WHEN ‘RUSSKIY MIR’ COMES:
War crimes and IHL violations committed by Russian armed forces in Hrakove and Zaliznychne

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International Partnership for Human Rights (IPHR) is an independent, non-governmental organisation founded in 2008. Based in Brussels, with a second office in Tbilisi, IPHR works closely with civil society groups from a range of countries to raise human rights concerns at the international level and promote respect for the rights of vulnerable communities. IPHR acts to empower local civil society groups working to advance the protection of human rights in their respective countries and helps them raise human rights concerns at the international level. In cooperation with partner organisations, IPHR advocates on behalf of individuals and communities who are among those most vulnerable to discrimination, injustice, and human rights violations.

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Introduction and Summary of Findings

This report sets out evidence of war crimes and international humanitarian law (IHL) violations committed by Russian armed forces in Hrakove and Zaliznychne – two neighbouring villages in Kharkiv Oblast that were under Russian occupation from February to September 2022. Hrakove is a small village located 60 km south of Kharkiv. Before the full-scale Russian invasion, it had an estimated population of 1,000 residents. After the Ukrainian army liberated the village on 9 September 2022, only about 30 residents remained. Zaliznychne is an even smaller village located about 5 km to the northeast of Hrakove. The M03 road runs between the two villages and then heads northeast towards Chuhuiv and eventually to Kharkiv, making the two villages a strategically important point for the failed Russian advance towards Kharkiv.

Russian forces entered both villages between 25 and 26 February 2022 and retained control over them for the subsequent 28 weeks (until 7 September 2022). In January 2023, IPHR conducted two factfinding missions to Hrakove and Zaliznychne and interviewed local residents about their experiences during the Russian occupation. This report is based on interviews with 14 witnesses and survivors. The information from the interviews is further corroborated by open-source data, including reports by other NGOs and media outlets. This report corroborates the findings of other organisations and provides further analysis of alleged crimes and IHL violations committed in Hrakove and Zaliznychne.

After occupying Hrakove and Zaliznychne, Russian forces searched and looted civilian houses, threatened civilians with execution and prohibited them from leaving the occupied territory. Detaining the civilian population in an area particularly exposed to the dangers of war unless the security of the populations or imperative military reasons demand such detention is a violation of IHL. In any event,  

1 49.71844597025354, 36.81459512417517.  
2 AP Archives, ‘Russian pull back reveals widespread devastation’, 14 September 2022, available at: https://www.youtube.com/watch?v=_c2wKRxYK8M.  
4 49.72894448770143, 36.86482893045926.  
5 49.726995, 36.827438.  
8 Geneva Convention (IV) of 1949, Article 49.
any civilians who are not Russian nationals had the right to leave the occupied territory, and preventing them from doing so is in violation of IHL rules.\textsuperscript{9}

With limited or no access to food, gas, and electricity during most of the occupation, the local population faced severe hardship. The failure to provide adequate food and medical supplies to a population under occupation is a violation of IHL.\textsuperscript{10}

The worst treatment was reserved for those villagers whom Russian forces suspected of aiding the Ukrainian military – including evidence of kidnapping, arbitrary detention, torture, and executions. During its factfinding missions, IPHR documented six cases of killings and three cases of disappearances of local male civilians. At least one victim was killed whilst in Russian custody. There is credible evidence that five other civilians not taking part in hostilities were killed by Russian forces. The killing of civilians not taking part in hostilities constitutes the war crime of wilful killing.\textsuperscript{11} IPHR has also documented three cases of enforced disappearances of local men, the factual circumstances of which suggest the involvement of Russian forces. Additional investigations are necessary to determine whether this episode meets the elements of the crime against humanity of enforced disappearances.\textsuperscript{12}

IPHR also interviewed six men who survived Russian detention and ill-treatment. They described horrendous detention conditions and ill-treatment by Russian soldiers at four detention sites – a police station in the nearby town of Balakliya, the cellar of a private home in Hrakove, a sawmill in Zaliznychnye, and a feed mill in the nearby town of Chkalovske. Arbitrary detention of civilians and other protected persons may amount to the war crime of unlawful confinement.\textsuperscript{13} At least five of the six detainees were held in woefully inadequate conditions, amounting to torture or, at the very least, inhumane treatment.\textsuperscript{14} All six interviewed detainees were subjected to physical and/or mental violence meeting the threshold of torture.\textsuperscript{15}

Russian occupying authorities further routinely seized civilians’ belongings, looted local food stores and extorted cash from civilians seeking to leave to Ukrainian-controlled territory, which constitutes a serious violation of IHL\textsuperscript{16} and may amount to the war crime of pillage.\textsuperscript{17}

Russian occupying authorities unleashed a campaign of terror against the entire civilian population of both villages as – in parallel to killings, arrests, and torture of civilian men – the authorities routinely conducted searches of all civilians and their homes at gunpoint, threatened them with death, and pillaged their homes. This conduct is in violation of fundamental IHL obligations.\textsuperscript{18}

IPHR investigators identified eight Russian and Russian-controlled military units present in the areas of Hrakove, Zaliznychnye, and Balakliya between February and July 2022 that may have perpetrated the crimes described in this report. There are reasonable grounds to believe that Lieutenant General Andrey Ruzinskiy, at the time commander of the 11th Army Corps of the Baltic Fleet and of the Group of Forces ‘Balakleya’, bears command responsibility for the alleged war crimes perpetrated against civilians from Hrakove and Zaliznychnye between March and June 2022.

\textsuperscript{9} Geneva Convention (IV) of 1949, Article 48.
\textsuperscript{10} Geneva Convention (IV) of 1949, Article 55(I); Additional Protocol (I) to the Geneva Conventions of 1977, Art. 69; Rule 55 of Customary IHL.
\textsuperscript{12} Rome Statute of the International Criminal Court of 1998, Article 7(2)(i).
\textsuperscript{13} Ibid, Article 8(2)(a)(vii).
\textsuperscript{14} Ibid, Article 8(2)(a)(ii).
\textsuperscript{15} Ibid.
\textsuperscript{16} Geneva Convention (IV) of 1949, Article 147.
\textsuperscript{17} Rome Statute of the International Criminal Court of 1998, Article 8(2)(b)(xvi).
\textsuperscript{18} Additional Protocol (I) to the Geneva Conventions of 1977, Article 49(1); Article 51(2); Article 85(3)(a); Geneva Convention (IV) of 1949, Article 33; Rule 2 and Rule 6 of Customary IHL.
The Russian Takeover of Zaliznychne and Hrakove

According to witness accounts, Russian forces entered both Zaliznychne and Hrakove between 25 and 26 February 2022 and retained control over the villages over the subsequent 28 weeks (up to 7 September 2022). In Zaliznychne, local residents noted that columns of Russian military vehicles, including tanks and infantry fighting vehicles (IFVs), entering into the village bore ‘Z’ and ‘V’ markings. Russian forces positioned themselves at a local grain elevator and a sawmill. The latter was also used as a detention and torture site.

22 Interview with Witness AH2250.
23 Interviews with Witness AH2250 and Witness PI1100.
26 Interview with Witness JU7776.
27 Interviews with Witness PI1100 and Witness FT0087.
In Hrakove, local residents witnessed Russian tanks,\textsuperscript{28} military trucks,\textsuperscript{29} IFVs,\textsuperscript{30} and BM-21 ‘Grad’ multiple rocket launchers\textsuperscript{31} in the village. The Russian military vehicles that first entered Hrakove bore ‘Z’ markings.\textsuperscript{32} Later, there were vehicles that bore ‘V’ markings.\textsuperscript{33} Following the first rotation of Russian troops, villagers saw soldiers from the so-called ‘DNR’ and ‘LNR’\textsuperscript{34} driving civilian cars.\textsuperscript{35} Russian forces were positioned in two-storey apartment buildings in the centre of Hrakove, near to which they established a detention and torture site.\textsuperscript{36} Russian forces were also positioned in a local school and in the village council building, the basement of which was also used for short-term detentions.\textsuperscript{37}

\textsuperscript{28} Interviews with Witness VC8882, Witness ON9842 (served in the Soviet army and is thus familiar with Russian Soviet-time military vehicles), and Witness PI4828.

\textsuperscript{29} Interviews with Witness VC8882, Witness ON9842 (served in the Soviet army), and Witness PK3302.

\textsuperscript{30} Interviews with Witness ON9842 (served in the Soviet army), Witness CH2511 (served in the Ukrainian army in the 1990s), and Witness PK3302.

\textsuperscript{31} Interview with Witness ON9842 (served in the Soviet army).

\textsuperscript{32} Interviews with Witness ON9842, Witness OS1322, Witness CH2511, Witness VC8882, Witness PI4828, and Witness PK3302.

\textsuperscript{33} Interviews with Witness CH2511, Witness NN1212, and Witness PK3302.

\textsuperscript{34} The so-called Donetsk People’s Republic (DNR) and Luhansk People’s Republic (LNR) were installed by Russian-controlled separatists in the occupied areas of Ukraine’s Donetsk and Luhansk oblasts. On 21 February 2022, Russia proclaimed the sovereignty of both the DNR and LNR. Later, in September 2022, Russia announced the annexation of both unrecognised republics, along with other occupied territories. The move followed referendums that were broadly dismissed as fraudulent by observers and the international community. See, for example: BBC, ‘Ukraine crisis: Russia orders troops into rebel-held regions’, 22 February 2022, available at: https://www.bbc.com/news/world-europe-60468237; DW, ‘Russia recognizes independence of Ukraine separatist regions’, 21 February 2022, available at: https://www.dw.com/en/russia-recognizes-independence-of-ukraine-separatist-regions/a-60861963; Reuters, ‘Syria recognizes independence, sovereignty of Donetsk, Luhansk - state news agency’, 29 June 2022, available at: https://www.reuters.com/world/middle-east/syria-recognizes-independence-sovereignty-donetsk-luhansk-state-news-agency-2022-06-29/; Yonhap, ‘N. Korea supports Russia’s proclaimed annexation of Ukrainian territory’, 04 October 2022, available at: https://m-en.yna.co.kr/view/AEN20221004002600325;

\textsuperscript{35} Interview with Witness PK3302.

\textsuperscript{36} Interviews with Witness ON9842 and Witness VC8882.

\textsuperscript{37} Interviews with Witness OS1322, Witness ON9842, Witness CH2511, Witness PK3302, Witness NN1212, and Witness FF1011.
Location of Russian troops in Zaliznychne (Source: Google Maps)

Location of Russian troops in Hrakove (Source: Google Maps)
1. Life Under Occupation

After occupying Hrakove and Zaliznychne, Russian forces searched and looted civilians’ houses, threatened civilians with execution for disobedience and prohibited them from leaving the occupied territory despite the perils of ongoing hostilities in the area. Trapped under Russian occupation, many villagers reported having extremely little food and no gas or electricity during most of the occupation.

