanted to stay in Russia, so the situation was different."¹⁰⁸

"Maksym", the 28-year-old Ukrainian police officer whose torture during filtration is documented above, ended up at a Temporary Accommodation Point in Nizhny Novgorod with about 60 other people in early April. He said only four people were allowed outside at one time and that residents were forced to tell the people running the shelter the reason they wanted to leave.¹⁰⁹ He also said Russian migration service officers came to the shelter and told people they were not free to move around Russia, and encouraged them to apply for Russian citizenship:

"They were telling what you can get if you get Russian citizenship: a better job and better pay. If you stay without citizenship, you only get half the salary [that you would] with the citizenship... We had two options: to apply for Russian citizenship and then we could go free, or to apply for temporary protection, and in that case you had to stay [indefinitely] where you are in that shelter."¹¹⁰

Volunteers ultimately helped "Maksym" leave Russia.

Others described different kinds of pressure by the Russian authorities. "Ihor" and his wife "Nataliia", who were in their 30s, were transferred out of Mariupol with their two children in March. When they entered Russia, they were told they could not leave without birth certificates for their children, which they did not have with them. From Taganrog, near the Ukrainian border, they were put on a bus to Tolyatti and then to Samara, a city in central Russia, where they stayed in a Temporary Accommodation Point. "Ihor" said:

"While we stayed in Samara for three months, they did several more checks on me, including a lie detector test, an FSB¹¹¹ interview and a psychologist interview... They seemed to be concerned that I had military links – the lie detector test and the FSB interview focused on that... We're very unhappy with the way we were treated by the Russian authorities. We feel that we were treated like criminals. I think they felt like we were traitors."¹¹²

Another Ukrainian civilian who fled Mariupol via Crimea said that he was approached multiple times by agents who presented themselves as being from the FSB and who pressured him to cooperate with them and to share information about contacts within Ukraine.¹¹³

¹⁰⁴ BBC News Russian Service, "Жизнь с нуля. Сколько Россия тратит на прием беженцев из Украины?", 12 August 2022, <https://www.bbc.com/russian/features-62506121#anchor3>

¹⁰⁵ Interview by voice call, 4 August 2022.

¹⁰⁶ BBC News Russian Service, "Путин поручил принять беженцев из Донбасса и выплатить каждому по 10 тысяч рублей" (cited previously).

¹⁰⁷ Interviews, May to July 2022.

¹⁰⁸ Interview in person, 19 July 2022, Narva, Estonia.

¹⁰⁹ Interview in person, 22 July 2022, Tallinn, Estonia.

¹¹⁰ Interview in person, 22 July 2022, Tallinn, Estonia.

¹¹¹ Federal Security Service, one of Russia's intelligence services.

¹¹² Interview in person with a couple, 18 July 2022, Narva, Estonia.

¹¹³ Interview in person, 18 July 2022, Narva, Estonia.

More research is needed, but Amnesty International's interviews indicate that at the border, Russian officials have pressured some Ukrainians to give up information about volunteers in Russia who had helped them leave. A 20-year-old man described waiting for his younger brother, who was undergoing interrogation at the same time, when they were crossing the border into Estonia:

“It felt like forever, because I didn’t know what was happening [in the interrogation room] and I heard them shouting [at my brother]... They’re trying to force [him] to tell them who the coordinator is, who is giving [him] the rules [about crossing the border].”¹¹⁴

3.2 AT-RISK GROUPS LEFT BEHIND

Once in Russia or Russian-occupied areas, children, older people and people with disabilities faced greater barriers to reunite with family members or guardians or to leave Russia for Ukraine or another country. This difficulty has been reinforced by Russian government policies that seek to formalize the absorption of these groups into Russian society, including by imposing Russian citizenship on them and accelerating adoptions of children.

3.2.1 CHILDREN

Even before Russia's full-scale invasion of Ukraine began in February 2022, authorities in the self-proclaimed DNR and LNR transferred children in orphanages and institutionalized children with disabilities to Russia.¹¹⁵ In a media report from July 2022, the Advisor to the Head of the DNR on Children's Rights, Eleonora Fedorenko, reportedly confirmed that all children who had been in institutions in the DNR were by that point in Russia.¹¹⁶

As documented in section 3.1, children were also forcibly transferred from areas of Ukraine that came under Russian occupation after February 2022. Children who were first transferred to the self-proclaimed DNR appear to initially have been held in several hospitals and other facilities across the region and generally reported receiving adequate food and were provided some structured daily activities. Older children have reported being offered opportunities to join educational programmes or to stay in recreational camps or other temporary accommodations in Russia.¹¹⁷

On 13 April 2022, Russia's Ministry of Education announced that it was preparing “bilateral agreements” that would allow the transfer of orphans from Ukraine to Russian families.¹¹⁸ The statement followed work that had begun as early as 11 March 2022 by the Commissioner under the President of the Russian Federation for Children's Rights, Maria Lvova-Belova, and other officials to place orphans from the self-proclaimed DNR and LNR with Russian families.¹¹⁹

The Governor of Moscow Region, Andrey Vorobyov, arranged for the temporary placement of children who had arrived from Ukraine with experienced foster families.¹²⁰ Children over age 10 would have to provide their consent to establish the guardianship.¹²¹ Russian families acting as guardians or adoptive parents reportedly receive some payment from the government for this service.¹²² By 23 April 2022, Vorobyov had

¹¹⁴ Interview in person, 19 July 2022, Narva, Estonia.

¹¹⁵ Interview by video call with representatives from two human rights organizations, 23 May 2022 and 1 July 2022; Иван Сысоев, “В первую очередь из ДНР и ЛНР эвакуируют интернаты и детские дома”, RGRU, 18 February 2022, <https://rg.ru/2022/02/18/v-pervuiu-ochered-iz-dnr-i-lnr-evakuiuyut-internaty-i-detskie-doma.html>; Lugansk Media Center, “Минобразования заявило об эвакуации интернатов и детских домов в РФ,” 18 February 2022, <https://lug-info.com/news/minobrazovaniya-zayavilo-ob-evakuacii-internatov-i-detskih-domov-v-rf>

¹¹⁶ Елена Яковлева, “Мария Львова-Белова: Семья из шести регионов РФ возьмут под опеку 108 детей-сирот из Донбасса,” RGRU, 15 July 2022, <https://rg.ru/2022/07/15/mariia-lvova-belova-semi-iz-shesti-regionov-rf-vozmuet-pod-opeku-108-detej-sirot-iz-donbassa.html>

¹¹⁷ Group interview by video call with a guardian and 15- and 16-year-old boys, 11 July 2022; group interview by video call with grandmother and her 11-year-old grandson; Ніна Назарова, “Я привіз малих здоровими і живими”. Як шестеро дітей вижили в Маріуполі, застрягли в “ДНР” і опинилися в Європі,” BBC (previously cited); Українформ, “У лікарні ім. Вишневецького в окупованому Донецьку нині перебувають діти без батьків, вивезені російськими загарбниками з Маріуполя,” 26 March 2022, <https://www.ukrinform.ua/rubric-regions/3440844-u-likarni-okupovanogo-donecka-perebuvaui-diti-z-mariupola-bez-batki-vocevidci.html>; Time of Time of Andriyushchenko 31 May 2022, <https://t.me/andriyshTime/1174>

¹¹⁸ TASS Russian News Agency, “Минпросвещения готовит соглашения по передаче сирот из Донбасса в российские семьи” (previously cited).

