



Extrajudicial, summary or arbitrary executions of civilians in territories of Ukraine under the Russian Federation's control

Submitted by the Media Initiative for Human Rights (Kyiv, Ukraine) and the World Organisation of Torture (Geneva, Switzerland)

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Introduction and methodology

This submission is based on the analysis of 48 confirmed cases of extrajudicial executions and deaths as a result of torture of civilians documented by the Media Initiative for Human Rights (MIHR) and the World Organisation Against Torture (OMCT) through in-depth interviews with witnesses, as well as relatives and other close associates of the victims of these crimes.

Two victims were civilians who participated in hostilities directly on the side of the Ukrainian army by passing information about the location of Russian military targets. The other 46 victims include both those who have been confirmed as civilians who did not take direct participation in hostilities¹, as well as the cases where there was lack of information to assess whether the victims may have been directly participating in hostilities.

At the time of their deaths, 24 victims were in detention under the control of the Russian army or special services; 4 victims died after their release as a result of injuries sustained from torture; in 20 cases, the bodies of victims were found with traces of torture after they disappeared under unknown circumstances in an area controlled by the Russian armed forces, and there is indirect evidence of the Russian military's liability for these killings.

¹ <https://www.icrc.org/en/doc/assets/files/other/icrc-002-0990.pdf>

The documented cases occurred between March and September 2022 in the territories of the Kyiv, Sumy, Chernihiv, Kharkiv, Kherson and Donetsk regions of Ukraine liberated by the Ukrainian army later in 2022. Notably, the analysis does not cover the situation in the territories that are still under the control of the Russian Federation, and the patterns there may have changed significantly.

The documented cases of extrajudicial executions and deaths as a result of torture injuries are part of a broader pattern of violence against civilians in the Russian-occupied territories of Ukraine. In particular, the structural analysis of more than 200 in-depth interviews conducted by the MIHR and OMCT indicates that numerous cases of enforced disappearances, arbitrary detention, torture and other ill-treatment, sexual violence, and extrajudicial executions in some cases are interconnected and constitute a systemic policy of persecution of residents of the occupied territories disloyal to the Russian invasion. These crimes may amount to crimes against humanity of persecution, given the intention of the Russian Federation-controlled armed forces to discriminate against a broad group of civilians on political grounds. Another well-documented pattern is torture, extrajudicial executions, and other violence against civilians who collaborated with the Ukrainian army.

General overview

While cases of extrajudicial executions of civilians are less widespread than enforced disappearances or torture, their impact on victims, victims' relatives, and occupied communities should be considered cumulatively with other related violations.

Almost all of the documented cases of extrajudicial executions and deaths as a result of torture were related to enforced disappearances and arbitrary detention of victims (in cases of arbitrary detention, victims were also held incommunicado). In the two cases where the victims directly participated in hostilities, the Russian military had legal grounds to detain them. However, the treatment of them as the protected persons and lack of any legal procedures failed to meet basic standards of international humanitarian law and international human rights law.

In most of the documented cases, the victims were civilians suspected by the Russian military to be collaborating with the Ukrainian army. In some cases, such suspicions were made only on the basis that civilians were moving through settlements where Russian military positions were located and were under attack by the Ukrainian army. Analysis of the testimonies indicates that, for example, in the Kyiv region, virtually all civilians who did not express explicit support for the occupation were suspected of collaborating with the Ukrainian army.

Among the documented cases, there are four typical circumstances in which extrajudicial executions and other related deaths took place:

1) intentional extrajudicial executions as collective punishment

These practices were documented in the first months of the full-scale invasion in the Kyiv and Chernihiv regions, where the population was overwhelmingly hostile towards the Russian troops. There is a documented pattern of the Russian troops indiscriminately committing violence against local residents because their combat positions were under attack by the Ukrainian army, and they assumed that some of the locals were passing on their coordinates.

For example, in March 2022, the Russian military shot and killed at least 6-7 random residents in the village of Staryi Bykiv, Chernihiv region. According to one of the villager's testimonies, this happened after the Russian army positions near the village were shelled by Ukrainian artillery. The Russian military assumed that one of the villagers was a possible scout for Ukrainian artillery, but could not find out the exact identity of the person. The witness said she heard a Russian commander order several subordinate soldiers to shoot anyone who looked “suspicious” for them for any reason.