Restriction of movement amidst hostilities: Hrakove and Zaliznychne residents reported hearing explosions from the onset of the Russian full-scale invasion. After the Russian forces entered the villages, they set up their head-quarters, military equipment and firing positions inside the villages – in the vicinity of civilian dwellings. Civilians in Hrakove and Zaliznychne reported intense hostilities between the occupying Russian forces and the Ukrainian forces stationed in nearby villages throughout the Russian occupation. Russian forces were shelling Ukrainian positions in nearby villages. Ukrainian forces, in turn, attacked Russian positions in Hrakove and Zaliznychne, causing heavy casualties among Russian military. Six residents had their houses damaged as a result of the shelling. One local resident recalled:

“They [Russian forces] were stationed in Hrakove, and their positions were really heavily shelled. The shells were flying so often that we learned to distinguish what was flying towards us, what was not towards us, and what was flying high and would fly over us.”


Interviews with Witness ON9842, Witness CH2511

Interviews with Witness NN1212, Witness CH2511, Witness ON9842, Witness OS1322, Notes from the IPHR group meeting with four Hrakove residents

Interviews with Witness ON9842, Witness CH2511


Interview with Witness NN1212
When Russian forces entered Zaliznynchenne, they ordered residents to remain at home and prohibited them from approaching the only paved road.\textsuperscript{46} During visits by Russian commanders to the Russian base at the grain elevator, residents were prohibited from using nearby roads under the threat of being shot dead.\textsuperscript{47} At first, the occupying forces allowed local residents to leave Zaliznynchenne to go to Ukraine-controlled territory, but from the end of March 2022, this escape route was closed.\textsuperscript{48}

After the takeover of Hrakove, Russian soldiers told civilians to stay put.\textsuperscript{49} When going out, civilians were required to display white bands on their clothes and cars at all times.\textsuperscript{50} According to two local residents, the occupying Russian administration immediately forbade locals from leaving the village and began to lay landmines in the area.\textsuperscript{51} According to another resident, a small group of his relatives with children were allowed to leave towards Ukrainian-controlled territory at the beginning of March 2022.\textsuperscript{52} One witness said that, in mid-April, he managed to secretly get a female relative out of Hrakove by bicycle, taking a road that had not yet been blocked. A few days later, Russian forces set up a checkpoint there.\textsuperscript{53} Six local residents confirmed that exit to Ukrainian-controlled territories was restricted.\textsuperscript{54} However, for some time, civilians managed to escape by taking one road that was not being monitored by Russian forces.\textsuperscript{55} Russian forces later set up a checkpoint on this road, charging those who wanted to leave between 300 and 500 USD.\textsuperscript{56} Many locals left for Russia, having no other option to escape the conflict zone.\textsuperscript{57} From June 2022 onwards, when Ukrainian forces began a counteroffensive in Kharkiv Oblast, Russian forces once again began to allow locals to leave towards Ukrainian-controlled territory.\textsuperscript{58}

\textsuperscript{46} Interview with Witness FT0087.
\textsuperscript{47} Interview with Witness FT0087.
\textsuperscript{48} Interviews with Witness JU7776.
\textsuperscript{49} Interview with Witness ON9842.
\textsuperscript{51} Interviews with Witness OS1322 and Witness ON9842.
\textsuperscript{52} Interview with Witness PK3302.
\textsuperscript{53} Interview with Witness VC8882.
\textsuperscript{54} Interviews of Witness JU7776, Witness OS1322; Witness ON9842; Witness VC8882, Witness PI4828, Witness PK3302.
\textsuperscript{55} Interview with Witness VC8882; Notes from the IPHR group meeting with four Hrakove residents
\textsuperscript{56} Notes from the IPHR group meeting with four Hrakove residents
\textsuperscript{57} Notes from the IPHR group meeting with four Hrakove residents.
\textsuperscript{58} Interviews with Witness FF1011 and Witness VC8882.
Limited food supplies: Throughout the occupation, Hrakove and Zaliznychne residents had limited food supplies. In Hrakove, there was nowhere to buy food, as grocery stores were looted by Russian soldiers in the early days of the occupation. Only one local resident recalled that the occupying forces had distributed humanitarian aid consignments on a single occasion in the centre of Hrakove.

In Zaliznychne, one witness described the scarcity of food as follows:

‘During the first weeks of the occupation, Russian soldiers brought 25 loaves of bread for the whole village - and later a bit of flour. The Russians opened a pigsty, killed the pigs, and distributed the pork among themselves and the residents. This is how we survived: we ate the supplies that remained and what the Russian military gave us. There was nothing else to eat.’

According to another witness, Russian soldiers gave pork only to those civilians who had children. The local residents of both villages were mostly left to survive on whatever food they had, or to rely on those who risked to venture on occasional trips to nearby villages that were better supplied. However, all trips out of the villages were fraught with danger – from Russian soldiers or landmines laid by the Russians. At least one Hrakove resident was captured, detained, and tortured by Russian soldiers for making such trips.

Absence of gas and electricity: One Zaliznychne resident explained that Russian soldiers cut electricity cables as they occupied the village. According to two other local residents, the entire village had no electricity throughout the entire period of occupation and for six more months after it was liberated.

In Hrakove, the village experienced repeated blackouts at the beginning of the Russian occupation due to shelling. One villager said that electricity was intermittent from 26 February to 25 May 2022 because locals managed to fix the damaged cables and restore them from time to time. As of 25 May 2022, there was no more gas or electricity whatsoever. Media reports indicate that 80 percent of Hrakove’s electricity infrastructure was destroyed during the occupation and that the electricity supply...
was only restored in May 2023.\textsuperscript{73} The restoration process was slow because local authorities had to clear the area from densely planted landmines laid by Russian forces in order to gain access to the damaged electricity infrastructure.\textsuperscript{74} There was also no mobile phone service during the period of the occupation.\textsuperscript{75}

**Terror against the civilian population:** In addition to killings, arrests, and torture of civilians, whose cases are described in detail below, the occupying Russian authorities terrorised the entire civilian population of the two villages with constant searches, threats, and systematic pillage.

After occupying Hrakove, Russian soldiers visited each and every home in the village, checking local residents’ IDs and other documents at gunpoint.\textsuperscript{76} One resident said ‘it was impossible to say something, as the soldiers immediately pointed weapons at you’. The same resident reported that, at the beginning of the occupation, Russian troops stationed a tank near her house and pointed the turret at the house.\textsuperscript{77} Another resident said that a Russian soldier came to his house and strip-searched him at gunpoint saying that he would ‘kill him on the spot’.\textsuperscript{78}

During a group meeting with four Hrakove residents, the locals told IPHR’s field team that Russian soldiers suspected all villagers of being artillery observers. They said that ‘if something happened [hinting at an attack on Russian positions], they’d kill them all’.\textsuperscript{79} One resident, who managed to leave Hrakove with her children at the beginning of March 2022, said that a Russian soldier who was letting them out told them: ‘Don’t you think we can’t shoot you just because you’re leaving’. She returned to occupied Hrakove later in March with a male family member to bury a family member who had been killed. Russian soldiers refused to let her male relative leave the village and fired a machine gun in front of their feet. They were eventually allowed to leave, but were threatened with death if they returned.\textsuperscript{80}

\textsuperscript{76} Interviews with Witness NN1212 and Witness PK3302; Notes from the IPHR group meeting with four Hrakove residents; MIPL, ‘Гракове: вбивства, викрадення та терор у селі біля Чугуєва’, 21 September 2022, available at: https://mipl.org.ua/grakove-vbyvstva-vykradennya-ta-teror-u-seli-bila-chuguyeva/.
\textsuperscript{77} Interview with Witness NN1212.
\textsuperscript{78} Interview with Witness CH2511.
\textsuperscript{79} Notes from the IPHR group meeting with four Hrakove residents.
\textsuperscript{80} Interview with Witness PI4828.
In both villages, Russian soldiers raided local residents’ homes,\(^{81}\) taking away their personal belongings,\(^{82}\) including mobile phones,\(^{83}\) laptops,\(^{84}\) and other valuable electronic devices,\(^{85}\) as well as jewellery.\(^{86}\) Russian forces also stole civilians’ cars\(^{87}\) and, in one case, a motorcycle.\(^{88}\) According to one witness from Hrakove, Russian soldiers killed her relative and then took the valuables that were in his house.\(^{89}\) Russian soldiers extorted between 300 and 500 USD from each civilian who wanted to leave Hrakove for Ukrainian-controlled territory.\(^{90}\) A witness from Zaliznychne said they would come to people’s homes and take everything they could find.\(^{91}\)

In Zaliznychne, Russian authorities forbade residents to bury their dead and bodies were left to rot unless locals buried them secretly in their yards without the occupying administration’s permission.\(^{92}\) In at least one case, the body of a killed civilian man was left at the murder site for months and was only taken away by Ukrainian authorities following the de-occupation of the village.\(^{93}\)

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81 Interviews with Witness FT0087 and Witness PK3302.
82 Interview with Witness PI4828 and Witness FT0087.
83 Interviews with Witness NN1212 and Witness AH2250; Notes from the IPHR group meeting with four Hrakove residents.
84 Interviews with Witness VC8882 and Witness NN1212.
85 Interviews with Witness FF1011 and Witness NN1212.
86 Interview with Witness PI1100 and Witness FF1011.
87 Interviews with Witness PK3302, Witness FF1011, and Witness CH2511.
88 Interviews with Witness FT0087.
89 Interview with Witness PI4828.
90 Notes from the IPHR group meeting with four Hrakove residents.
91 Interview with Witness FT0087; Notes from the IPHR group meeting with four Hrakove residents.
92 Interview of Witness AH2250 and Witness PI1100.
The occupying power bears primary responsibility for maintaining the safety, security, and welfare of the civilian population under occupation. A territory is considered occupied when it is placed under the authority of a hostile army. Russia occupied Hrakove and Zaliznychne on 26 February 2022 at the latest and retained control over the two villages for 28 weeks (until 7 September 2022). During that time, occupying Russian authorities blatantly disregarded at least four fundamental IHL obligations aimed at protecting the civilian population under their occupation.

i. **The occupying power shall not detain protected persons in an area** particularly exposed to the dangers of war unless the security of the population or imperative military reasons so demand. In the case of the retention of civilians, there must be a real necessity for it. The measures taken must not be merely an arbitrary infliction or intended simply to serve in some way the interests of the occupying power. The decision whether a civilian is permitted to leave should be made through a regularly established procedure and as rapidly as possible. In case permission to leave is not granted, reasons for such decisions should be given upon request unless there are security considerations that prevent it. There should be procedural safeguards to prevent arbitrariness in granting or withholding permission to leave, including previously specified conditions under which permission is granted and the existence of an authority responsible for making such decisions. There should also be a procedure in place allowing a refusal to leave to be reconsidered as soon as possible by an appropriate court or administrative board.