¹¹⁹ Maria Lvova-Belova, *Telegram Post*, 11 March 2022, <https://t.me/malvovabelova/14>

¹²⁰ Maria Lvova-Belova, *Telegram Post*, 23 April 2022, <https://t.me/malvovabelova/112>

¹²¹ 360TV, “Детей из Донбасса взяли под опеку в Подмосковье. Главное о гуманитарной программе,” 23 April 2022, <https://360tv.ru/tekst/obschestvo/opeka-detej-donbassa/>

¹²² Ирина Рыбникова, “Более 100 подмосковных семей захотели принять сирот из Донбасса,” RGRU, 18 April 2022, <https://rg.ru/2022/04/18/reg-cfo/bolee-100-podmoskovnyh-semej-zahoteli-priniat-sirot-iz-donbassa.html>

received the first 27 children from the self-proclaimed DNR who had been living in temporary facilities around Russia.¹²³ On 8 July 2022, Lvova-Belova announced that she had become foster parent to a 16-year-old boy from Mariupol.¹²⁴ These actions indicate state policy by the Russian authorities in the deportation of some Ukrainian children.

For many unaccompanied, separated, and orphaned children, the process of reuniting with family members or guardians and leaving occupied parts of Ukraine or Russia can be challenging. Older teenagers travelling on their own or with friends or relatives reportedly required a parent or guardian to grant them permission to leave Russia.¹²⁵ For children whose parents have died, or whose parents or guardians are unknown or unreachable, Russian authorities report conducting some family tracing; media reports describe Lvova-Belova and authorities from Moscow region reviewing state databases and the database of the Red Cross in search of relatives.¹²⁶

The absence of formal relations between Russia and Ukraine likely restricts access to some information about blood relations or other existing guardianship arrangements. According to UNHCR and UNICEF, many of the nearly 100,000 children in institutional care or boarding schools at the start of the war in Ukraine have living relatives and guardians.¹²⁷

Without a formal mechanism in place to systematically return Ukrainian children to Ukraine or to reunite them with their guardians or caregivers, the work of reunification falls largely on individuals, with support from Ukraine's Ministry of Reintegration of Temporarily Occupied Territories, some authorities in the self-proclaimed DNR, volunteers, NGOs and possibly some Russian government officials,¹²⁸ using back-channel negotiations. As of 17 October 2022, Ukrainian authorities have reported 96 children as having returned to Ukraine.¹²⁹

Aside from the challenges of identifying and connecting children with their relative or guardian, children whose parents have died in the war may not yet have another formally appointed guardian from Ukraine.¹³⁰ And in several cases Amnesty International has documented, even if a guardian from Ukraine has the requisite paperwork, authorities in the self-proclaimed DNR have required the guardian to travel to wherever the child is located to collect them, at great personal risk and cost. For example, a guardian described his arduous journey to bring back the 15- and 16-year-old boys described above, who were forcibly transferred from Manhush to the self-proclaimed DNR:

“In order not to draw a lot of attention I took a bus from Kyiv. I went to Poland, then to Lithuania, then to Latvia. In Latvia I crossed the border with Russia on foot. There was another bus [there] that took me to Donetsk. Overall, the journey was about 4,000km one way. It took me three days to get from Kyiv to Donetsk. And then there was the same route back with the boys... The procedure has to go as unnoticed as possible... It's not an easy trip. For one person to follow the route one way it cost 350 euros... A few NGOs provided me with the money for this, that is how it was possible.”¹³¹

In another case, Amnesty International spoke with a 51-year-old woman who prepared for the possibility of not being able to return to Ukraine after travelling to Donetsk, via Russia, to collect her grandson: “I have two more kids under 18 – ages 12 and 14. I left money for them and my documents. I told my sisters and all the

¹²³ З60ТВ, “Детей из Донбасса взяли под опеку в Подмоскowie. Главное о гуманитарной программе” (previously cited).

¹²⁴ TASS Russia News Agency, “Детский омбудсмен стала приемной матерью для подростка из Донбасса,” 8 July 2022, <https://tass.ru/obschestvo/15162765>

¹²⁵ Amnesty International interview by video call, representative from a non-governmental organization, 31 May 2022.

¹²⁶ З60ТВ, “Детей из Донбасса взяли под опеку в Подмоскowie. Главное о гуманитарной программе” (previously cited); Ніна Назарова, “Я привіз малих здоровими і живими”. Як шестеро дітей вижили в Маріуполі, застрягли в “ДНР” і опинилися в Європі,” BBC (previously cited).

¹²⁷ Joint statement by UNICEF Executive Director Catherine Russell and United Nations High Commissioner for Refugees Filippo Grandi, “Unaccompanied and separated children fleeing escalating conflict in Ukraine must be protected,” 7 March 2022, <https://www.unicef.org/press-releases/unaccompanied-and-separated-children-fleeing-escalating-conflict-ukraine-must-be>

¹²⁸ See RBK, “Захарова назвала ложью обвинения Киева в депортации детей с Украины,” 25 June 2022, <https://www.rbc.ru/politics/25/06/2022/62b6eb6e9a7947fbd996b47> stating Russian Commissioner for Human Rights, Tatyana Moskalkova, was looking for relatives of Ukrainian children whose parents had died and that six children had been handed over to legal representatives.

¹²⁹ Ukraine Ministry for Reintegration of the Temporary and Occupied Territories and National Information Bureau, “Children of War” (previously cited). Note in this context “returned” may also include children who have successfully left Russia and the DNR and reunited with family and guardians abroad.

