

Protecting the rights of

military personnel,
veterans,
prisoners of war
and their
families



The film "ABSOLUTE EVIL"
terrible war crimes of
Russia's military in Ukraine



Омбудсман України
Ombudsman of Ukraine

Photo by:
Oleksandr Oliynyk

The illegal actions of the Russian Federation against Ukraine and its citizens are a policy of conscious genocide of the Ukrainian people

The war has tragically and permanently changed the lives and destinies of millions of people in Ukraine. Many thousands of citizens were killed in action, by Russian shelling and violence, hundreds of thousands of families lost their homes, and millions of Ukrainians became internally displaced or refugees who fled Ukraine.

The systematic and massive shelling, methods of atrocities, incitement to murder and torture, and the narratives of Kremlin propaganda indicate that the Kremlin has a specific goal – the destruction of Ukrainians. Russia's armed aggression against Ukraine can be qualified as genocide.

In pursuit of its goal, the aggressor state completely disregards the requirements of international humanitarian law in relation to the civilian population of Ukraine, children, and Ukrainian captured defenders.



According to the Office of the Prosecutor General, from the beginning of the full-scale aggression to 31.05.2023, more than **91,000** war crimes were documented; the Office of the United Nations High Commissioner for Human Rights reports **8,983** deaths and **15,442** injuries of civilians. About **1,500** of the victims were children (**485** killed and **1,005** wounded). However, we will see the real data of Russia's atrocities only after the war.

To realize the horrific crimes committed by the Russians in Ukraine, we suggest watching a film that depicts the killing of civilians, the deportation of children, missile attacks on hospitals, maternity homes, and private homes where civilian Ukrainians lived.

You can watch the movie (18+) by following QR-codes:





Blow up of the Kakhovka dam on the night of June 6, 2023 is a direct violation of the Geneva Conventions (Article 56 of Protocol I, Article 15 of Protocol II of 08.06.1977), and is another war crime of Russia that has caused catastrophic consequences for the civilian population, causing widespread, long-term and serious damage to the natural environment, and is a clear sign of ecocide. About 80 settlements are in the flood zone, more than 40,000 people need to be evacuated, and drinking water supply chains have been disrupted. The threat of an accident at the Zaporizhzhia nuclear power plant has increased. At the same time, thousands of hectares of Ukrainian land are becoming unsuitable for sowing, which is a prerequisite for **food, economic and environmental threats in the near future.**

Given the realities and challenges of Russia's full-scale aggression against Ukraine, the Secretariat of the Ukrainian Parliament Commissioner for Human Rights has been operating a separate structural unit for almost a year now – **the Department for Monitoring the Observance of Rights in the Defense Sector and the Rights of Veterans and Military Personnel, Prisoners of War and Members of Their Families.**

The Department carries out comprehensive work to monitor the observance of the rights of Ukrainian citizens:

- those in military service; discharged from military service, veterans, pensioners (Armed Forces of Ukraine, other military formations, law enforcement agencies);
- special attention should be paid to war veterans, especially combatants, persons with war-related disabilities, and family members of fallen (deceased) defenders, whose number is constantly growing in the context of full-scale hostilities;
- illegally deprived of their liberty (prisoners of war and civilian hostages) and missing persons, as well as members of their families;
- illegally deported children to Russia and the TOT.



Oleksandr Kononenko

Representative of the Commissioner in the System of Bodies in Security and Defense Sector

✉ kononenkoov@ombudsman.gov.ua

The problem of returning Ukrainian civilian hostages

According to preliminary estimates, **Russia is illegally holding more than 20,000 civilians hostage**. Civilians of Ukraine illegally deprived of their liberty as a result of Russia's armed aggression against Ukraine are currently the most vulnerable category of persons in terms of their release and return to Ukraine.

Since 2014, the issue of releasing Ukrainians illegally detained for political reasons has not lost its relevance. They are accused of "aiding and abetting" the Armed Forces or special services and sentenced to long prison terms. These are former military personnel, volunteers, law enforcement officers, and civil servants who cannot be considered combatants and should be released in accordance with the provisions of Geneva Convention IV.

The armed forces of the occupying country, in violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, 1949, continue to arbitrarily detain and take hostages of Ukrainian civilians. Many women, children, and the elderly (70+) are illegally imprisoned.

For the most part, civilian hostages held in Russia or in the TOT of Ukraine are held in complete isolation, deprived of the opportunity to inform their loved ones about their place of detention, as well as of proper legal assistance.

A large number of civilian hostages are held in detention without charges or criminal proceedings opened against them by the occupying power, making them invisible to the international community.

International organizations have documented numerous cases of "filtration measures," enforced disappearances, torture, forced mobilization, and restrictions on the freedom of citizens in foreigners' detention camps committed by the Russian occupation forces against civilian Ukrainians.