Having set up their head-quarters, military equipment and firing positions inside the villages, Russian armed forces unnecessarily exposed the residents to the perils of active hostilities. This is confirmed by residents who testify that their houses were damaged as a result of the shelling. Positioning military equipment and firing positions in close proximity to civilians may amount to the

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94 Article 43 of the Regulations concerning the Laws and Customs of War on Land of 1899 (the ‘Hague Regulations’); Geneva Convention (IV) of 1949, Article 47-78.
95 Regulations concerning the Laws and Customs of War on Land of 1899, Article 42.
96 Interviews with Witness AH2250, Witness FT0087, Witness JU7776, Witness VC8882, and Witness PK3302; Notes from the IHPR group meeting with four Hrakove residents.
98 Geneva Convention (IV) of 1949, Article 49.
99 Geneva Convention (IV) of 1949, Commentary of 1958, Article 49 - Deportations, transfers, evacuations.
100 Geneva Convention (IV) of 1949, Article 35.
101 Ibid.
103 Ibid.
105 Interviews with Witness ON9842, Witness CH2511.
If it is established that Russian forces deliberately positioned their equipment in the villages to shield a military objective from attack or shield, favour or impede a military operation, this may amount to the war crime of using civilians as human shields.\textsuperscript{108}

The blanket restriction on leaving Zaliznychne and Hrakove whilst Russian forces engaged Ukrainian forces from positions inside the villages is a clear violation of IHL.\textsuperscript{109} Civilians were directly exposed to active hostilities with no possibility of escape. Having mined the territory surrounding the villages,\textsuperscript{110} Russian armed forces failed in their obligation to provide civilians with safe escape routes from active hostilities. Sporadic examples of Russian soldiers allowing civilians to leave – often in exchange for cash payments\textsuperscript{111} – do not disprove the fact that the bulk of the civilian population was detained in an area exposed to the dangers of war without clear military necessity of justification. The detention of civilians appears to have been arbitrary, or alternatively, served the interests of Russian armed forces by using the civilian population as human shields. If it is established that Russian forces deliberately positioned their equipment in the villages to shield a military objective from attack or shield, favour or impede a military operation, this may amount to the war crime of using civilians as human shields.\textsuperscript{112}

\textit{The occupying power’s fundamental duty is to ensure – to the fullest extent of the means available to it – the basic needs of the population under its control, including food.}\textsuperscript{113}

Specifically, it is responsible for delivering and distributing necessary food supplies among the civilian population.\textsuperscript{114} If, despite the occupying power’s efforts, the civilian population is inadequately supplied, the occupying power shall agree to relief schemes and facilitate them by all means.\textsuperscript{115} The occupying power may not requisition foodstuffs available in the occupied territory except for use by its forces and then only if the requirements of the civilian population have been taken into account. It should pay fair value for any requisitioned goods.\textsuperscript{116}

Russia failed to uphold its obligations to supply the local population with adequate food – Russian forces pillaged local food stores,\textsuperscript{117} failed to distribute adequate humanitarian aid,\textsuperscript{118} blocked supply routes\textsuperscript{119} and forbade civilians to leave the villages,\textsuperscript{120} which made it impossible for locals to seek food in neighbouring settlements. There is no evidence that Russian forces – having failed to supply civilians with adequate food provisions – made any contact with relief organisations or negotiated humanitarian aid with third parties. Likewise, there is no evidence that Russian forces offered adequate compensation for food requisitioned from the residents.


\textsuperscript{108} ICC Statute, Article 8(2)(b)(xxiii).

\textsuperscript{109} Interviews with Witness NN1212, Witness CH2511, Witness ON9842, Witness OS1322, Notes from the IPHR group meeting with four Hrakove residents

\textsuperscript{110} Interviews with Witness OS1322 and Witness ON9842.

\textsuperscript{111} Notes from the IPHR group meeting with four Hrakove residents.

\textsuperscript{112} ICC Statute, Article 8(2)(b)(xxiii).

\textsuperscript{113} Geneva Convention (IV) of 1949, Article 55(I); Additional Protocol I of the Geneva Conventions of 1977, Article 69; Rule 55 of Customary IHL.

\textsuperscript{114} Geneva Convention (IV) of 1949, Article 55(I).

\textsuperscript{115} Geneva Convention (IV) of 1949, Article 55(III).

\textsuperscript{116} Geneva Convention (IV) of 1949, Article 55(I).


\textsuperscript{118} Interview with Witness CH2511, Witness JU7776

\textsuperscript{119} Interview with Witness VC8882; Notes from the IPHR group meeting with four Hrakove residents.

\textsuperscript{120} The restriction of movement is analysed separately below.
iii. The occupying power must not pillage a town or place. All forms of looting and pillage not justified by military necessity during armed conflict are prohibited and constitute serious violations of international humanitarian law and war crimes. Pillage is defined as the destruction or seizure of property that is protected under IHL, including civilian property. The occupying power has to impose law and order among its ranks and protect civilian infrastructure and property under occupation.

According to local residents of both villages, Russian forces were routinely seizing their belongings: vehicles, electronics, jewellery and other personal belongings. Russian soldiers were extorting 300 to 500 USD each from Hrakove residents who wanted to travel to Ukrainian-controlled territory. They also looted local food stores in Hrakove, leaving the local population without means of survival. Military necessity cannot justify the seizure of highly valuable personal belongings and foodstuffs, nor can it justify the extortion. The choice of objects taken by Russian forces demonstrates their intent to take anything of value for their personal use and enrichment. Given the large-scale and systematic nature of the looting and the harm it caused to civilians, there are reasonable grounds to believe that this conduct represents a serious violation of international humanitarian law and the war crime of pillage.

iv. The occupying power must not resort to actions, the primary purpose of which is spreading terror among the civilian population. IHL prohibits attacks and any violence or threat of violence against the civilian population, as well as reprisals and collective punishments.

In violation of their IHL obligations, Russian forces unleashed a campaign of terror against the entire civilian population in Zaliznychna and Hrakove. In parallel to killings, arrests, and torture of civilian men, Russian forces routinely conducted searches of all civilians and their homes at gunpoint, threatened them with death, and pillaged their homes. Their threat to kill the entire population of Hrakove if they discovered artillery observers among them is a clear example of spreading terror among the civilian population.

121 Hague Regulations, Article 28, 47; Geneva Convention (IV) of 1949, Article 33(2); Rule 52 of Customary IHL.
122 Geneva Convention (IV) of 1949, Article 147.
124 Elements of Crimes, Article 8 (2) (b) (xvi).
125 Geneva Convention (IV) of 1949, Article 33(2).
126 Hague Regulations, Article 47.
128 Interviews with Witness NN1212, Witness AH2250, and Witness VC8882; Notes from the IPHR group meeting with four Hrakove residents.
129 Interviews with Witness PI1100 and Witness VC8882.
130 Interviews with Witness PI4828 and Witness FT0087.
132 Hague Regulations, Articles 28 and 47; Geneva Convention (IV) of 1949, Article 33(2); Rule 52 of Customary IHL.
134 Additional Protocol I to the Geneva Conventions of 1977, Article 51(2); Geneva Convention (IV) of 1949, Article 33; Rule 2 of Customary IHL.
135 See Sections 3.1. Killings; 3.2. Confinement and ill-treatment; and 3.3. Disappearances.
136 Notes from the IPHR group meeting with four Hrakove residents.
2. Crimes Against Civilians

2.1. Killings

After Russian forces entered Zaliznychne, three civilians were killed in the first three days of the occupation, with one more civilian killed in June 2022. As of September 2022, all four cases were under investigation by the Office of the Prosecutor General of Ukraine. The Office reported that the discovered bodies bore signs of torture.137

In Hrakove, one civilian was shot dead three weeks into the Russian occupation,138 with another killed in Russian captivity on 6 April 2022.139

**Killing of an asphalt plant guard**140

Sometime between 25 and 26 February 2022,141 Russian forces shot dead a guard from a local asphalt plant.142 According to three local residents,143 a Russian IFV approached an asphalt plant in Zaliznychne and shot its guard, who was standing at an elevated construction referred to locally as the ‘yellow tower’. The asphalt plant144 is located close to the central street, as well as the sawmill145 and the grain elevator,146 both of which were occupied by Russian forces immediately after they took control of the village. As per witness accounts, Russian forces prohibited locals from burying the guard’s body. It was retrieved only after Ukrainian forces liberated the village seven months later.

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140 This section is based on the interviews with Witness JU7776, Witness PI1100, and Witness AH2250.
143 ADD reference to witness statements for the 3. N.B.: the witnesses Witness JU7776, Witness PI1100, and Witness AH2250 did not see the actual killing as they were hiding in their dwellings. Their accounts are therefore hearsay and would need to be tested in court and corroborated with other evidence.
144 49.730249712774516, 36.8678087385377.
145 49.7295712196976, 36.857515081963236.
146 49.725082493364745, 36.87174501888407.
Killing of two civilians breaking curfew\textsuperscript{147} 

During the occupation of Zaliznychne, Russian forces set up a 18:00 curfew, after which local residents were forbidden from leaving their homes or turning on lights.\textsuperscript{148} On the night of 28 February 2022, two local residents were shot dead in one of their homes.\textsuperscript{149} Witness HH0101 interviewed by IPHR saw one of the victims outside his house at 17:00 and reminded him about the 18:00 curfew.\textsuperscript{150} According to a media interview with a witness residing next door to the house where the killing took place, the two men were drinking and had the light on after curfew. The next morning, she found them dead in her neighbour’s house, laying in a pool of blood.\textsuperscript{151} 

After the bodies lay in the house for several days, three local residents decided to bury them in spite of the prohibition imposed by the occupying authorities.\textsuperscript{152} A local who participated in the burial told IPHR that one of the killed men ‘had a bullet hole in his forehead and the other one had half of his head missing’.\textsuperscript{153} 

Another local resident, Witness AH2250, who helped to bury the killed men described the burial: \textsuperscript{154}

\begin{quote}
‘The three of us took shovels from another neighbour and started digging graves in the garden of the house of one of the deceased. The ground was hard and it was not easy to dig. While digging, I asked Witness HH0101 whether the burial was agreed with the Russian soldiers and she confessed to me that it wasn’t. Witness HH0101 prepared the bags for the bodies, wrapped the bodies, and we buried them properly. We had almost finished when we saw a Russian patrol coming. The three of us hid from them in the garden shed. Then, when the soldiers left, we ran to our houses through the gardens and never came back. The exhumation of the bodies took place a few days after the de-occupation of the village in September 2022.’
\end{quote}

Killing of a 50-year-old sawmill worker at his home\textsuperscript{156} 

One day in June 2022, a 50-year-old man was discovered dead in his home in Zaliznychne by his neighbour. He had a gunshot wound and bruises all over his body.

\textsuperscript{147} This section is based on the interviews with Witness AH2250 and Witness HH0101.
\textsuperscript{150} Interview with Witness HH0101.
\textsuperscript{152} Interviews with Witness AH2250 and Witness HH0101.
\textsuperscript{153} Interview with Witness HH0101.
\textsuperscript{154} Interview with Witness AH2250.
\textsuperscript{155} The information from this interview is further corroborated by information from the media. See: Sky News, ‘Ukraine War: “Ukrainian forces on a roll” as “panicked” Russians retreat’, 12 September 2022, available at: https://www.youtube.com/watch?v=fxS6dvHH_6s&t=17s.
\textsuperscript{156} This section is based on the IPHR interview with Witness PI1100.
‘After my relatives left, I moved in with a neighbour because my house was damaged by shelling. Another friend of ours used to come by for tea every morning. He lived about 50 m away and used to work at the sawmill before the war. One day he stopped coming. We thought he may have gone to Chkalovske [a neighbouring village] to visit his family. I went to his garden and saw the door to his house open. I decided to go and check on him, as he said once that he had stomach aches. I entered the house and saw him lying in a puddle of blood. I did not touch him. I called a woman who the residents elected as an elder. She was the one in contact with the Russian soldiers when locals needed anything. She went to the soldiers and, the next day, she returned with a Russian army doctor. My roommate, another neighbour, and I came too. We turned over our friend’s body and the doctor cut his t-shirt, revealing a bullet hole under his scapula. His body was blue from bruises; they had beaten him before shooting. We buried him in the garden two days after we found his body. He had no conflicts with the Russian soldiers. Tanks shot often, so it was hard to hear anything. My neighbour said he heard an assault rifle shooting at 02:00 that night. However, Russian soldiers often fired guns at night when they saw a drone or anything else.’