¹³⁰ Note Ukrainian authorities have taken some steps to simplify the process of appointing guardians to orphans and children left without parental care. See JURLIGA, “Спрощено процедуру влаштування дітей-сиріт, дітей, позбавлених батьківського піклування, під опіку або піклування родичів,” 24 March 2022, https://jurliga.ligazakon.net/news/210161_sproshcheno-protseduru-vashtuvannya-dtey-sirt-dtey-pozbavlenikh-batkovskogo-pkluvannya-pd-opku-abo-pkluvannya-rodichv

¹³¹ Group interview by video call, guardian and 15- and 16-year-old boys, 11 July 2022.

relatives who live in the village to take care of them if something happens to me. I did not have an option of not going to get [my grandson].”¹³²

Media reports indicate instances of guardians being unable to collect the children because they felt the journey was too dangerous or that it might jeopardize their asylum claim in their new country of residence.¹³³ In one case in which a guardian was unable to travel to the DNR-controlled territory, she reportedly gave a volunteer from Donetsk power of attorney to allow the volunteer to take her children to a third country.¹³⁴

Russia simplified the process of applying for citizenship for orphans and children left without parental care from Ukraine, facilitating the adoption of some children by Russian families and further complicating their return to Ukraine.¹³⁵ Among other things, the decree allows the heads of orphanages and other state institutions located in the self-proclaimed DNR and LNR, as well as in occupied areas of Zaporizhzhia and Kherson regions, to apply for Russian citizenship for children in their care, unless the child is placed in that institution temporarily. Under the decree, only children ages 14 to 18 must consent to acquiring citizenship.¹³⁶

In June, the Russian-appointed head of occupied Kherson region stated orphans in Kherson will acquire Russian citizenship.¹³⁷ On 5 July 2022, according to Lvova-Belova, the first children from the self-proclaimed DNR became citizens of Russia under the decree.¹³⁸ On 14 July 2022, Lvova-Belova stated that within days a total of 108 “orphans of the Donbass” who received Russian citizenship would be sent to new parents across six regions of Russia.¹³⁹ On 21 September 2022, she announced that her “adopted son from Mariupol” had received a Russian passport.¹⁴⁰

Lvova-Belova has also described the possibility of forming a database of orphans to better match children with prospective families in occupied Ukraine or Russia and stated that she would like the placements to be more systematic.¹⁴¹ As above, such policies indicate the organized and systematic nature of some deportations of Ukrainian children to Russia, which may amount to a crime against humanity, in addition to war crimes.

Early in the war, Ukraine President Volodymyr Zelensky passed a moratorium on intercountry adoptions.¹⁴² Several prominent international child protection organizations have also called for a moratorium on intercountry adoptions from Ukraine because unaccompanied and separated children are at risk of trafficking and exploitation and may be mistaken for orphans when they are not.¹⁴³ International law favours options for care in a child’s country of origin where possible, as discussed in Chapter 6.

¹³² Group interview by video call, grandmother and her 11-year-old grandson, 22 July 2022.

¹³³ Алли Котляр читайте, “Повернення. Дорога життя Сашка та його бабусі,” ZN,UA, 25 July 2022, <https://zn.ua/ukr/SOCIUM/povernennja-doroha-zhittja-sashka-ta-joho-babusi.html>; Ніна Назарова, ““Я привіз малих здоровими і живими”.

Як шестеро дітей вижили в Маріуполі, застрягли в “ДНР” і опинилися в Європі,” BBC (previously cited).

¹³⁴ Ніна Назарова, ““Я привіз малих здоровими і живими”.

Як шестеро дітей вижили в Маріуполі, застрягли в “ДНР” і опинилися в Європі,” BBC (previously cited).

¹³⁵ Official Internet Portal of Legal Information, “Указ Президента Российской Федерации от 30.05.2022 № 330 “О внесении изменений в Указ Президента Российской Федерации от 24 апреля 2019 г. № 183 “Об определении в гуманитарных целях категорий лиц, имеющих право обратиться с заявлениями о приеме в гражданство Российской Федерации в упрощенном порядке” и Указ Президента Российской Федерации от 29 апреля 2019 г. № 187 “Об отдельных категориях иностранных граждан и лиц без гражданства, имеющих право обратиться с заявлениями о приеме в гражданство Российской Федерации в упрощенном порядке,” 30 May 2022, <http://publication.pravo.gov.ru/Document/View/0001202205300008>

¹³⁶ Official Internet Portal of Legal Information, “Указ Президента Российской Федерации от 30.05.2022 № 330 “О внесении изменений в Указ Президента Российской Федерации от 24 апреля 2019 г. № 183 “Об определении в гуманитарных целях категорий лиц, имеющих право обратиться с заявлениями о приеме в гражданство Российской Федерации в упрощенном порядке” и Указ Президента Российской Федерации от 29 апреля 2019 г. № 187 “Об отдельных категориях иностранных граждан и лиц без гражданства, имеющих право обратиться с заявлениями о приеме в гражданство Российской Федерации в упрощенном порядке,” 30 May 2022, <http://publication.pravo.gov.ru/Document/View/0001202205300008>

¹³⁷ Marc Santora, “Moscow says babies born in occupied Kherson will automatically get Russian citizenship,” *New York Times*, 16 June 2022, <https://www.nytimes.com/2022/06/16/world/europe/ukraine-kherson-babies-russian-citizenship.html>

¹³⁸ Maria Lvova-Belova, *Telegram Post*, 5 July 2022, <https://t.me/malvovabelova/333>

¹³⁹ Maria Lvova-Belova, *Telegram Post*, 14 July 2022, <https://t.me/malvovabelova/354>. Lvova-Belova has since announced the transfer of other groups of children from the self-proclaimed DNR and LNR to foster families, although she did not indicate whether authorities intended to facilitate their permanent adoption. This includes 125 children from orphanages in the self-proclaimed DNR and 234 “orphans from the Donbass”. Maria Lvova-Belova, *Telegram Post*, 16 September 2022, <https://t.me/malvovabelova/569>; Maria Lvova-Belova, *Telegram Post*, 7 October 2022, <https://t.me/malvovabelova/644>

¹⁴⁰ Maria Lvova-Belova, *Telegram Post*, 21 September 2022, <https://t.me/malvovabelova/578>

¹⁴¹ Maria Lvova-Belova, *Telegram Post*, 14 July 2022, <https://t.me/malvovabelova/346>; Елена Яковлева, “Мария Львова-Белова: Семьи из шести регионов РФ возьмут под опеку 108 детей-сирот из Донбасса,” (previously cited).

¹⁴² UNICEF, “How to help an unaccompanied child during martial law in Ukraine,” 24 March 2022, <https://www.unicef.org/ukraine/en/stories/help-unaccompanied-child-during-war-in-ukraine>

¹⁴³ Better Care Network, “Call for a Moratorium on Intercountry Adoption in Response to the Conflict in Ukraine,” 1 July 2022, <https://bettercarenetwork.org/library/childrens-care-in-emergencies/call-for-a-moratorium-on-intercountry-adoption-in-response-to-the-conflict-in-ukraine>

3.2.2 OLDER PEOPLE AND PEOPLE WITH DISABILITIES

Older people and people with disabilities may be at greater risk of being separated from family members while fleeing. In some cases Amnesty International has documented, older people with disabilities who were separated from their families ended up in closed state institutions, which made reuniting with family members even more difficult.