Another witness from the village of Andriivka, Kyiv region, said that during the occupation of the village in February-March 2022, the Russian military shot dead 17 civilians right on the street. Among those killed was a civilian wearing a camouflage uniform (a typical work outfit in rural areas); another had photos of the Russian military vehicles on his phone.

- 2) *deaths as a result of torture while in detention or after release*, including due to severe illnesses of detainees at the time of arrest and/or due to the failure to provide medical care after torture in detention

In the Kharkiv, Kherson, Zaporizhzhia, Donetsk, and other regions that had been under occupation for longer periods and where the Russian military had established administration, generally, they did not aim to execute civilians and released detainees if torture resulted in life-threatening injuries. For example, in the village of Pisky-Radkivske, Kharkiv region, a local resident died as a result of internal organ damage from being beaten by the Russian military during interrogation a month after his release.

One of the torture victims reported that in March 2022, while in detention in penal colony No. 120 in Olenivka, the Donetsk region, he saw the dead body of a civilian detainee being taken away after he had been severely beaten during interrogation.

- 3) *cases of intentional executions of detainees, including due to the alleged excesses of the perpetrator, during an escape attempt, etc.*

Cases of intentional executions of civilians outside of collective punishment are not common in the occupied territories of Ukraine. However, due to the poor discipline and impunity prevailing in the Russian army, in some cases, the Russian military executed civilians, possibly while they were under the influence of alcohol or drugs; when perpetrators were in an emotionally unstable state due to some contextual circumstances (e.g. military failures); if the detainees somehow “disturbed” the military (for example, behaved strangely due to mental disorders as a result of torture); in some cases, Russian soldiers of lower rank arbitrarily detained, tortured, and then executed civilians outside the orders of a higher command.

For example, in September 2022, Russian soldiers detained a Ukrainian army veteran in the village of Borova, Kharkiv region. Five days later, his body, with 15 bullet wounds and a stab wound to the groin, was found in a pit on the territory of a local tourist base. The deceased had signs of strangulation on his neck, broken fingers, severed fingertips, and other traces of torture. The deceased's wife reported that the military personnel who detained her husband looked and

behaved completely differently from the units that conducted raids with arrests, detention and interrogations with torture against civilians in the village. For example, in this case, unlike the vast majority of others, the Russian military did not check the phone and documents or conduct a search during the arrest, were poorly equipped, and did not hide their faces with balaclavas, etc.

4) violent deaths under unknown circumstances in settlements under the control of the Russian army with indirect evidence of the Russian military's liability for these killings

In the first months of the full-scale invasion in the Kyiv and Chernihiv regions, there were documented cases of civilian bodies with traces of bullet wounds or other forms of violent death in settlements under the control of Russian troops. Although there is no direct evidence of Russian military liability for these killings, a number of indirect evidence points to this. For example, the bodies of the victims showed traces of torture methods typically used by the Russian troops (electric shock, beatings); the bodies were found near military positions of the Russian troops; widespread violence against civilians occurred in these settlements, etc.

In the village of Andriivka, Kyiv region, the bodies of 17 murdered local residents lay unburied in the street for several weeks until the Ukrainian army regained control of the village. Local residents were afraid to bury the bodies during the occupation, as they feared that the Russian military would also kill those who would bury the dead.

In all the documented cases, Russian investigative authorities haven't launched an investigation into these crimes. There are also doubts about the effectiveness of the investigation by Ukrainian investigative authorities. Among the common challenges faced by the victims' relatives in terms of the Ukrainian investigation are relatives' inability to obtain any information about the progress of the investigation; lack of clarity about the possibility of conducting forensic examinations; lack of access to the results of the examinations by relatives and lawyers, etc.

In all the documented cases, the families of the victims are in an extremely difficult psychological state. Moreover, their psychological state is deteriorating

due to the lack of progress in the investigation and the feeling that these crimes will go unpunished. Additionally, some families have experienced serious financial difficulties due to the loss of their breadwinner.