Killings in Hrakove

According to media reports, at least two civilians were killed in Hrakove. One civilian was branded ‘a Nazi’ and routinely visited and ill-treated by Russian soldiers. On 15 March 2022, his relatives talked to him on the phone for the last time. On 16 March 2022, his dead body was found at his home. This information was corroborated by IPHR in an interview with a relative who discovered the man’s body.

Another civilian, a resident of Alchevsk, was captured by Russian soldiers while riding a bicycle from his hometown to Kharkiv. He was held in a cellar in Hrakove, together with another captured civilian, and killed on 6 April 2022. On that day, the victim and the other prisoner (see case Detention and Torture of a 62-year-old man in a cellar) were brought from a cellar where they were confined to a nearby pit for interrogation. The other prisoner witnessed Russian soldiers beating the man from Alchevsk to death with rifle butts and complaining that they would have to dig another hole to bury the body.

LEGAL ANALYSIS: WAR CRIME OF WILLFUL KILLING

Wilful killings of civilians committed in the context of or associated with an armed conflict constitute serious violations of IHL and war crimes. The war crime of wilful killing is defined as the killing of one or more persons protected by the Geneva Conventions of 1949, including civilians.

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158 Interview with Witness PI4828. The case is not described in detail due to concerns for the witnesses’ safety.
159 A town in Luhansk Oblast under Russian occupation since 2014.
161 Interview with Witness ON9842.
162 Geneva Convention (IV) of 1949, Article 147; Rule 156 of Customary IHL.
164 Elements of Crimes, Article 8(2)(a)(i).
IPHRI documented six killings of civilians: four cases took place in Zaliznychne and two in Hrakove. One of the killings that took place in Hrakove, the killing of a man from Alchevsk by Russian soldiers, took place in Russian custody, creating a rebuttable presumption that he was killed by members of Russian armed forces. The circumstances of the other five killings also provide a reasonable basis to believe that Russian forces are responsible for the killings:

1) Both villages were under Russian occupation and effective control at the time when the killings took place, and

2) All six men were shot dead with automatic weapons and at least one of them bore signs of torture. Russian forces conducted thorough searches, ran document and background checks, and specifically looked for weapons (such as hunting rifles) and seized them. It is, therefore, reasonable to assume that the only individuals who had access to the type of weapons used to kill the civilians were Russian soldiers.

Additionally, in the case of the killing of two civilians breaking curfew, according to witnesses interviewed by IPHR, Russian forces were the only persons able to move around freely during curfew hours. Given the small size of the villages and the fact that shots from automatic weapons would have attracted the attention of patrolling Russian soldiers, there are strong reasons to believe that the two men were killed by Russian forces. Russian forces’ involvement in the killing of the 50-year-old man at his home can be inferred from the fact that the victim was heavily beaten before the killing, a pattern that is typical for killings in Russian-occupied territories. Additionally, the victim is a former worker of the local sawmill where Russian forces had their military base and could have been targeted for that reason.

Considering that all six killed civilians were unarmed, four of them were killed at their homes, one in Russian custody and one on civilian guard duty at an asphalt plant, there is no evidence to suggest they were taking part in hostilities. There are, therefore, reasonable grounds to believe that the killings constitute a serious violation of IHL and war crimes of wilful killing. Further investigations are required to identify the perpetrators and prove these allegations beyond a reasonable doubt.

2.2. Confinement and Ill-Treatment

IPHRI interviewed three survivors of unlawful confinement and ill-treatment in Hrakove and three in Zaliznychne. All six survivors were local civilian men detained for periods ranging from six hours to 28 days on baseless suspicion that they were aiding the Ukrainian Armed Forces. All cases of detention

166 Interview with Witness ON9842.
168 Interview with Witness VC8882, Witness FF1011, and Witness OS1322.
169 Interviews with Witness HH0101 and Witness PI1100.
172 Geneva Convention (IV) of 1949, Article 147; Additional Protocol I of the Geneva Conventions of 1977, Article 85(3)(a), Article 85(5); Rule 156 of Customary IHL.
were accompanied by egregious detention conditions and ill-treatment, the severity of which reached the threshold of torture.

Four detained men were held at the Balakliya police station. One of them was held at a feed mill in the nearby town of Chkalovsk before being transferred to Balakliya Police Station. One man was held in a cellar of a private residence in the centre of Hrakove, near the two-storey apartment buildings used by Russian troops. One additional detainee was held in the basement of the Zaliznychne sawmill, where Russian forces held positions.

**Detentions of Zaliznychne residents**

**Confinement and torture of a man carrying a white flag**

On 19 June 2022, after spending months hiding from shelling and burying bodies of murdered civilians, a resident of Zaliznychne (Witness AH2250) decided to visit his partner who resided some 20 km to the north in Chuhuiv. On his way, carrying a white flag made from a T-shirt, he was detained by Russian soldiers. He was confined for 15 days at Balakliya Police Station. There, he was interrogated and severely beaten on multiple occasions. IPHR interviewed both the survivor and his partner. His partner alleges that Russian soldiers asked her to pay a ransom to secure his release.

> ‘Since the beginning of the occupation, I have tried to avoid contact with the Russian military. I was afraid that I might be shot or sent to fight for them. On 19 June 2022, I decided to go to Chuhuiv on foot to see my partner, whom I hadn’t seen since March. Over my head, I carried a white flag made from a T-shirt and attached to a stick. On the outskirts of my village, a Russian soldier pointed a rifle at me and accused me of spying on Russian positions – one of the Russian soldiers was killed by shrapnel on that spot earlier that day. The soldier blindfolded me, tied my hands, and forced me to follow him to a dugout. He took two mobile phones that I had with me and my cigarettes. Then, Russian soldiers transferred me to a sawmill. There, they took the rest of my belongings – my passport and a bible. A Russian officer asked me to recruit my partner to work for the Russians. When I refused, they tied me up and shoved me into a van. There was a body in the car; it was stiff to the touch. I think it was a dead body. It scared me and I immediately pulled my hand away. They transferred me to Balakliya Police Station. When we arrived, and I was getting out of the car, I accidentally touched a soldier with my foot. He started shouting, threatening to kill me, and hitting me with a rifle butt. I fell to the ground and he started dragging me somewhere by my leg. Then they let me stand up and led me into the police station.

> ‘I spent two weeks there in a 2.5 m x 3 m cell. The cell didn’t have electric lighting; our only source of illumination came from a large barred window. There were seven of us. Four people slept on benches and three others had to sleep on the ground. We tried to refrain from using the toilet


175 Interview with Witness FT0087.

176 Interview with Witness ON9842.

177 Interview with Witness PI1100.

178 This section is based on the IPHR interview with Witness AH2250.

179 Occupying Russian forces used Balakliya Police Station as a detention and torture site, where dozens of civilians were held over the 28 weeks of Russian occupation of parts of Kharkiv Oblast. See: Hromadske, ‘росіяні під час окупації Балаклії облаштували катівню, де били людей струмом — поліція’, 13 September 2022, available at: https://hromadske.ua/posts/rosiyani-pid-chas-okupatsiyi-balakliyi-oblashhuvali-kativnu-de-bili-lyudej-strumom-policiya; Facebook page of Dmytro Lubinets, 15 September 2022, available at: https://www.facebook.com/dmytro.lubinets/posts/pfbid021NFwT7rXwuH28DScRXQ8gdvy1TcbDWfJST6eIzjGZGEJ8hq6otcNM2nE7WwKpG1Hfl.
since neither the toilet nor the washbasin in our cell had running water. We asked for water when prison guards passed our cell. They gave us between 5 and 10 litres of water per day to share between seven. We were escorted to the bathroom twice a day. Also, they gave us food two times a day, mostly in tiny portions. One time, our cell was the last to receive food and I got only a slice of bread with some pâté.

‘Most of my cellmates were detained for no reason: smoking near some guy, fishing, and having a Ukrainian flag. Some of them showed signs of severe beatings. Sometimes, sitting in my cell, I heard the screams of those who were interrogated.

‘I was interrogated two times. The first time, they brought me into a room full of icons of saints. They put a bag on my head. One soldier came up to me, stepped on my foot with force and said: “Yours [meaning Ukrainian forces] are totally out of control, huh?” Then he took the phone and started asking me about my mother, where and with whom I lived. I told him about my partner’s daughters and he started swearing […] and said I was a paedophile. Two Russian soldiers beat me up severely. They hit me on my head and shoulders and electrocuted me with a stun gun. I had burns after that. Once they finished with me, they brought another detainee into the interrogation room and dragged me back to my cell. I was barely able to walk.

‘During the second interrogation, they put a blood-stained bag on my head and beat me again. I don’t remember everything clearly. After the beating, I was brought to the cell and asked what things I had when I got there. Then they took me outside with a bag on my head, gave me my passport, and told me to leave. It was approximately 5 July.

‘Remaining in Balakliya without proof of residency was risky, so my partner arranged for someone to safely transport me back to Zaliznychne. I stayed at a few other places on the way before coming home since the route back was dangerous due to shelling and Russian patrols. I arrived home a month after I was detained. I finally saw my partner in September 2022, after the Ukrainian army liberated Zaliznychne.’

The partner of Witness AH2250, Witness JU7776, described what happened as follows:

‘Russian soldiers called me for the first time at 22:00 on 19 June 2022 from my partner’s phone to ask whether I knew that he was in Balakliya. I said that I did not know it. The Russians always talked to me from my partner’s phone and, at other times, his phone was switched off. When his phone was on, I called and an unknown man answered. I had up to five calls with Russian soldiers when my partner was in Balakliya. The last time, a Russian soldier called and said that I should come to Balakliya. He hinted that I should cooperate with them and also that I should ‘buy out’ my partner. I answered I had no money to either come or ‘buy him out’. After this, I never talked with the Russian soldiers on my partner’s phone again, as they stopped answering my calls and later switched it off.

‘My partner called me a week later, between 6 and 7 July 2022. He told me he was set free. He didn’t know how to return to Zaliznychne. Since I didn’t know anyone in Balakliya, I started looking for someone to get him home, but the locals were afraid to talk. After a week, I found one guy and paid him 12 000 UAH to pick up my partner and, on 20 July 2022, he drove him to Chkalovske [some 8 km from Zaliznychne]. My partner spent a few days there and found a way to get back to Zaliznychne. We met after Ukrainian troops de-occupied the village in September 2022.’