Valentyna, 91, sheltered in her apartment building on the Left Bank with her daughter, grandson and 84-year-old husband. Her daughter and grandson fled on foot on 20 March, but could not take Valentyna or her husband, who both have limited mobility, with them. Valentyna and her husband were the last people in their apartment building; on 10 April, Valentyna managed to flag down a Russian soldier to request evacuation. Her husband had to be transported on a stretcher. They were taken to a Russian checkpoint in a village on the eastern outskirts of Mariupol, where they waited in line for several hours. At some point, Valentyna said medical workers from the DNR arrived in an ambulance and took her husband away:

“They called an ambulance [for my husband]. They didn’t tell me where they were taking him, they just quickly took him and they didn’t say where, they put my things in a different car. I asked them, please take me with you [in the ambulance]... Instead they took me to Starobesheve [for filtration].”¹⁴⁴

Valentyna said that after undergoing filtration, she was told she would be put on a bus to Taganrog. She said she was not given a choice over her destination.¹⁴⁵ In Taganrog, she was told she would be sent to Tolyatti, in central Russia; Valentyna’s daughter, Liubov, was able to find her through volunteers in Taganrog and prevent her transfer.¹⁴⁶ The two spent weeks trying to find Liubov’s father, and ultimately learned he was in a hospital in Donetsk, from where staff said he would be discharged and placed in an institution for people with disabilities. Liubov, who was in Estonia, said:

“I couldn’t go there [to get him] because the DNR is a dangerous place. I didn’t want to go alone because I couldn’t have carried him, and I didn’t want to bring my son; he is young [of military age]. What could I have done? It felt like a total dead-end... [When we talk to my father] he cries all the time, he feels he has been abandoned.”¹⁴⁷

Liubov said that her father told her by phone that he had been granted Russian citizenship while in the institution, though she was not able to confirm the procedure under which this had occurred.

Amnesty International interviewed another woman, “Olena”, who was separated from her 82-year-old mother in Mariupol during the war. “Olena” was able to evacuate to Ukrainian government-controlled Zaporizhzhia, but her mother, who had been sheltering in Mariupol’s Left Bank, was forced to flee in the other direction: “I got a Viber message from Donetsk. It was from [former] colleagues of my mother... They didn’t let me talk to her, but they said she was in a nursing home there,” said “Olena”. “I asked them if I could talk to her but was never allowed to.”¹⁴⁸

According to “Olena”, who was able to speak to her mother briefly by phone in May, her mother was later transported to an institution for older people in Russia that was over 1,000km from Mariupol, where she was told to apply for residency documents, a process which would take at least three months. “Olena” said it was difficult to glean more information from her mother, who did not have a smartphone, and phone calls on an open line were expensive and at risk of surveillance. “Olena” said she wanted to travel to Russia to help her mother return to Ukraine, but that as an activist with publicly pro-Ukrainian views, she feared being targeted and detained.¹⁴⁹

A representative of a volunteer organization that has helped facilitate people from Ukraine leaving Russia suggested these issues may be widespread:

“People with disabilities, especially mobility problems, older people – they are put in nursing homes [after being transferred to Russia]... Most of these people just don’t have internet access; if they don’t have relatives who can connect us, it’s harder for them to leave [Russia or Russian-occupied areas].”¹⁵⁰

¹⁴⁴ Interview by voice call with Valentyna, 4 October 2022.

¹⁴⁵ Interview by voice call with Valentyna, 4 October 2022.

¹⁴⁶ Interviews by voice call with Valentyna and Liubov, 4 October 2022.

¹⁴⁷ Interview by voice call with Liubov, 4 October 2022.

¹⁴⁸ Interview by voice call, 18 April 2022 and 2 July 2022.

¹⁴⁹ Interview by voice call, 18 April 2022 and 2 July 2022.

¹⁵⁰ Interview by voice call, 31 May 2022.

Placement of a person with a disability in an institution undermines their right to full inclusion and participation in their communities.¹⁵¹ In the cases mentioned above, institutionalization poses additional risks that people with disabilities, including older people with disabilities, could be denied their right to choose their residence and nationality on an equal basis with others,¹⁵² and clearly creates additional difficulties in reuniting with family members or returning to Ukraine if that is their choice.

The Russian government has announced efforts to simplify acquisition of citizenship for people with disabilities who have been deprived of legal capacity by a court.¹⁵³ According to statistics from the Ukrainian Ministry of Health, as of 2017 some 39,797 people had limited legal capacity, the vast majority of whom – 36,025, or 91.4% – were people with disabilities.¹⁵⁴ Deprivation of legal capacity is itself a violation of the right of people with disabilities to equal recognition before the law.¹⁵⁵ This simplified procedure may result in people with disabilities being prevented from choosing their residency and nationality on an equal basis with others, a right that is also protected by international law.¹⁵⁶

Older people and people with disabilities faced significant hurdles leaving Russia or Russian-occupied areas even if they were not placed in a closed institution. Physically inaccessible infrastructure made it difficult for them to travel without support; they struggled to access information about volunteers who could help them leave, which was primarily distributed online; many had been cut off from their Ukrainian bank accounts and had few other resources with which to fund their journey.

“Serhiy”, a 70-year-old man from Mariupol whose apartment was destroyed by a Russian air strike in March, fled to a one-bedroom apartment in Donetsk that he owned with his wife but had abandoned after being forcibly displaced in the 2014 conflict. “Serhiy” desperately wanted to leave Donetsk but did not have the financial resources or access to information to do so. “There are a lot of advertisements in the street, but then you call them, and they tell you it will cost 17,000 hryvnia (US\$461) to take you straight to Latvia or Poland,” he said.¹⁵⁷

“Serhiy” said he did not have that much money; without access to his Ukrainian bank account, he had not received his pension or salary since February. “Serhiy”, a colon cancer survivor, said that non-direct routes without support were cheaper, but that he wasn’t up for such a journey: “To go with many stops, by myself, I can’t do that. It would be too difficult. With my health I wouldn’t be able to cope.”¹⁵⁸

The Russian government has said that as of 1 July 2022, all pensioners and people with disabilities from Ukraine would receive a monthly pension payment of 10,000 rubles (US\$165), with an additional 3,000 rubles (US\$50) if they were over age 80, and that such payments would last until 31 December 2022.¹⁵⁹ This is slightly below the subsistence minimum for pensioners as established by the Russian government,¹⁶⁰ and based on interviews for this report may be insufficient to allow a person to leave Russia if that is their choice.