Recommendations:

- Condemn the practice of extrajudicial, summary or arbitrary executions of civilians by the Russian-controlled armed forces in the territories of Ukraine under their control;
- Urge Russian authorities to respect their obligations towards civilians and prisoners of war (POWs) within international humanitarian law and human rights law, especially to guarantee the right to life, freedom from torture and inhuman treatment and ensure access of the ICRC and other humanitarian and human rights mechanisms to places of detention;
- Promote accountability of alleged perpetrators of human rights violations and international crime of extrajudicial, summary or arbitrary executions of civilians and POWs;
- Encourage the Ukrainian authorities to ensure effective investigation of extrajudicial, summary or arbitrary executions committed by both sides to the armed conflict, including implementation of the UN Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (the Minnesota Protocol on the Investigation of Potentially Unlawful Death);
- Encourage both parties of the armed conflict to respect Article 34 of Additional Protocol to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol 1) and to respect, maintain and mark the gravesites and facilitate access to relatives and return of remains;
- Advocate for the development and launch of state-run programs of support for the families of those killed.

Annex. Illustrative cases

1. Vitalii Yefimchuk

Vitalii Yefimchuk was a resident of Bucha, Kyiv region, which was under the Russian occupation from March 3 to March 31, 2022. At the beginning of the full-scale invasion, Vitalii's wife and children left for Lviv, and Vitalii stayed behind to look after the house. On March 7, 2022, Vitalii Yefimchuk and his neighbor drove to the house of relatives who had left Bucha to feed the dogs.

After that, they left the house, drove away, and soon, a Russian armed forces APC (armored personnel carrier) began to pursue them. The APC blocked their car near the “Epicenter” store on Biryukova Street in Bucha. The Russian military forced Vitalii and his neighbor to get out of the car, threatened them with weapons, and shouted that they were scouts for Ukrainian artillery collecting information about the movements of the Russian troops. They then tied Vitalii's and his neighbor's hands, put them in an APC, and drove them to a Russian military position near the village of Vorzel, Kyiv region, about five kilometers from where they were arrested. They were held in an open-air pit there (approximately one and a half meters deep). At the time Vitalii and his neighbor were thrown into the pit, there were already several dead and alive people lying together. According to witnesses, among the dead were Ukrainian soldiers. Russian soldiers wearing balaclavas kicked the detainees, causing several of them to have broken ribs. The Russian military also fired over the heads of the detainees (mock execution). At night, the temperature dropped to minus 5 degrees while the detainees were kept in this pit on the damp ground without warm clothes. From the moment of his arrest on March 7 to March 9, 2022, Vitalii and other detainees weren't provided with any food or water and weren't allowed to use the toilet, which forced them to relieve themselves in the pit.

On March 9, 2022, Vitalii and other detainees were transferred to another detention facility on the territory of the airport in the city of Gostomel, Kyiv region. During the occupation of the Kyiv region, more than a hundred civilian detainees and prisoners of war detained by the Russian

military were held in this place of detention. According to witnesses, the airport building was controlled by Russian special forces (special operations forces) and the Russian Federal Security Service, whose representatives regularly interrogated civilian detainees to obtain “confessions” about alleged cooperation with the Ukrainian army.

At the Gostomel airport, Vitalii and other detainees were also subjected to constant beatings. The detainees had limited access to drinking water and received food once every few days. Those who agreed to clean the dirty toilets of the Russian military were additionally given food from army rations. The detainees were kept in constant darkness with no windows or lighting in their cells. Also, the detainees were not allowed to use the toilet, so they were forced to relieve themselves in plastic bottles in the same rooms where they were held.

In the testimony of other detainees who were held together with Vitalii and were later released, Vitalii lost his mind due to the extremely poor conditions of detention, constant beatings, and other physical and psychological violence. He ran around the cell and screamed incessantly. On March 11, 2022, the Russian military took him out of the cell. The next day, on March 12, other detainees were informed that Vitalii had died of a ruptured heart and were ordered to bury him. Witnesses who buried Vitalii said that there was a rope around the corpse's neck, and the whole body was covered with bruises and beatings. He was buried on the territory of the airport.

For a long time, Vitalii's wife was unaware of his detention and death, as the Russian military did not inform either the Ukrainian authorities or Vitalii's family. She learned these facts only in May 2022 after the witnesses to Vitalii's death, who were held with him at the Gostomel airport, were released. In 2023, at the insistence of his wife, Ukrainian law enforcement agencies exhumed Vitalii's body, which was buried at the Gostomel airport. DNA testing confirmed that the body was her husband's. Ukrainian forensic experts were unable to establish the exact cause of death. Vitalii's body was reburied.