180 This section is based on the IPHR interview with Witness JU7776.
181 Approximately 300 USD.
Confinement and torture of a man voicing support for the Ukrainian army

On 23 July 2022, Russian soldiers detained Witness FT0087, a resident of Zaliznychne, for his pro-Ukrainian position and their unfounded suspicion that he was a Ukrainian artillery observer. Witness FT0087 was held at Balakliya Police Station for 26 days, during which time he was interrogated on nine occasions, threatened, humiliated, beaten, burnt, and electrocuted. His health severely deteriorated as a result of his ill treatment, leading to five hospitalisations, a surgical operation, and a serious case of pancreatitis.

‘Once, my brother and I were making a radio when another resident of the village, known for his friendly relations with Russian soldiers, came to us with his friends. He overheard me saying that the Ukrainian army would come soon and everyone [those who cooperated with the Russians] would be in trouble.

‘On 23 July 2022, seven Russian soldiers came to my house, took my mobile phone, and escorted me outside at gunpoint.

‘They took me to the sawmill located at the end of my street, but then brought me to the train station, where they tied me up and blindfolded me. They did not beat me there. The beating started in the basement in Chkalovske and then continued in Balakliya Police Station. They said: “We were at your house and your mother said, ‘Go at the Russians with pitchforks.’” The Russian soldiers threatened that they would shoot my family.

‘Then they put me in the Tigr car [Russian infantry mobility vehicle] and drove me to the basement of a feed mill in Chkalovske. I was there for one day. I know the location because my mom used to work there. In the car, a Russian soldier said: “We’ll take you to Balakliya; the commander there has his whole platoon dead. He will deal with you quickly, as you are an artillery observer.”

‘During the 24 hours in Chkalovske, the Russian soldiers “played” with me: they burned my ear with a lighter and held a red-hot knife pressed to my neck. I still have a burn mark. I was sitting there alone, tied, and blindfolded the whole time. They did not leave the room where I was held. Eventually, one Russian soldier would come and hit me. There was no point in screaming for help because no one would hear me. They hit my knees with an axe butt. When there was shelling, they took me outside for toilet needs. Later, they gave me a bottle with a cut-off top to use instead of a toilet. For drinking, they gave me water that stank of rubber; it was probably taken from a puddle.

‘The next day, they took me to Balakliya, to some commandant’s office, put my head against the wall, and commanded me to put my head up, spread my legs, and stand. A Russian soldier clicked a rifle behind me. I stood like that for 40 minutes. Then they took me to Balakliya Police Station and untied me.

‘They put me in Cell № 4. My cell was 3 x 3 x 2.8 m. It was for two people; there were two bunks and a toilet. There were three of us for the first three days and then we were nine in the cell.

‘There were no mattresses or blankets. We were given three vatniks. Inmates slept on the benches in pairs and others, including me, slept on the concrete floor in different corners of the cell. It was hot. There was no ventilation; there was no air to breathe. There was only a small window in the

182 This section is based on the IPHR interview with Witness FT0087.
183 The fact of Witness FT0087’s detention is corroborated by the interview of Witness PI1100.
184 A Soviet/Russian warm cotton-wool-padded jacket.
door that was open at all times. They fed us whenever they wanted, mainly in the morning. They
gave us different food, such as rice, buckwheat, and some salt that was brown. This was when
my pancreatitis started. They gave us the same water to drink and to flush the toilet. There was
a doctor who came to wounded civilians. I asked for medical help when I got pancreatitis, but
the Russians only brought me five tablets of charcoal. The Russians also allowed us to have food
packages from the outside. My cellmate got medications and my mom bought me cigarettes.
There was no light in the cell; it was dark for 24 hours a day.

‘Sometimes Russian soldiers would take us to the toilet outside the cell. They blindfolded us or
just told us to walk straight ahead and not look around. One time, I looked back and the Russian
soldier who escorted me said he would shoot me dead if I looked back again.

‘During my time at the police station, I witnessed how eight veterans of the Anti-Terrorist
Operation\(^\text{185}\) were collected to be sent to Russia.

‘The same Russian officers interrogated me seven times, always at 03:00. Before each interrogation,
they put a bag on my head. During the first interrogation, they electrocuted me and I lost
consciousness. I woke up only when I was back in my cell. They brought me to my cell each time I
lost consciousness. A Russian officer said they [the interrogators] should not allow this to happen
since once they tortured an inmate to death. During interrogations, they beat me on my back and
ribs, they beat me on my buttocks so hard that my skin came off. They used batons and plastic
tubes to beat me. They also electrocuted me. They put a rifle to my testicles and threatened to
shoot, but I looked into the gun barrel before and knew it wasn’t loaded. They also tried to make
me shoot the testicles of another inmate I knew, but I refused to do it.

‘During the interrogations, the Russian soldiers asked me how I guided the Ukrainian artillery and
how I gave the Ukrainian forces information. They asked because their positions near Zelenaya
Roscha [a train station 1.5 km from Hrakove] were completely burned down. I said that I didn’t
even have mobile signal in Zaliznychne to do that. They would also ask me for information about
other villagers.

‘One day, a Russian soldier opened my cell and told me to get out of there. Then I smoked in front
of Balakliya Police Station and waited until the Russians returned my phone. As my mum said,
I was away from 23 July 2022 until 18 August 2022. When I was away, my father died. He was
buried in our yard because the occupying Russian administration forbade us to bury him in the
graveyard.

‘After my confinement, I’ve been in hospital five times and had to undergo surgery due to my
severe pancreatitis. My legs, even though they were not broken, were covered with scars.’

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\(^\text{185}\) The Anti-Terrorist Operation (ATO) was a term used by the Ukrainian government to describe the set of military
actions that began in April 2014 in response to Russia’s illegal annexation of Crimea and the subsequent Russian-
controlled separatist unrest in the Donetsk and Luhansk oblasts. The aim of the operation was to regain control over
the territories seized by the separatists. In 2018, the operation was reorganised into the Joint Forces Operation. See,
for example: Kyiv Post, ‘Goodbye, ATO: Ukraine officially changes name of Donbas war’, 20 February 2018, available
at: https://archive.kyivpost.com/ukraine-politics/goodbye-ato-hello-taking-measures-ensure-national-security-defense-
років від початку АТО/ООС. 10 найважливіших фактів і цифр про війну, яку Росія досі веде з Україною’, 13 April
2021, available at: https://nv.ua/ukr/events/ato-sim-rokov-z-pochatku-viyni-10-vazhlivih-faktiv-i-cifr-pro-oos-
ovini-ukrajini-50153614.html.
Photo: Pictures of notes from witness’ mother’s calendar of occupation.
Detention and ill-treatment of a man suspected of guiding artillery fire on a Russian tank

Shortly after finding the body of his murdered neighbour, Witness PI1100 was detained by Russian forces who suspected him of being an artillery observer, after a Russian tank was hit in his village. He was held at a local sawmill for five hours, threatened with being shot in his legs and subjected to a mock execution.

‘Russian soldiers detained me at the end of June 2022 / the beginning of July 2022 because they were looking for an artillery observer. It happened right after a Russian tank exploded near a train station in Zalizynche. I lived at my mother’s house at that time. She and my other family members managed to leave Zalizynche earlier. One day I went to my neighbour. I left my documents and a mobile phone at home. When I returned, everything was turned upside down and my phone and documents were missing. At around 18:00, ten Russian soldiers came to my yard to arrest me. They also took my passport and a military service book. A soldier who appeared to be senior told me: “You are an artillery observer. Which of your legs should I shoot: the left or the right?” Then they took me to the basement of a sawmill and held me there until midnight. A few times, they shot an SVD\(^{188}\) near my ears. No physical force was used against me. They checked my phone but found nothing. Then after some time, they asked me whether I knew where we were. I said it was a sawmill where I worked in the past. I knew that place by smell. They returned my phone and set me free then.

‘It was a Russian tank operator who saved me. He was all right. If it weren’t for him, they would have taken me to Balakliya [Police Station].’

Detention of Hrakove residents

Detention and torture of a 62-year-old man suspected of guiding artillery fire

On 26 May 2022, Russian forces arrested a Hrakove resident on suspicion of being an artillery observer. He was held at Balakliya Police Station, interrogated, beaten, electrocuted, and subjected to a mock execution.

‘After the first rotation of the occupying forces in Hrakove, their attitude towards civilians changed – they started treating us like cattle. Russian special forces started snooping around in the yards, checking on people.

‘At 07:00 on 26 May 2022, a Russian soldier came to my house, asked if he could enter, and then left the house, saying “Na pyatyorochku”\(^{190}\) to someone on the walkie-talkie. After ten minutes, a Russian commander came running and, after searching my home, discovered Ukrainian military lapels in my closet. They also found my son-in-law’s boots and said that they were military boots. They pushed me around and said they would return soon. After some time, three soldiers came. They said that I was an artillery observer. Then the soldiers went to the attic of my house and found a level that I had left there since the construction of the house. The military thought I used it to adjust the fire."

186 This section is based on the IPHR interview with Witness PI1100.
187 See case Killing of a 50-year-old sawmill worker at his home in Section 3.1. Killings.
188 A semi-automatic Soviet sniper rifle widely used in the Russian army.
189 This section is based on the IPHR interview with Witness OS1322.
190 A Russian expression that could be translated as ‘top marks’, indicating that something has been done very well.
The next day, at 06:30, the same soldiers came. They beat me on my legs and shouted, asking me about weapons, but I didn’t have any. They put a bag over my head and brought me to the basement of the village council building. When they were arresting me, they raided the entire street, also taking Witness VC8882 and Witness FF1011.

When they took the bag off my head, I saw a puddle of blood, maybe from a killed dog, and an object that looked like a stun gun plugged into an outlet. They didn’t give me water or food while I was there. Later, they tied my hands, put me in the trunk of a car, and drove me somewhere else. They pulled me out of the trunk and shot a gun near me. Someone hit me on the head and then on the leg, which caused a bone fracture. Then, they took me to Balakliya Police Station.

There were eight people in my cell apart from me. The cell was approximately 3 x 3 m. The Russians gave us river water for drinking. They fed us oatmeal. The portions were tiny – I give more to my cats. Food was provided twice a day, but sometimes only once a day. There was a toilet in the cell. They gave us water to flush the toilet, but when there was shelling in Balakliya and the light went off, we didn’t receive any water. When the blackouts began, we were taken to the toilet outside.

The next day, I was summoned for interrogation. There were five people in the interrogation room. They beat me with batons – on my hands and joints, all over my body, avoiding only my head. Then they used a stun gun on me and asked how I adjusted the fire. Later, they started looking through the contents of my phone. After discovering the text message “Glory to Ukraine” from my bank, they started asking about the message, ordering me to name who was unkind to Russians, and then beat me again. They pressed a gun against my hand, I heard the gun click, but it was a blank shot. They threatened that one of the soldiers would come and “deal with me” soon. I had not seen this soldier then. The next day, he entered our cell drunk, took away one of the prisoners and beat him severely. After the interrogation, the Russian soldiers told me that I had to sit there for another two months.