¹⁵¹ CRPD, Article 19

¹⁵² CRPD, Article 18(1)

¹⁵³ Official Internet Portal of Legal Information, “Указ Президента Российской Федерации от 30.05.2022 № 330 “О внесении изменений в Указ Президента Российской Федерации от 24 апреля 2019 г. № 183 “Об определении в гуманитарных целях категорий лиц, имеющих право обратиться с заявлениями о приеме в гражданство Российской Федерации в упрощенном порядке” и Указ Президента Российской Федерации от 29 апреля 2019 г. № 187 “Об отдельных категориях иностранных граждан и лиц без гражданства, имеющих право обратиться с заявлениями о приеме в гражданство Российской Федерации в упрощенном порядке,” 30 May 2022, <http://publication.pravo.gov.ru/Document/View/0001202205300008>

¹⁵⁴ Ukrainian Helsinki Human Rights Union, “ПРАВА ОСІБ ІЗ ПРОБЛЕМАМИ ПСИХІЧНОГО ЗДОРОВ’Я – 2017”, 16 April 2018, https://helsinki.org.ua/prava-osib-iz-problemamy-psyhichnoho-zdorov-ya-2017/#_ftn4

¹⁵⁵ CRPD, Article 12.

¹⁵⁶ CRPD, Article 18(1). For more background and analysis, see Amnesty International, *Kazakhstan: “We are like dead souls” : Life without legal capacity in Kazakhstan*, (INDEX: EUR 57/9164/2018), 12 October 2018, <https://www.amnesty.org/en/documents/eur57/9164/2018/en/>.

¹⁵⁷ Interview by voice call, 25 July 2022.

¹⁵⁸ Interview by voice call, 25 July 2022.

¹⁵⁹ Official Internet Portal of Legal Information, “Указ Президента Российской Федерации от 27.08.2022 № 586 “О выплатах гражданам Донецкой Народной Республики, Луганской Народной Республики, Украины и лицам без гражданства, вынужденно покинувшим территории Донецкой Народной Республики, Луганской Народной Республики, Украины и прибывшим на территорию Российской Федерации”, 27 August 2022, <http://publication.pravo.gov.ru/Document/View/0001202208270001?index=0&rangeSize=1>

¹⁶⁰ Interfax, “Прожиточный минимум в РФ после индексации составит 13,919 рублей”, 25 May 2022, <https://www.interfax.ru/business/842943>

4. INTERNATIONAL LEGAL FRAMEWORK

The situation in Ukraine is an international armed conflict between Ukraine and Russia, the result of Russia's full-scale invasion of Ukraine on 24 February 2022, a clear act of aggression. International humanitarian law, or the laws of war, sets out legal rules that bind all parties to armed conflict, including situations of aggression and belligerent occupation. These rules aim to minimise human suffering in war and offer particular protection to civilians and others who are not directly participating in hostilities. Ukraine and Russia have ratified the main international humanitarian law treaties that apply in international armed conflicts: the four Geneva Conventions (GCI-IV), and Additional Protocol I to the Geneva Conventions (API). The situation is also governed by customary international humanitarian law. International human rights law continues to apply in situations of armed conflict and occupation. Russia and Ukraine are party to core international human rights treaties relevant to this report, including the International Covenant on Civil and Political Rights (ICCPR), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC) and the Convention on the Rights of Persons with Disabilities (CRPD).

4.1 FORCIBLE TRANSFER AND DEPORTATION

Under international humanitarian law applicable in the conflict in Ukraine, “Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.”¹⁶¹ “Protected persons” includes civilians. Here, “forcible transfer” relates to the transfer of a civilian or other protected person living in Ukraine to another part of Russian-occupied Ukraine, including the self-proclaimed DNR. “Deportation” connotes the transfer of a protected person from Ukraine across the border into Russia or to another country.

International humanitarian law does permit an occupying power to “undertake total or partial evacuation of a given area if the security of the population or imperative military reasons so demand”, but requires that anyone so evacuated be “transferred back to their homes as soon as hostilities in the area in question have ceased”.¹⁶² Case law from international criminal tribunals indicates that the exception for evacuations carried out for the “security of the population” does *not* apply when the party carrying out the transfers is, as a result of unlawful actions, including unlawful attacks, responsible for causing the underlying security or humanitarian crisis.¹⁶³

Under the Rome Statute of the International Criminal Court (ICC), forcible transfer or deportation can constitute a war crime and a crime against humanity. The war crime is “unlawful deportation or transfer”,¹⁶⁴ while the crime against humanity is “deportation or forcible transfer of population”.¹⁶⁵ To amount to a crime

¹⁶¹ Fourth Geneva Convention, Article 49. See also Customary IHL, Rule 129 (“Parties to an international armed conflict may not deport or forcibly transfer the civilian population of an occupied territory, in whole or in part, unless the security of the civilians involved or imperative military reasons so demand.”).

¹⁶² Fourth Geneva Convention, Article 49.

¹⁶³ See, for example, *Prosecutor v. Milomir Stakic*, ICTY Appeals Chamber, Judgment, 22 March 2006, para 287.

¹⁶⁴ Rome Statute, Article 8(2)(a)(vii).

¹⁶⁵ Rome Statute, Article 7(1)(d).

under international law, the transfer or deportation must be “forced”. International criminal tribunals have held that in this context, “the term ‘forced’... is not limited to physical force but includes the threat of coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power... or by taking advantage of a coercive environment”.¹⁶⁶ The elements of crimes established under the Rome Statute indicate the same.¹⁶⁷

In many Mariupol-related cases Amnesty International has documented, Russia’s actions amount to the war crime of unlawful deportation or transfer. In particular:

- The people transferred were civilians, a protected group under the Geneva Conventions.
- Russian or Russian-controlled forces transferred civilians living in occupied Ukrainian territory to the territory of Russia, the occupying power, or to other parts of occupied Ukrainian territory, such as the self-proclaimed DNR.
- Russian authorities cannot feasibly argue, at least in many cases, that they were carrying out evacuations for “the security of the population” since Russian abuses and threats of violence after occupying an area contributed significantly to the security and humanitarian crisis.
- Many of the transfers were forced, as defined by international law, through the threat of coercion. After Russian forces seized areas of Mariupol in March and April 2022, for example, civilians feared detention by those forces and faced extremely difficult living conditions caused by a lack of access to electricity, heating and safe drinking water, primarily as a result of the Russian attacks.¹⁶⁸ Russian forces had, when occupying other areas of Ukraine, carried out extrajudicial executions, torture and other ill-treatment, and other grave violations, creating further fear among the population in Mariupol. As a result, people had little option but to flee. In some documented cases, interviewees described being physically escorted to “evacuation” buses by Russian or Russian-controlled troops and said such conditions created additional pressure to comply.
- Particularly for people living in certain Mariupol neighbourhoods, Russian or Russian-controlled forces at times restricted escape routes to Ukrainian government-controlled areas, further demonstrating the coercive nature of some transfers. After occupying parts of Mariupol and surrounding areas, Russian forces also continued to bombard neighbouring areas still under Ukrainian government control, including escape routes, which further coerced people to move towards the DNR and, ultimately, Russia.
- Finally, even if in some cases the initial transfer or movement to the self-proclaimed DNR or other Russian-occupied areas of Ukraine may not amount to the specific war crime of forcible transfer, the further transfer to Russia itself, absent any meaningful alternative to return to Ukrainian government-controlled areas, would still amount to the war crime of deportation.