The Ukrainian investigative authorities opened a criminal case over Vitaliy's death under Article 438 of the Criminal Code of Ukraine (“Violation of the laws and customs of war”). The investigation is ongoing.

2. Vladislav Bondarenko

At the beginning of Russia's full-scale invasion of Ukraine, Vladislav Bondarenko, a resident of Bucha, Kyiv region, born in 2004, was a student. Bucha was under the control of Russian troops from March 3 to March 31, 2022.

According to Snizhana Lyubych, Vladislav's mother, on March 14, 2022, the Russian military entered his apartment, breaking down the door and arresting him for unknown reasons. No other people were in the apartment at the time of his arrest. The circumstances of the arrest are known from the testimonies of neighbors.

After the arrest, Vladislav was kept in the basement of a neighboring apartment building for some time, along with other detained civilians. More precise circumstances are unknown.

According to the testimony of other detainees, starting from March 18, 2022, he was on the territory of the Gostomel airport, together with other detainees, both civilians and military. On March 23, 2022, the Russian military transported Vladislav, along with other civilian detainees, in a truck towards Belarus. Vladislav jumped out of the truck on the move but was unable to escape. The Russian military, who were accompanying the detainees, stopped the vehicle, got out of it, and then witnesses heard shots. After that, the car with the detainees continued to drive.

At the end of April 2022, after the de-occupation of the Kyiv region, the body of a man alleged to be Vladislav was found near the village of Zdvyzhivka, Kyiv region. The body had been lying in the open air from March 23 to the end of April 2022. The Ukrainian investigative authorities opened a criminal case over Vladislav's murder under Article 438 of the Criminal Code of Ukraine (“Violation of the laws and customs of war”).

The case is currently under investigation by the Security Service of Ukraine. According to the forensic medical examination of the found body, the cause of death was several gunshot wounds. At the end of 2023, DNA samples from the body were sent for examination. The results are still pending.

3. Vitalii Lapchuk

Vitalii Lapchuk was a retired police lieutenant colonel. At the beginning of Russia's full-scale invasion of Ukraine, he lived in Kherson and worked as a lecturer at the local university.

On February 24, 2022, Vitalii enlisted in the territorial defense of Kherson and received a weapon. When Russian troops occupied Kherson, the Ukrainian territorial defense units were officially disbanded. So Vitalii de facto lost his official status as a member of the territorial defense. However, he collected weapons from other territorial defenders in his house and, on his own initiative, passed information about the equipment, personnel, and movements of Russian military units in the area to the Ukrainian army. At the same time, he was delivering food to other civilians as a volunteer.

On March 27, 2022, the Russian military detained Vitalii on the street in Kherson ahead of a meeting with other former members of the territorial defense. The Russian military then took him to his home, where his wife and son were staying. According to his wife, nine Russian soldiers came home with Vitalii. Some wore armbands with the words “Polite people” on their sleeves. Vitaliy's wife believes they were FSB (Russian Federal Security Service) officers. She drew such conclusions from their conversations, which she later heard during interrogation. Others had patches of the so-called “Donetsk People's Republic” on their uniforms. When Vitalii was brought to the house, he had already been beaten. His face was bruised and covered with blood.

The soldiers searched the house and found weapons. After that, Vitalii, his wife, and their son were brought to the regional police department in the Kherson region, where Russian-controlled forces were holding and

interrogating civilians detained in the area. Vitalii and his wife were placed in neighboring rooms. Through the wall, Vitalii's wife could hear him being interrogated. He was asked if he knew any useful information about the Ukrainian army and his cooperation with the Ukrainian armed forces. His wife heard sounds typical of electric shocks and severe beatings.

His wife and son were released that evening, while Vitalii remained in detention. Later, the released prisoners of war who were held with Vitaliy informed his wife that, as a result of interrogation with the use of torture, Vitaliy confessed to alleged terrorist activities (allegedly, the Russian military “qualified” the transfer of military information to the Ukrainian army in this way). Vitalii's wife believes that he was killed on the same day, March 27, 2022. She heard him screaming in the next room from the beatings and then suddenly fell silent, in her opinion, because he was dead. However, the exact date of death is unknown. Also, according to her, the Russian military who interrogated her and Vitalii were probably under the influence of psychotropic substances. They had dilated, frozen pupils and showed strange, inadequate behavior.