On the seventh day of my confinement, I witnessed how a man and his son were brought to the police station. The son was held in a pit with no food for three days and severely beaten. That day, the son was summoned for interrogation twice. The last time, Russian soldiers dragged him back to the cell because he couldn’t walk on his own. The next day, he was taken for a so-called “massage” (an interrogation with beatings) and never returned.

On 22 June 2022, I was summoned for interrogation again. The interrogators started asking me the same questions and then said that they had decided to let me go. On 23 June 2022, I was put in an old Toyota car together with three Russian soldiers heading to Chkalovske. When they were driving me, I still couldn’t believe they would let me go. I thought they were bringing me somewhere to shoot [me]. They threw me out on the highway near Hrakove and I returned home on foot.

My shoulder and joints still hurt after the confinement. After the de-occupation of my village, I learned that my shed, garage, and summer kitchen were completely destroyed, and two dead bodies were found on the plot of land next to mine.

191 This case has also been covered by the media. See, for example: Hromadske, ‘Нас із сином посадили в різні камери. Мені сказали, що його розстріляли. А йому — що вбили мене’, 24 October 2022, available at: https://hromadske.ua/posts/nas-iz-sinom-posadili-v-rizni-kameri-meni-skazali-sho-jogo-razstriyali-a-jomu-sho-vbili-mene.
Detention and torture of a 60-year-old man for possessing binoculars

On 20 May 2022, drunk Russian soldiers detained a Hrakove resident Witness VC8882 on suspicion of being an artillery observer because he had binoculars at home and had a relative who served in the Ukrainian Army. Upon his arrest, the Russian soldiers severely beat him on the head with their feet and struck him in the ribs and the neck. After the beatings, his whole face was swollen, and he had difficulty breathing for ten days. They called him "Ukrainian scum" ("хохлятское отродье" in Russian). They told him he had only five hours to live and fired a gun over his head to force him to identify ATO veterans in the village. He was then confined at Balakliya Police Station for more than two weeks. He was held in a cell measuring 2.2 x 3 m, with no windows or ventilation. At times, there were up to eight inmates, and it was hard to breathe. He had to sleep on the concrete floor without a mattress or blanket because there were not enough bunk beds for everyone. This witness confirmed the other detainees’ accounts about inadequate food, running water and proper sanitation in the cell. Additionally, at one point, a Russian soldier hit the man for no reason while escorting him to the toilet. Russian soldiers interrogated the witness four times. Every time, they pressured him to connect them to his relative, who served in the Ukrainian army. When they realised that they could not recruit the witness's relative, they released him.

Detention and torture of a 62-year-old man in a cellar

On 5 April 2022, five Russian soldiers arrested Witness ON9842, a resident of Hrakove, on suspicion of being an artillery observer. They beat him up and held him in a cold cellar for eight days, killing another civilian in his presence.

‘On 5 April 2022, Russian soldiers came to my house to search it. It was around 13:00. I was on the porch, charging my phone. I saw them looking through the fence and went to open the door. They rushed into the house and started a search. There were five of them. They searched not very thoroughly, but they found my son-in-law’s military insignia (he is a military man) and a piece of a military blanket in the garden shed. I also had binoculars on the porch near my phone. I didn’t hide anything. When they discovered the binoculars, they went completely crazy; they said I was spying on them. Someone told them I rode my moped to the neighbouring village of Nova Hnylycia. There was no checkpoint, only land mines. I went there to get cigarettes, but they thought I went to spy on the Russian positions.

‘They discovered my TV and said that I was stealing or telling on someone and got it in return. They also saw my son-in-law’s TV and a welding tool. One of the soldiers shot his gun into the ceiling during the search.

‘Eventually, they pulled a hat over my head, tied my hands behind my back, and put me in their car. We drove to the two-storey apartment buildings in the centre of Hrakove. They put me in a cellar of a nearby private house and said that their leader would soon come and I was to answer clearly and truthfully. There was one more person in the cellar – a guy from Alchevsk [a town in Luhansk Oblast under Russian occupation since 2014].

192 This section is based on the IPHR interview with Witness VC8882. The witness asked not to cite his interview in detail so only general information relevant to potential legal qualification of the described conduct is provided.
193 This section is based on the IPHR interview with Witness ON9842.
194 This case has also been covered by the media. See, for example: Hromadske, ‘Нас із сином посадили в різні камери. Мені сказали, що його розстріляли. А йому — що вбили мене’, 24 October 2022, available at: https://hromadske.ua/posts/nas-iz-sinom-posadili-v-rizni-kameri-meni-skazali-sho-jogo-razstriyali-a-jomu-sho-vbili-mene.
The cellar was 2 x 3 m. It had one wooden bench. Together with the other guy, we had to sleep on the ground on cardboard pieces of a box that we tore apart for this purpose. They didn’t feed us that day. Then they started feeding us once a day, in the evening. They brought us noodles or porridge with tomato and cucumber. Portions were small. They gave us tea. They also provided 1.5 litres of water per day. When we needed to use the toilet, they would bring us outside to the yard.

There was a pit in the yard – the owner of the house dug it for a pool. Russian soldiers would blindfold us and bring us there for interrogations. They brought me to the pit on the first day of my confinement. They beat me on my head, kidneys, and legs. They forced the barrel of a machine gun into my mouth and knocked out my tooth. I thought they would execute me. They said that I was snooping around, spying, that I was in contact with “Nazis”. They were asking why I had binoculars. Then they brought me back to the cellar.

The next morning, Russian soldiers brought me and the young man from Alchevsk to the pit again. Then they beat me a little, but someone said that they should leave me in peace. They beat the man from Alchevsk to death with rifle butts. While they were beating him, they complained that they would have to dig another hole. That night, I was alone, and they brought me from one cellar to another. It was freezing there, although I was wearing a winter jacket.

On the morning of 7 April, they interrogated me for the last time, but did not beat me anymore.

On 8 or 9 April, two more men from the nearby village of Chkalovsky were brought to the cellar. They were detained for nothing. Russian soldiers took one of them because he had an amulet with him. Then they brought another man who was going from Kharkiv to Luhansk Oblast to bury his father. So, there were four of us. All my cellmates were interrogated every day. I wasn’t interrogated anymore.

On 11 April, I started pleading with the Russian soldiers to let me go, saying that my arm was hurting. On the morning of 12 April, a Russian soldier asked if I was still alive. Then they blindfolded me, put me in a car, and brought me back home. My whole body was black from bruises. My lower back still hurts sometimes.
LEGAL ANALYSIS: UNLAWFUL CONFINEMENT, TORTURE AND INHUMANE TREATMENT

**Unlawful confinement**

Unlawful confinement committed in the context of and associated with an international armed conflict is a serious violation of IHL\(^{195}\) and a war crime.\(^{196}\) Unlawful confinement is defined as confinement of one or more protected persons (including civilians) at a certain location.\(^{197}\) IHL norms mention two forms of deprivation of liberty/confine ment applied to civilians in armed conflicts – detention and internment.\(^{198}\) Decisions relating to internment are made by administrative or military authorities if a person’s actions threaten the detaining power’s security but do not necessarily constitute a crime, while those relating to detention are made by judicial authorities and accompanied by criminal charges.\(^{199}\) Internment may only be applied for imperative reasons of security of the detaining power\(^{200}\) (e.g. to prevent sabotage or espionage), with the reasons being serious and legitimate.\(^{201}\) Each interned person must be released as soon as the reasons which necessitated their internment no longer exist.\(^{202}\)

IHL norms and practice use the terms ‘intern’ and ‘detain’ in parallel or interchangeably.\(^{203}\) The ICC’s Elements of Crimes also do not distinguish between a confinement related to criminal charges and a confinement related to security concerns.\(^{204}\) Considering the above, the international legal qualification of the six cases of confinement analysed in this report will use international criminal and humanitarian law norms applicable to both the detention and internment of civilians during an international armed conflict.

In five cases of detention analysed in this report, civilians were confined for periods from eight to 29 days.\(^{205}\) The men were initially arrested on suspicion of aiding the Ukrainian army for the following reasons: speaking in support of the Ukrainian army;\(^{206}\) having a relative serving in the Ukrainian army;\(^{207}\) storing binoculars and riding a moped to another village;\(^{208}\) and passing by Russian positions that had earlier been attacked.\(^{209}\) Although the initial detention in these circumstances could have been justified by security considerations, the continued detention of the five men after a thorough search

\(^{195}\) Geneva Convention (IV) of 1949, Article 147; Rules 99 and 156 of Customary IHL.


\(^{197}\) Elements of Crimes, Article 8(2) (a) (vii) - 1 War crime of unlawful confinement.

\(^{198}\) Additional Protocol (I) to the Geneva Conventions of 1977, Article 75(3); Rule 99 of Customary IHL.


\(^{200}\) Geneva Convention (IV) of 1949, Article 42; Article 43; Article 78.

\(^{201}\) International Criminal Tribunal for the former Yugoslavia (ICTY), Delalić case, 1998, § 567; §576.

\(^{202}\) Geneva Convention (IV) of 1949, Article 132; Rule 128(B) of customary IHL.


\(^{204}\) Elements of Crimes, Article 8(2) (a) (vii) - 1 War crime of unlawful confinement.

\(^{205}\) Interviews with Witness OS1322, Witness VC8882, Hryshenko, Witness AH2250, Witness ON9842.

\(^{206}\) Interview with Witness FT0087.

\(^{207}\) Interviews with Witness OS1322 and Witness VC8882.

\(^{208}\) Interview with Witness ON9842.

\(^{209}\) Interview with Witness AH2250.
of their properties and phones, and interrogations was unfounded. In four analysed cases, civilians were detained between 17 and 28 days. During detention, Russian soldiers did not appear to conduct genuine assessments of whether the detainees posed a security threat to the Russian forces. Instead, they were pressuring the men – using tactics that may amount to torture – to reveal who among the local population was pro-Ukrainian and had ties with the Ukrainian army.\(^{210}\) In two of the four cases, they tried to recruit the detainees’ relatives to work for the Russian forces during the interrogations.\(^ {211}\) In the case of Witness ON9842’s detention in the cellar, the Russian soldiers interrogated him only upon arrest, asking why he had binoculars and why he rode his moped to the neighbouring village. He was not interrogated during the rest of his eight-day detention.\(^ {212}\) It is therefore difficult to justify his detention beyond his initial interrogation as being necessary for security purposes.

As such, Russian occupying forces had no reasonable justification for the prolonged confinement of the five civilians and, in at least four cases, were detaining the men to pressure them into cooperation. Consequently, the four civilians who were detained at Balakiya Police Station and one civilian, who was held in the cellar were subjected to the war crime of unlawful confinement.\(^ {213}\) The six-hour-long detention of a civilian at a sawmill may have been lawful,\(^ {214}\) but the ill-treatment that he was subjected to was, in any circumstances, was not (see the next section).