In several cases described in section 3.1 on at-risk groups, evidence of the war crime of deportation or forcible transfer is particularly strong. In some of those documented cases, children, older people and people with disabilities who had already evacuated Mariupol for relatively safe areas were sought out and diverted to Donetsk by authorities from the self-proclaimed DNR. There is no reasonable military necessity for such actions, nor can they be claimed to be for the security of the population, when those individuals had already found relative safety.

While some transfers of civilians from Mariupol were forced and amount to war crimes, Amnesty International cannot conclude that all such movement of civilians from Mariupol to Russian-occupied territory amounts to the crime of forcible transfer. However, in almost all cases Amnesty has documented, the direction in which people were allowed to flee was not based on their choice, but rather on the neighbourhood they lived in, when it came under full Russian control and whether they had access to a car.

In cases documented in this report pertaining to other parts of Ukraine, including Kharkiv, Zaporizhzhia and Kherson regions, people left their homes as a result of the hostilities but the specific circumstances and reasons for leaving varied. More research is needed to determine whether cases of transfer from these areas were forced as it relates to the war crime of forcible transfer or deportation.

¹⁶⁶ See, for example, *Prosecutor v. Milomir Stakic*, ICTY Appeals Chamber, Judgment, 22 March 2006, para 281.

¹⁶⁷ International Criminal Court, Elements of Crimes, p. 4, footnote 12, [icc-cpi.int/sites/default/files/Publications/Elements-of-Crimes.pdf](https://www.icc-cpi.int/sites/default/files/Publications/Elements-of-Crimes.pdf)

¹⁶⁸ OHCHR, *Situation of Human Rights in Ukraine in the Context of the Armed Attack by the Russian Federation: 24 February–15 May 2022* (cited previously); Amnesty International, “*Children*”: *The Attack on the Donetsk Regional Academic Drama Theatre in Mariupol, Ukraine* (cited previously); Human Rights Watch, “Urgently Help Ukraine Civilians Flee Mariupol: Guterres Should Press Russia to Allow Aid, Routes Out to Ukraine-Controlled Areas”, 26 April 2022, <https://www.hrw.org/news/2022/04/26/urgently-help-ukraine-civilians-flee-mariupol>.

To amount to the crime against humanity of deportation or forcible transfer, the transfer must meet the same threshold of being “forced” and without a permissible basis, meaning for the security of the population or for imperative military reasons. In addition, the conduct must be “committed as part of a widespread or systematic attack directed against a civilian population”, pursuant to or in furtherance of a state or organizational policy to commit such attacks, and with the perpetrator’s knowledge that the conduct was part of that attack.¹⁶⁹ The attack on the civilian population can consist of a combination of prohibited inhumane acts listed in Article 7(1) of the Rome Statute of the ICC, and in this case could include – in addition to deportation and forcible transfer – torture, imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law, and enforced disappearance.¹⁷⁰

An attack does not need to be both widespread and systematic; either can suffice. “Widespread” is determined by the number of victims or magnitude of the acts.¹⁷¹ “Systematic” has been held to “signif[y] the organised nature of the acts of violence and the improbability of their random occurrence”.¹⁷² Courts have commonly held the “systematic” threshold to be met when there are “[p]atterns of crimes – that is the nonaccidental repetition of similar criminal conduct on a regular basis”.¹⁷³

Here, Russia’s actions, especially related to Mariupol and to the specific situation of children and some older people and people with disabilities, strongly suggest an “organised nature”. Russian and Russian-controlled authorities in the self-proclaimed DNR have, as detailed above, diverted people from these groups who had already found safety. Russian authorities have also simplified the process for obtaining Russian citizenship to facilitate the adoption into Russian families of some Ukrainian orphans and children deemed without parental care, and without the consent of younger children themselves.

4.2 TORTURE AND OTHER DETENTION-RELATED ABUSES

International humanitarian law forbids torture and inhuman treatment, as well as unlawful confinement.¹⁷⁴ Torture, inhuman treatment and unlawful confinement are grave breaches of the Geneva Conventions and are war crimes.¹⁷⁵ International human rights law also prohibits torture and other cruel, inhuman or degrading treatment or punishment, as well as arbitrary detention.¹⁷⁶

As detailed in Chapter 4, Russian and Russian-controlled forces have subjected many civilians to arbitrary detention or unlawful confinement as part of the filtration process; some people are arbitrarily detained multiple times as part of filtration, including after being transferred to, or otherwise arriving in, the self-proclaimed DNR; when entering Russia itself; and when trying to leave Russia.

For some Ukrainian civilians, the filtration process leads to prolonged arbitrary detention, again as detailed in Chapter 4. Men considered to be of military age seem to be targeted particularly, especially if they have any prior affiliation with the Ukrainian security services; but other people, including some women, are also being detained. In detention, Russian and Russian-controlled forces have committed torture and other ill-treatment, including subjecting detainees to beatings, electric shocks and mock executions. The conditions of detention, including grossly inadequate food, healthcare and access to water, also often violate the prohibition of torture and other ill-treatment.

¹⁶⁹ Rome Statute of the ICC, Article 7; International Criminal Court, Elements of Crimes, Article 7, pp. 3-5, www.icc-cpi.int/sites/default/files/Publications/Elements-of-Crimes.pdf

¹⁷⁰ See Rome Statute of the ICC, Article 7; International Criminal Court, Elements of Crimes, Article 7, [icc-cpi.int/sites/default/files/Publications/Elements-of-Crimes.pdf](http://www.icc-cpi.int/sites/default/files/Publications/Elements-of-Crimes.pdf)

¹⁷¹ *Prosecutor v. Akayesu*, ICTR Trial Chamber, 2 September 1998, para. 579; *Kordic and Cerkez*, ICTY Trial Chamber, 26 February 2001, para. 179; *Kayishema and Ruzindana*, ICTR Trial Chamber, 21 May 1999, para. 123.

¹⁷² *Prosecutor v. Kunarac et al.*, ICTY Trial Chamber, Judgment, 22 February 2001, para. 429. See also *Prosecutor v. Blaškić*, ICTY Trial Chamber, Judgment, 3 March 2000, para. 203; and *Prosecutor v. Akayesu*, ICTR Trial Chamber, Judgment, 2 September 1998, para. 580.