From March 27 to May 22, 2022, Vitalii's family had no information about his fate. On May 22, 2022, his body was found in the Dnipro River near Kherson. Vitalii had a weight tied to his legs, his hands were tied, and his skull was fractured. Other relatives identified Vitalii's body, as Vitalii's wife and son had left the occupied territory for safety reasons. They found out about the body only on June 9, 2022, as there was a communication disruption in the occupied territories.

Vitalii was buried in Kherson. His wife and son were unable to receive his body and attend his funeral, as Kherson was liberated only on November 11, 2022. The investigative authorities of Ukraine opened a criminal case over Vitalii's death under Article 438 of the Criminal Code of Ukraine. According to a forensic medical examination conducted by Russian investigative bodies in occupied Kherson, the exact cause of death could not be determined because the body had been in the water for a long time.

4. Denys Myronov

Denys Myronov was a member of the Ukrainian army until 2008 when he retired. He lived with his wife in Kherson, where they ran a family business exporting agricultural products.

Denys enlisted in the Ukrainian territorial defense at the beginning of the full-scale invasion. However, after the city's occupation, the territorial defense units were disbanded, and Denys, on his own initiative, passed information about the location of Russian military facilities to the Ukrainian army. Denys Myronov also delivered food to the civilian population.

On March 27, 2022, he was arrested by the Russian military on the street of Kherson together with Vitalii Lapchuk. Like Vitalii, he was held in the premises of the Kherson regional police department. Witnesses who were detained with him and later released reported that the Russian military severely beat Denys with a rubber stick and rifle butts, and used electric shocks during interrogations. According to the testimonies, Denys was beaten particularly severely because he refused to answer questions from the Russian military. Witnesses reported that a few days after his arrest, in early April, Denys was unable to move or get out of bed due to severe beatings.

Witnesses recall the call signs of the military personnel who interrogated and tortured Denys — ‘Ange’l, ‘Fortuna’, ‘Danube’, ‘Ural’, and ‘Bes’ (Russian for ‘Imp’). Vitalii Lapchuk's wife confirmed that among the military personnel who interrogated and tortured her husband were individuals with the call signs ‘Ural’ and ‘Bes’. As noted above, based on the conversations she heard with the Russian military, Vitalii Lapchuk's wife assumes that they were FSB officers.

On April 18, 2022, Denys, along with other detainees, was taken to the city of Sevastopol, Crimea. There, he was hospitalized in the Naval Hospital № 1472 due to his serious condition after torture. On April 24, 2022, Denys died in the hospital.

Denys' body was returned to his family during the exchange of POWs on May 24, 2022. The death certificate issued by the Ukrainian medical institution after receiving the body indicated the cause of death as blunt trauma to the chest with fractured ribs and hemothorax. The Ukrainian investigative authorities opened a criminal case over Denys' death under Article 438 of the Criminal Code of Ukraine.

5. Vadym Postoliuk

On February 23, 2022, the day before the full-scale invasion, 27-year-old civilian security guard Vadym Postoliuk arrived in the village of Rahivka, Kyiv region, to help his sister and her child in a humanitarian crisis due to the risk of armed conflict. The village of Rahivka was occupied in the first days of the full-scale invasion. Vadym was in Rahivka with his sister until March 29.

Vadym's wife testified that on March 29, 2022, Vadym left his sister's house in Rahivka to join the evacuation of civilians to another village, Rudnia-Bazarske. After that, his whereabouts were unknown until April 5, 2022. On April 5, his body was found in the village of Poliske, Kyiv region. The body had electric shock burns and traces of beatings; his hands and feet were tied. The body had been booby-trapped, with three tripwire mines placed around it. According to the forensic medical examination, the cause of Vadym's death was multiple stab wounds to the chest with damage to internal organs.

Although the exact circumstances of his death are unknown, Vadym was likely executed or died as a result of torture by the Russian military. This assumption is based on the fact that all of the settlements mentioned above were under the control of the Russian army at the time of Vadym's disappearance; electric shock torture, traces of which were found on Vadym's body, is widely used by the Russian military; and it is extremely unlikely that the tripwires placed around his body could have been placed by non-military personnel.