**Torture and inhuman treatment**

All persons detained in the context of an armed conflict\(^ {215}\) or otherwise\(^ {216}\) must be treated humanely. Torture and inhuman treatment committed in the context of or associated with an armed conflict are serious violations of international humanitarian law\(^ {217}\) and war crimes.\(^ {218}\) The war crime of torture is defined as any severe physical or mental pain or suffering inflicted upon a person for the purpose of obtaining information or a confession; punishment; intimidation or coercion; or for any discriminatory reason.\(^ {219}\)

Whether ill-treatment meets the threshold of torture will depend on the circumstances, including the nature and context of the treatment or punishment, the manner and method of its execution, its duration, its physical and mental effects, and the characteristics of the victim.\(^ {220}\) There is no definitive list of acts that may constitute torture, but electrocution, severe prolonged beatings, mock executions,
and heinous humiliation may all constitute acts of torture (separately or cumulatively). Conduct that falls short of the torture threshold but nevertheless causes severe physical or mental suffering may be qualified as inhuman treatment. This includes inadequate conditions of detention, such as overcrowding, lack of toilets and basic hygiene, lack of adequate water and nutrition, lack of beds, unsuitable temperature and humidity, and lack of basic medical care. When assessing conditions of detention, account must be taken of the cumulative effects of these conditions, the amount of time spent in such conditions, and the personal characteristics of a detainee, such as their age and health state. The threat of physical harm, including death threats and threats of mutilation, may constitute inhuman treatment or contribute to torture in combination with other forms of abuse. The European Court of Human Rights (ECtHR) has previously found inhuman treatment or torture whenever an inmate is taken into custody in good health but leaves with injuries.

All six examined cases in this report exhibited woefully inadequate conditions of detention, namely:

- **Overcrowding**: Neither the cells at Balakliya Police Station, where four detainees were held, nor the cellar of the private house in which Witness ON9842 was held provided a minimum of three square metres of personal space per detainee. While the number of detainees in the cells at Balakliya Police Station and in the cellar fluctuated, the ratio often dropped below one square metre per detainee. None of the detainees were allowed to leave the overcrowded space throughout their detention, except for interrogations or to access the bathroom.
• **Access to toilets and basic hygiene facilities:** All six survivors of Russian detention had no access to showers. Their access to toilets was limited – four detainees held at the Balakliya Police Station had to either use the toilets that could not be flushed or wait to be escorted to the toilet by the prison guards.236 One detainee reported beating237 and another one death threats238 from Russian soldiers who escorted them. A detainee, who was held at the feed mill for 24 hours before being transferred to Balakliya Police Station, was taken to the open air for toilet needs only during the shelling and later given a plastic bottle to use as a toilet.239 Another detainee, who was held in the *cellar of a private house*, was taken to the open air for toilet needs upon request.240

• **Lack of beds:** Most of the detention sites did not offer adequate bedding for detainees. At *Balakliya Police Station*, between six and nine detainees were held in cells with two bunk beds and no mattresses, blankets, or pillows.241 Inmates had to sleep on concrete floors, using their clothes as mattresses and water bottles as pillows.242 Witness ON9842, who was held in the cellar of a private house slept on the cellar floor on rugs and pieces of cardboard.243 Witness FT0087, who spent the first 24 hours of his detention at the local *feed mill*, had to sit tied up the whole night.244

• **Unsuitable temperatures, lack of fresh air and light:** At *Balakliya Police Station*, the detainees were held in overcrowded cells with no windows and ventilation during the hot summer time.245 Witness ON9842 was held in the unheated *cellar of a private house* in April, when the temperature often drops below 0ºC.246

• **Inadequate food and water:** None of the detention sites offered adequate nutrition or clean water. Detainees were fed only once or twice a day and food portions were small.247 Drinking water was limited248 and at times dirty.249

• **Failure to provide adequate medical care:** Five detainees who were severely beaten before and/or during their detention were not provided with medical assistance.250

As such, the detention conditions in at least five of the six analysed cases fell short of the minimum standards of humane detention. Five of the six detainees spent between eight and 29 days in detention.251 Three of the six were over 60 years old, which was an additional factor exacerbating the negative impact of the inadequate detention conditions on their health.252 In addition, these detention...
conditions must be viewed in the context of the atmosphere of fear and intimidation at all four detention sites. Detainees reported seeing people beaten up by Russian soldiers and hearing the screams of those interrogated. All six detainees were subjected to severe psychological and/or physical violence at all four detention sites. Cumulatively, the conditions at Balakliya Police Station, the feed mill, and the cellar of the private house amount to torture or, at the very least, to inhuman treatment.

In addition to inadequate detention conditions, all six detainees at all four detention sites were subjected to humiliation, constant intimidation, and severe psychological and physical violence. At least four detainees were threatened with death or mutilation. At least three detainees were subjected to mock executions.

Considering the above, at least five detainees were subjected to severe physical and/or mental pain and suffering that met the threshold of torture. The purposes of their ill-treatment met the criteria for torture: the Russian soldiers tried to either force a confession that the six men helped the Ukrainian army or obtain information about Ukrainian armed forces and local pro-Ukrainian residents from them. Therefore, the five cases of ill-treatment described above constitute the war crime of torture. Additionally, the ill-treatment of Witness PI1100 may amount to inhuman treatment.

2.3. Disappearances

During the occupation of Hrakove, three men allegedly suspected of being artillery observers disappeared. The factual circumstances of the disappearances, detailed in the interviews collected by IPHR, suggest the involvement of Russian forces.

The arrest and subsequent disappearance of two men suspected of spying on Russian positions

On 16 May 2022, Witness PK3302 discovered that his brother, Victim LB4532, went missing.

Witness PK3302 described the circumstances of the disappearance:

‘My brother lived 2 km from me on the other side of the village, together with our disabled mother. On 16 May 2022, I waited for him to come to me to get milk from a cow. He did not come that day, or the next day, or the day after that. On the third day, my neighbour told me that the Russians had taken my brother away in a car. Then, I saw Russian soldiers driving his car. I went to his house. His partner told me that Russian soldiers came to search their house because they suspected my brother of spying on the Russian positions and took my brother and another local man, Victim PK0203, away.'
‘I knew that Russian soldiers lived in the two-storey apartment buildings in the centre of the village, so my brother’s partner and I went there to look for the Russian commander stationed there. We found his assistant and asked him about my brother. We told him that Russian soldiers took his two cars and marked them with “V” signs and drove them around. The assistant asked us to return after an hour, so we did. Then he told us that the Russian commander did not know anything, that it was another unit that took my brother, and that they did not communicate with each other. He added that they were busy and had no time to search for my brother.’

The disappearance of Victim ST1258

On 6 June 2022, Witness PK3302 discovered that his neighbour, Victim ST1258, was missing. He told the IPHR field team:

‘On 6 June 2022, my neighbour, Victim ST1258, disappeared. I talked to him just that morning and, in the afternoon, I came to his house, and he was gone. When I entered his house, I saw his stuff scattered everywhere. It was clear that the Russian soldiers had taken him. Later, somebody went to the same Russian commander to ask about him, but he said he knew nothing about it.’

On the same day, Witness VC8882 saw a white Niva car in which Russian soldiers allegedly convoyed an artillery observer out of the village. On that day, no one else was detained and convoyed out of Hrakove.

Witness VC8882 described the incident with Niva:

‘We were released in the first half of the day on 5 or 6 June 2022. We were returning from Balakliya on foot. We walked for an hour in the direction of Volokhiv Yar. Then, we passed a Russian checkpoint. We walked another five kilometres and then got a lift from a passing car to Volokhiv Yar. Then we walked on foot towards Chkalovske. When we came to the Chkalovske checkpoint, we were stopped by the Russian military. At that time, a white Niva [a model of the car] was passing by from the direction of Hrakove. The soldier at the checkpoint asked those in the car what they were doing, and they said they were escorting an artillery observer. Later, I found out that Victim ST1258 had been taken away that day. Nobody saw him again.

According to Google Maps, a route on the road going from Balakliya through Volokhiv Yar to Chkalovske takes approximately 7 hours on foot. This matches with the witness’s description of his route: the witness was released from detention in the first part of the day, walked for approximately 10 kilometres (2 hours), then drove to Volokhiv Yar by car for another 9 kilometres (approximately 10 minutes according to Google Maps) and then walked from Volokhiv Yar to Chkalovske (approximately 4 hours 20 minutes according to Google Maps). Based on this information we can roughly estimate that the witness could have arrived at the checkpoint located near Chkalovske and observed the white ‘Niva’ sometime in the afternoon. The checkpoint is located on the main route connecting Hrakove and Volokhiv Yar. According to Witness PK3302, Victim ST1258 disappeared sometime between the morning and the afternoon.

262 Interview with Witness PK3302.
263 According to medical data, a walking person covers an average of five kilometres per hour. See: Medical News Today, What is the average walking speed?, available at: Medical News Today, What is the average walking speed?, available at: https://www.medicalnewstoday.com/articles/average-walking-speed
264 Interview with Witness VC8882.
Enforced disappearance is defined as the arrest, detention, or abduction of persons by, or with the authorisation, support, or acquiescence of, a state or a political organisation, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.\(^{265}\) Victim LB4532 and Victim PK0203 were last seen alive in Russian custody, and a local Russian commander acknowledged their arrest but refused to provide information about their fates.\(^{266}\) There is therefore a reasonable basis to believe that they were subjected to enforced disappearance.\(^{267}\) To be qualified as crimes against humanity, enforced disappearances must be part of a widespread or systematic attack directed against the civilian population.

There is too little information about the circumstances of the disappearance of Victim ST1258 to ascertain what happened to him. However, the circumstances around his disappearance allow us to infer Russian involvement. Based on the general pattern of Russian searches and arrests in Hrakove, it can be reasonably presumed that Victim ST1258's house was searched, and he was arrested by Russian soldiers like other local men accused of aiding the Ukrainian army. A Russian commander denied any knowledge of this disappearance.\(^{268}\) Further investigations are necessary to determine whether this episode meets the elements of the crime against humanity of enforced disappearances.\(^{269}\)
3. Attribution and Chain of Command

IPHR identified eight Russian and Russian-controlled military units that were present in the areas of Hrakove, Zaliznychne, and Balakliya\(^\text{270}\) between February and July 2022 and could have perpetrated the crimes presented in this report.

**Roadmap on the Attribution and Chain of Command**

**Findings**

The findings can be distinguished in four categories of Russian and Russian-controlled military units, namely:

1. **RUSSIAN ARMED FORCES**
   - Three regiments belonging to the 11th Army Corps of the Baltic Fleet, Western Military District

2. **RUSSIAN SPECIAL FORCES**
   - The 2nd Separate Guards Special Purpose (‘Spetsnaz’) Brigade and two of its special detachments

3. **RUSSIAN NATIONAL GUARD**
   - The 126th National Guard Regiment from the Republic of Ingushetia

4. **RUSSIAN-CONTROLLED LUHANSK PEOPLE’S MILITIA**
   - The 202nd Rifle Regiment of the 4th Separate Motor Rifle Brigade of the 2nd Army Corps of the Luhansk People’s Militia

Between mid-March and September 2022, all of these units were under the operational control of the “Balakleya Group of Forces” (Balakliya is written “Balakleya” in Russian), a temporary grouping of military units commanded by senior officers from the 11th Army Corps of the Baltic Fleet.