¹⁷³ *Prosecutor v. Kunarac et al.*, ICTY Trial Chamber, Judgment, 22 February 2001, para. 429. See also *Prosecutor v. Tadić*, ICTY Trial Chamber, Opinion and Judgment, 7 May 1997, para. 648.

¹⁷⁴ Geneva Conventions, Common Article 3; First Geneva Convention, Article 12, second paragraph; Second Geneva Convention, Article 12, second paragraph; Third Geneva Convention, Article 17, fourth paragraph, Article 87, third paragraph, and Article 89 (“inhuman, brutal or dangerous” disciplinary punishment); Fourth Geneva Convention, Article 32 (“torture” and “other measures of brutality”).

¹⁷⁵ Fourth Geneva Convention, Article 147; Rome Statute of the ICC, Article 8(2)(a)(ii), (iii) and (c)(i), and Article 8(2)(a)(vii)-2.

¹⁷⁶ ICCPR, Articles 7 and 9(1); Convention against Torture, Articles 1 and 2.

4.3 CHILDREN, PEOPLE WITH DISABILITIES AND OLDER PEOPLE

Under international law, there are additional protections for children, people with disabilities and older people that are relevant to the situations of those who have been forcibly transferred or deported.

International humanitarian law requires, in the process of an occupying power undertaking transfers or evacuations, as Russia has done in Ukraine, “that members of the same family are not separated”.¹⁷⁷ As described in Chapters 3 and 4, Russian and Russian-controlled authorities have, at times, separated children from their parents, in breach of these obligations. Furthermore, the Fourth Geneva Convention prohibits the occupying power from changing the family or personal status, including nationality, of children.¹⁷⁸

Regarding adoptions of Ukrainian children in Russia, the CRC calls on states “to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference”.¹⁷⁹ It outlines that any system of adoption “shall ensure that the best interests of the child shall be paramount” and that the adoption is authorized by competent authorities who determine the adoption is permissible and, if required, the persons concerned have given their informed consent.¹⁸⁰ It also states that intercountry adoption may be considered an alternative means of care “if the child cannot be placed in a foster or adoptive family or cannot in any suitable manner be cared for in the child’s country of origin”.¹⁸¹ For children deprived of their family environment, the CRC calls for “due regard... [to] be paid to the desirability of continuity in a child’s upbringing and the child’s ethnic, religious, cultural, and linguistic background.”¹⁸²

In violation of these legal obligations and Ukraine’s moratorium on intercountry adoptions,¹⁸³ Russian and Russian-controlled authorities in the DNR and LNR have transferred Ukrainian children to Russia and facilitated the permanent adoption of some Ukrainian children by Russian families, depriving them of the opportunity to grow up and receive care in their country of origin. Moreover, in the chaos of war and in the absence of formal relations between Ukraine and Russia, unaccompanied and separated Ukrainian children risk being identified as orphans available for adoption when they are not, possibly preventing reunification with blood relations and guardians.

The CRPD guarantees people with disabilities the right to choose their residence and nationality on an equal basis with others.¹⁸⁴ They must have the right to acquire and change their nationality and may not be deprived of their nationality arbitrarily on the basis of their disability.¹⁸⁵ States should ensure that people with disabilities are able to obtain any documentation needed to travel freely, and ensure that they are free to leave any country. As noted above, states should recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life and should take measures to provide any support such persons may require in exercising legal capacity.¹⁸⁶ Denying a person with a disability choice over their nationality as a by-product of their legal capacity status is a violation of their rights. The forcible transfer of people with disabilities, including older people with disabilities, to Russia or the self-proclaimed DNR or LNR threatens these rights. Russia’s decree expediting the citizenship acquisition process for people with disabilities who have been denied legal capacity by a court similarly violates these rights.¹⁸⁷

Another touchstone principle of the CRPD is that people with disabilities must be guaranteed full inclusion and participation in their communities.¹⁸⁸ People with disabilities, including older people, should not be forced to live in institutional settings, such as nursing homes, which foster “stigma, segregation, and

¹⁷⁷ Fourth Geneva Convention, Article 49.

¹⁷⁸ Fourth Geneva Convention, Article 50.

¹⁷⁹ CRC, Article 8(1).

¹⁸⁰ CRC, Article 21 and 21(a).

¹⁸¹ CRC, Article 21(b).

¹⁸² CRC, Article 20.

¹⁸³ Note this moratorium extends to all annexed regions of Ukraine, including the self-proclaimed DNR and LNR, whose de facto authorities have supported the transfer and adoption of some children in territories under their temporary control.

¹⁸⁴ CRPD, Article 18(1)

¹⁸⁵ CRPD, Article 18(1)(a)

¹⁸⁶ CRPD, Article 12.

¹⁸⁷ Official Internet Portal of Legal Information, “Указ Президента Российской Федерации от 30.05.2022 № 330 “О внесении изменений в Указ Президента Российской Федерации от 24 апреля 2019 г. № 183 “Об определении в гуманитарных целях категорий лиц, имеющих право обратиться с заявлениями о приеме в гражданство Российской Федерации в упрощенном порядке” и Указ Президента Российской Федерации от 29 апреля 2019 г. № 187 “Об отдельных категориях иностранных граждан и лиц без гражданства, имеющих право обратиться с заявлениями о приеме в гражданство Российской Федерации в упрощенном порядке,” 30 May 2022, <http://publication.pravo.gov.ru/Document/View/0001202205300008>

¹⁸⁸ CRPD, Article 19.

discrimination” and can lead to their exploitation and abuse.¹⁸⁹ For people from Ukraine who have been transferred to Russia, confinement in these settings makes it even more difficult to return to Ukraine or a third country if that is their choice.

At present, there is no global treaty on the rights of older people, though in armed conflicts they are protected by international humanitarian law as civilians, as well as receiving the special protection provided for certain categories of at-risk civilians, such as prioritizing their evacuation and affording special care when they are deprived of their liberty.¹⁹⁰ As demonstrated here, digital exclusion, lack of access to information and poverty may prevent older people from exercising their fundamental right to freedom of movement on an equal basis with others.

¹⁸⁹ UN Committee on the Rights of Persons with Disabilities, General Comment 5 on the right to live independently and be included in the community (Art. 19), 27 October 2017, UN Doc. CRPD/C/GC/5, para. 5.

¹⁹⁰ Fourth Geneva Convention, Articles 16, 17, 27, and 85.