In the photo: torture chambers discovered after the de-occupation of Ukrainian territories.

Forced mobilization in the territories occupied by Russia is a violation of Article 51 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, which strictly prohibits the occupying power from forcing protected persons to serve in its armed or auxiliary forces.

Forced passportization is a gross violation of international law, in particular Article 45 of the Regulations Relative to the Laws and Customs of War on Land, which is annexed to the Fourth Hague Convention of October 18, 1907. The passportization contradicts the principles of treatment of civilians in temporarily occupied territories established by the provisions of Geneva Convention IV.

Instead, the aggressor country refuses to unconditionally return civilian hostages. Disregarding the norms of international humanitarian law, laws and customs of war, the aggressor country uses terror against civilians as a tool to influence Ukraine's position in the context of achieving its military and political goals.

! Russia has taken civilians hostage - Russia is holding them by force - Russia is not returning them - Russia is not responsible for this!

How Russia violates international humanitarian law in relation to Ukrainian prisoners of war

Russia's deliberate and categorical violation of international humanitarian law is evidenced by the testimonies of Ukrainian servicemen released from captivity and information from various sources.

Numerous cases of execution of captured Ukrainian soldiers, ill-treatment, torture, physical and psychological violence against them have been recorded.

Torture by electric current, infliction of gunshot or stab wounds are used by Russians to obtain military information, intimidation, humiliation and revenge. These crimes are recorded by both the Ukrainian Parliament Commissioner for Human Rights and international human rights organizations (UN Human Rights Monitoring Mission in Ukraine, the Office of the United Nations High Commissioner for Human Rights, and the UN Independent International Commission of Inquiry on Violations in Ukraine).

Ukraine is interested in engaging reputable international institutions to establish intermediary functions to visit places of illegal detention of Ukrainian citizens and to conduct impartial and objective monitoring of the observance of their rights.



This is **Maksym Kolesnikov**, a mobilized Kyiv businessman who was captured in March 2022 near Kyiv.

His photo after his release did not immediately recognize him – the stout man born in 1977 had lost almost half his weight and turned grey in captivity.

A Ukrainian man who has just been released from captivity sees a fruit for the first time in almost a year. After tasting the apple, he said: "It's wonderful. Just cool".

This is **Mykhailo Dianov**. He was taken prisoner by Russia after leaving the Azovstal plant in Mariupol on May 20, 2022. In captivity, he survived abuse and torture and lost 40 kg. He was released from captivity on September 21 along with 214 other soldiers.

Dianov received bullet wounds to both legs and his right arm. He was missing 4 cm of bone in his upper limb. People raised money for his surgery and recovery. On December 13, Dianov underwent surgery on his right shoulder in St. Louis. The operation was successful. Mykhailo gave the money he did not need for the rehabilitation of his comrades. This is 23 million 430 thousand hryvnias.



Mykhailo Dianov "after" and "before" Russian captivity

At the same time, international institutions, in particular the International Committee of the Red Cross, have failed to ensure compliance with humanitarian norms regarding prisoners of war. In terms of visiting places of detention of Ukrainian prisoners and ensuring their decent treatment, the Russian side ignores the mandates of international organizations.

The problem is the lack of persistence in exercising its powers on the part of the ICRC, which positions itself as a mediator in the conflict. This international structure continues to demonstrate inertia, despite repeated appeals from the Ukrainian side to its leadership to step up its activities.



A traditional conversation with the Russian military who were illegally on the territory of Ukraine. They have no complaints or suggestions for Ukraine. Another confirmation of Ukraine's compliance with the Geneva Conventions!

On the violation of the rights of prisoners of war, civilian hostages and members of their families

Since the beginning of 2023, the Commissioner's Office has processed more than **7.5 thousand citizen complaints**. The Secretariat regularly **holds meetings with family members** of persons deprived of their liberty, with the participation of civic organizations, public authorities, military units and law enforcement agencies.



The Secretariat's staff is constantly involved in efforts to free Ukrainian citizens and prisoners of war from captivity. **Since the beginning of the full-scale invasion, 2,525 Ukrainians have been released!**



To resolve the issues of **returning civilian hostages**, a specialized working group is being set up at the Coordination Headquarters for the Treatment of Prisoners of War, headed by the Representative of the Commissioner.

Interaction with the Russian Ombudsman and agreements on the creation of a humanitarian corridor and the return of civilians deprived of their liberty, as well as the repatriation of seriously wounded and seriously ill prisoners of war, are not yielding results. All processes are being hampered by the Russian side.

With this in mind, the Commissioner's Office **is looking for new opportunities to monitor the observance of the rights of Ukrainians deprived of their liberty in the Russian Federation.**

Agreements have been reached with Representatives of the State Duma of the Russian Federation (Russian parliamentary) on monitoring visits to places of detention of civilians on both sides. On April 23, Russians visited 17 Ukrainian citizens in places of detention in the Luhansk Region. On May 3, Representatives of the Commissioner's Office together with Representatives of the public visited 17 accused Russian citizens held in Ukraine. This is the first and last visit so far.

In mid-May, **Russia started talking about exchanges of civilians**. Now the issue of the need to exchange/return civilians has been raised at the highest political level.

Ukraine, for its part, has been stating on all possible platforms that it wants to return every civilian illegally displaced or abducted by Russia. **Therefore, it expects assistance from the international community in putting pressure on Russia to compel it to adhere to the principles of International Humanitarian Law.**

According to the 4th Geneva Convention, civilians cannot be taken prisoner! However, Russia has violated this rule!

Protecting the rights of combatants, veterans of military service, war veterans, persons with disabilities as a result of the war and family members of dead (deceased) Defenders

In the area of observance of the rights of military personnel, military pensioners, veterans and members of their families, the Commissioner's Secretariat works in the following areas:

- combatants receive appropriate medical and rehabilitation services (including treatment abroad);
- problems with the provision of supplies for combat operations; training of mobilized persons, including violations of their right to dismissal for family reasons, or violations of the procedure for service;
- payment of adequate financial support, including to the families of servicemen held in captivity, as well as ensuring adequate pensions for persons discharged from military service;
- establishment of statuses (combatant, person with a disability as a result of war, family member of the deceased, etc.) and receipt of appropriate payments.

Employees of the Secretariat of the Ukrainian Parliamentary Commissioner for Human Rights carry out controlling **monitoring visits to medical institutions** where **post-isolation and rehabilitation measures for military personnel** (including those released from captivity) are carried out.

Particular attention is paid to the realization of the military's right to health care and treatment, in particular, to improve and regulate the activities of military medical commissions. At the initiative of the Commissioner, amendments to the current legislation were adopted to simplify and speed up the procedure for passing the military medical commission.

Since the beginning of the year, the Department **has restored the rights of 416 Ukrainian citizens in 125 cases.**



For example: family members of military personnel of a military unit captured in captivity appealed to the Ukrainian Parliament Commissioner for Human Rights. The relatives **complained about the illegal actions of the military unit command**, as a result of which family members of servicemen who were or are in captivity **were deprived of proper payments of financial support**.

The position of the Commissioner's Office on this issue was repeatedly defended during meetings with relatives of prisoners and the command of the military unit.

Based on the results of the response measures taken by the Commissioner, the Commander of the Ukrainian Navy issued an order to the commander of the military unit to determine the legal status of **282 servicemen** held in captivity and **to immediately take measures to restore the rights** of family members of servicemen to receive financial support.



The priorities of the Ukrainian government are:

- establishing a reliable mechanism for the return of civilian hostages and illegally deported children and ensuring the rights of our Defenders;
- developing international mechanisms for identifying, protecting the interests of, and returning civilian hostages and forcibly deported children to their homeland with the involvement of the Council of Europe, the European Union, the OSCE, the UN Committee on the Rights of the Child, UNICEF, the International Committee of the Red Cross, and other international specialized organizations and law enforcement agencies of foreign countries;
- introduce effective procedures of the international justice mechanism to bring Russia to justice and ensure international support in creating a mechanism to recover compensation for the damage caused by Russia.

Ukraine calls for strong condemnation by parliaments and governments of foreign countries and international organizations of **the crimes of genocide, ecocide and war crimes committed by the Russian Federation**, including the illegal detention of civilian hostages, forced transfer of Ukrainian children, and destruction of vital infrastructure.

Ukraine calls for public support for the activities of the International Criminal Court, in particular in the investigation and punishment of genocide and war crimes.



"Hotline" for appeals:



0800-50-17-20
(free of charge)

044-299-74-08



hotline@ombudsman.gov.ua



Омбудсман України
Ombudsman of Ukraine

The Russian Federation and all the war criminals it sent to Ukraine will bear the most serious responsibility for the evil they committed.

Ukraine meticulously documents every crime and every brutality. All those who are guilty will undoubtedly be held accountable.

We will never forget or forgive. And so is the world.

#StandWithUkraine



Dmytro LUBINETS

Ukrainian Parliament Commissioner for Human Rights
(from July 1, 2022)

✉ lubinets@ombudsman.gov.ua



Hotline of the Ukrainian Parliament
Commissioner for Human Rights 0 800 50 17 20
or by e-mail hotline@ombudsman.gov.ua



Омбудсман України
Ombudsman of Ukraine

Protection of rights in the security and defense sector

#StandWithUkraine



Омбудсман України
Ombudsman of Ukraine