5. RECOMMENDATIONS

TO RUSSIAN AND RUSSIAN-CONTROLLED AUTHORITIES

- Immediately cease the deportation or forcible transfer of civilians from Ukraine to Russia and to other parts of Russian-occupied territories. Allow independent neutral parties to facilitate safe, voluntary civilian evacuations to Ukrainian-controlled territories, to ensure that civilians have meaningful choice;
- Immediately end the abusive process known as “filtration” and ensure that any checks on the identity and background of individuals in the process of transfer within and out of the territory occupied by Russia are minimal and strictly necessary and comply with international human rights and humanitarian law;
- Immediately ensure that civilians from Ukraine are able to safely leave conflict-affected areas and make a free choice as to the direction of their travel, including being able to enter Ukrainian government-controlled territories if they choose to do so;
- Immediately release all civilians from Ukraine who are being held in detention facilities in Russia or Russian-occupied areas, unless they have been prosecuted for an internationally recognized offense and are serving a term of imprisonment;
- Ensure independent and impartial investigations are conducted into allegations of torture and other ill-treatment and other abuses in detention, and that anyone against whom there is sufficient admissible evidence of responsibility be prosecuted in fair trial proceedings;
- Release those who have been forcibly disappeared or abducted. Pending release, disclose their whereabouts or fate. In the event of death, locate and return their remains to their loved ones in conditions of dignity;
- Facilitate access of international organizations to temporary placement shelters for monitoring purposes, including, among others, the United Nations Refugee Agency (UNHCR), the International Organization for Migration (IOM) and the Office of the United Nations High Commissioner for Human Rights (OHCHR);
- Ensure that civilians from Ukraine who have been transferred to Russia have access to information and resources to enable them to leave Russia for Ukraine or any other third country, if that is their choice;
- Cease all transfers of children within occupied Ukrainian territory, including to the self-proclaimed DNR and LNR, or their deportation to Russia, as well as any adoptions of children transferred there from occupied parts of Ukraine;
- Cease all separations of children from the family members or guardians with whom they are transferred or evacuated to Russia or Russian-occupied areas, including during “filtration”, in line with international humanitarian law;
- Cease all forcible transfers of people with disabilities and older people, including those living in state institutions, within occupied Ukrainian territory, including the self-proclaimed DNR and LNR, or their deportation to Russia;
- Establish a formal channel of communication, in partnership with a third neutral party such as an international organization with extensive experience in family tracing, to identify children currently in

Russia's custody, to arrange for more robust family tracing and reunification, and to facilitate the return of Ukrainian children, including those from the self-proclaimed DNR or LNR, to government-controlled parts of Ukraine or facilitate their reunification with guardians abroad. Ensure the creation of similar mechanisms for older people and people with disabilities, facilitating their reunification with family members or return to their country and location of choice;

- Ensure that older people and people with disabilities being housed in institutional settings are provided with physically accessible alternative accommodation and support, such that they can live in the community on an equal basis with others.

TO THE UKRAINIAN AUTHORITIES

- Ratify the Rome Statute of the International Criminal Court (ICC) and issue a declaration accepting the ICC's jurisdiction since 1 July 2002.

TO GOVERNMENTS OF THIRD COUNTRIES

- Call on Russia to respect the prohibition of deportation and forcible transfer and urge all parties to facilitate safe passage for civilians to a destination of their choosing;
- Pressure Russia to allow unfettered access of international organizations (including UNHCR, IOM and OHCHR) to temporary placement shelters in Russia or Russian-occupied areas for monitoring purposes;
- Ensure that government statements, declarations or resolutions on the situation in Ukraine, including at the UN Security Council and Human Rights Council, address the forcible transfer of at-risk groups, including children, older people and people with disabilities;
- Support international investigations or domestic ("structural")¹⁹¹ investigations under the principle of universal jurisdiction into the crimes of deportation and forcible transfer, as well as unlawful confinement, torture and other crimes under international law committed during filtration, recognising that victims from particular at-risk groups may have suffered particular harms requiring tailored approaches in investigation and prosecution. States, including EU member states, other neighbouring countries and states exercising universal jurisdiction, should urgently collect, document and preserve evidence and witness testimony from those persons who may be within their jurisdiction;
- States, including EU member states and other neighboring countries, should ensure that people from Ukraine seeking to enter their territory from Russia, including those with lost, damaged or destroyed identity or travel documents are able to do so safely, including by issuing temporary travel documents;
- EU member states should ensure an inclusive and non-discriminatory application of the temporary protection regime to those fleeing Ukraine, irrespective of the race, nationality, migration status, political or religious affiliation and other characteristics of those displaced, whose immediate protection needs are likely to be the same.

TO INTERNATIONAL AND REGIONAL ORGANIZATIONS, INCLUDING UNHCR, OHCHR AND IOM

- Request access to temporary placement facilities where civilians from Ukraine are being held in Russia or Russian-occupied Ukraine for the sake of monitoring and reporting;
- Where appropriate, facilitate the return of civilians from Ukraine to Ukraine or a third country, if that is their choice;
- Facilitate the creation of robust family tracing and reunification so as to foster the return of Ukrainian children to Ukraine or reunification with guardians abroad. Facilitate the creation of similar mechanisms for older people and people with disabilities;
- For organizations collecting information about border crossings of Ukrainians into and out of Russia, disaggregate data by age, gender and disability.

¹⁹¹ Generally, a "structural investigation" is opened where there is evidence that a crime has taken place, but potential perpetrators have not yet been definitively identified. Such an investigation should focus on structures related to the potential crime and groupings of potential perpetrators and should include gathering and collecting evidence and witness testimony from those persons who may be within a state's jurisdiction.

TO THE OFFICE OF THE PROSECUTOR OF THE INTERNATIONAL CRIMINAL COURT

- Investigate the crimes of deportation and forcible transfer, as well as unlawful confinement, torture and other crimes under international law committed during filtration; in recognition of the fact that victims from particular at-risk groups may have suffered particular harms and may face barriers to accessing justice, ensure the provision of procedural and age-appropriate accommodations in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings.

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“LIKE A PRISON CONVOY”

RUSSIA’S UNLAWFUL TRANSFER AND ABUSE OF CIVILIANS IN UKRAINE DURING ‘FILTRATION’

During its full-scale invasion of Ukraine in 2022, Russia has illegally annexed large swathes of Ukrainian territory. Russian and Russian-controlled forces have unlawfully transferred or deported civilians within Russian-occupied areas or to Russia itself, while often denying civilians safe passage to government-held parts of Ukraine.

This report is based on interviews with 88 people, most of them civilians fleeing Russian-occupied parts of Ukraine. This report documents how Russian and Russian-controlled forces gave many civilians in Ukraine no choice but to be transported to Russia or to other Russian-occupied areas. In some cases, unaccompanied children, older people and people with disabilities who had already reached areas of relative safety were sought out and rerouted to Russian-occupied areas of Donetsk region. Particularly in the case of Mariupol, these actions by Russian and Russian-controlled forces have in some cases amounted to war crimes and likely crimes against humanity of deportation or forcible transfer.

The report also documents abuses by Russian and Russian-controlled forces during invasive screening processes of civilians collectively known as “filtration”, where many were subjected to the war crimes of unlawful confinement and of torture and other ill-treatment.