The following sections elaborate on the organisational and operational hierarchy of each unit and formations, and provide the names of known and suspected officers in charge along the entire chain of command.

**3.1. Structure of the Russian Armed Forces**

The chain of command of the occupying Russian forces in Ukraine is based on two overlapping hierarchies: organisational (i.e. permanent) and operational (i.e. temporary, in times of war). The organisational hierarchy operates only during peacetime: military formations (военные соединения) are subordinate to the command of territorial formations (military districts), as well as the branches of the Russian Armed Forces (Ground Forces, Aerospace Forces, Navy, Airborne Forces, and Strategic Missile Forces). The operational hierarchy operates in parallel to its organisational counterpart in wartime (including

\(^{270}\) Troops that were or could have been stationed in Balakliya were included in the list, as some Hrakove and Zaliznychne residents were held at Balakliya Police Station.
during the full-scale invasion of Ukraine) to increase the efficiency of combat missions. Within the operational hierarchy, Russia created a number of territorial groupings (‘группировка’), i.e groups of forces consisting of military units and formations from various branches of the Russian Armed Forces, as well as other attached ‘volunteer’ and combatant units and detachments. Such groupings can include troops belonging to the Ministry of Defence alongside those of the Ministry of Internal Affairs, the National Guard, the so-called ‘LNR’ and ‘DNR’, and the BARS (Combat Army Reserve) volunteer battalions.

According to British Defence Intelligence, the term ‘Group of Forces’ is used by Russia to refer to a large operational formation. The Russian Ministry of Defence has been using this term regularly since July 2022. IPHR’s open-source investigation has found that the Balakliya Group of Forces, between mid-March and September 2022, was composed primarily of military units belonging to the 11th Army Corps of the Baltic Fleet, with attached units stationed in Hrakove, Zaliznynche, Balaklia, and Chuhuiv.

Owing to changing circumstances, military tasks, and goals, the operational hierarchy is not stable. This greatly complicates the process of establishing relevant links between Russian military units. In addition, due to the significant shortage of personnel and equipment, Russian combat operations are mainly carried out not by entire military units, but by consolidated Battalion Tactical Groups (BTGs), which can consist of personnel from various units and subunits.

### 3.2. Potential Involvement of Specific Russian and Russian-Controlled Military Units

When evaluating open source information on this subject, it is necessary to take into account that Hrakove and Zaliznynche are only 4.4 km apart, with Zaliznyn railway station even being referred to as ‘Hrakove Railway Station’. Station’s signs reading ‘Hrakove’ could affect the perception of geographical position by the Russian military and/or other non-locals, confusing their descriptions of the area as well as local place names.

#### 5.2.1. 11th Army Corps (Military Unit № 25810, based in Gusev, Kaliningrad Oblast)

The 11th Army Corps of the Baltic Fleet of the Western Military District of the Russian Armed Forces (hereinafter “11th Army Corps”) is a military formation consisting of several smaller military formations and units all of whom are based in Kaliningrad Oblast. They formed the basis of the Balakleya Group of Forces (from the operational hierarchy), which was commanded by officials belonging to the same corps. One resident of Zaliznynche further noted that the Russian servicemen deployed in his village were from Kaliningrad.

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272 Ministry of Defence of Russia, 16 July 2022, available at: [https://archive.ph/k0esY](https://archive.ph/k0esY).


277 Interview with Witness PI1100.
According to a Reuters investigation, as well as documents left behind by Russian troops in Balakliya during their retreat from Kharkiv Oblast, the command staff of the Group of Forces consisted of senior officers from the 11th Army Corps. These documents also provide that the Group of Forces was subordinate to the ‘West’ Group of Forces.

At the time of the events, the commander of the 11th Army Corps was Lieutenant General Andrey Yurievich Ruzinskiy. As indicated by an investigation by journalists from Radio Free Europe/Radio Liberty (RFE/RL) and Russian military documents published with their investigation, General Ruzinskiy led the Balakliya Group of Forces from March until at least July 2022. According to the Office of the Prosecutor General of Ukraine (OPG), General Ruzinskiy led the Group of Forces until mid-July 2022.

Concurrently, the 11th Army Corps is subordinate to the Baltic Fleet. In 2022, the commander of the Baltic Fleet was Vice Admiral Viktor Nikolayevich Liina. In the autumn of 2022, Admiral Liina presented the Hero Star to the wife of an officer named Palamarchuk, from the 11th Tank Regiment of the 18th Guards Motor Rifle Division, who was killed in action in Hrakove.

Location of Zaliznyne railway station with a photo of station’s signs reading ‘Hrakove’.

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The Baltic Fleet is part of the Western Military District. In 2022, the commander of the Western Military District was Colonel General Alexander Alexandrovich Zhuravlev. According to Russian legislation, military district commanders are subordinate to the Minister of Defence of the Russian Federation and the Chief of the General Staff of the Armed Forces of the Russian Federation, at the time of this publication, Army Generals S.K. Shoigu and V.V. Gerasimov, respectively.

5.2.1.1 18th Guards Motor Rifle Division (Military Unit № 90151, based in Gusev, Kaliningrad Oblast)

The 18th Guards Motor Rifle Division is a military tactical formation consisting of several military units, mainly regiments, based in Kaliningrad Oblast. The division includes the 11th Tank Regiment (Military Unit № 41611) and the 9th Motor Rifle Regiment (Military Unit № 38838), which both occupied parts of the Izium and Chuhuiv Districts. All the commanders of the regiments are subordinate to the commander of the 18th Guards Motor Rifle Division. In addition, the 7th Separate Motor Rifle Regiment (Military Unit № 06414) is likely not part of the 18th Guards Motor Rifle Division, but acted alongside it or under its command.

Between March and September 2022, the units composing the 18th Division were deployed to Balalikya and settlements in Izium District and Chuhuiv District (Hrakove, Zaliznichne, Nova Hnylitsya, Borshchivka, Savintsy, and Husarivka, among others).

The commander of the division is Eduard Alekseevich Skvortsov. On 25 April 2022 Skvortsov, acting as the commander of the division, issued an officer’s certificate to its lieutenant colonel, who was taken prisoner by Ukrainian troops in Balakliya District on 10 September 2022. In accordance with this document, the captured Lieutenant Colonel Helemendik served as the head of a command post belonging to the unit. During a video interview, he said that he was an operational duty officer, which corresponds to his status as a division headquarters officer.


287 In Russian sources, Izium District is often referred to as Balakliya District. Balalikya had its own district until it was folded into Izium district as part of the Ukrainian administrative reform of 2020. See: Голос Украины, ‘Про утворення та ліквідацію районів Постанова Верховної Ради України № 807-ІХ’, 18 July 2020, available at: https://archive.ph/Ifvsx.

288 For more information, see Section 5.2.4. 11th Tank Regiment (Military Unit № 41611, based in Gusev, Kaliningrad Oblast) and Section 5.2.5. 9th Guards Motor Rifle Regiment (Military Unit № 38838, based in Gusev, Kaliningrad Oblast).

289 Interview with prisoner of war Sergeant Kolosov, available at: https://youtu.be/4FF0oGjy3M?si=xG0XcKp4-dR7NvB&t=310.

290 Interview with prisoner of war Lieutenant Colonel Helemendik, available at: https://youtu.be/02wfuto2AvQ?si=eu0w-m82XFXQ0c&t=82.


292 Interview with prisoner of war Lieutenant Colonel Helemendik, available at: https://youtu.be/02wfuto2AvQ?si=eu0w-m82XFXQ0c&t=82.
On 12 September 2022, a captured grenadier belonging to the 7th Separate Motor Rifle Regiment, D. Butkov, stated in a video that the Russian command was trying to escape, ‘including the division commander, Colonel Skvortsov’, supposedly on 7 September.293

5.2.1.2 7th Separate Guards Motor Rifle Regiment (Military Unit № 06414, based in Kaliningrad, Kaliningrad Oblast)

According to open source information, the 7th Separate Guards Motor Rifle Regiment (7th SGMRR) is organisationally subordinate to the command of the 11th Army Corps, but it is likely that it was operationally subordinate to the commander of the 18th Guards Motor Rifle Division.294

The captured commander of a tank company belonging to the 7th SGMRR, Captain A. Abramov, stated in a video that, on 2 March 2022, his tank company entered Ukraine and established positions near Ruski Tyshky. On 13 March 2022, they entered Hrakove. On 6 September 2022, they retreated to Chkalovskoe.295 This information was corroborated by a resident of the neighbouring village of Zaliznychne, who said that tankmen stationed in Hrakove were defeated near Chkalovske.296

A captured 7th SGMRR soldier, D. Butkov, stated in a video that, on 2 March 2022, his unit entered Ukraine. A couple of weeks after the beginning of the full-scale invasion, the unit established positions in Hrakove. He said that he was captured by Ukrainian forces on 7 September 2022, during the retreat of his column in the direction of Shevchenkove (30 km west of Hrakove).297

The commander of the 7th SGMRR is Alexander Anatolievich Zavadskiy. Russian propagandist media indicates that Zavadskiy has commanded the 7th SGMRR since 2020, participated in the war in Ukraine since February 2022, and organised the defence of the regiment in Savintsy in September 2022.298

5.2.1.3 11th Tank Regiment (Military Unit № 41611, based in Gusev, Kaliningrad Oblast)

The participation of the 11th Tank Regiment in the full-scale invasion and its deployment in the Izium and Chuhuiv districts have been confirmed by open-source information on personnel losses.

According to the deceased's obituary, an anti-aircraft gunner belonging to the 11th Tank Regiment, V. Luknitsky, was killed in Hrakove on 20 May 2022.299

Russian media also reported the death of the commander of a tank battalion, Lieutenant Colonel Egor Meleshenko, in Hrakove on 25 June 2022.300 In a video featuring Meleshenko's funeral, a tank

296 Interview with Witness FT0087.
regiment commander is mentioned. The local TV station TVK from Berdsk identified this individual as Konchakov, stating that his subordinate, Meleshenko, was killed ‘in the Chuhuiv direction’.\(^{301}\) This claim by TVK regarding the position of Konchakov remains unconfirmed by other sources. In 2019, Konchakov was mentioned as the chief of staff of the 11th Tank Regiment.\(^{302}\) Notably, official documentation on tree pruning in the city of Gusev from 2021 suggests that Stanislav Sergeevich Akamov might still be the regiment commander.\(^{303}\) Despite the lack of corroborative sources supporting Konchakov's current role, we assume, based on the latest available information from TVK channel, that Andrey Yurievich Konchakov is likely the commander of the regiment as of 2022.

Russian media also reported the death of the commander of a tank company under the 11\(^{th}\) Tank Regiment, Valery Palamarchuk, in Hrakove on 9 August 2022.\(^{304}\)

### 5.2.1.4 9\(^{th}\) Motor Rifle Regiment (Military Unit № 38838, based in Gusev, Kalinigrad Oblast)

According to the award list of the 9\(^{th}\) Motor Rifle Regiment, on 27 March 2022, the regiment fought defensive battles in the area of the village of Korobochkine (3 km from Hrakove and 5 km from Zaliznychne).\(^{305}\) The Reuters investigation based on documents left behind by Russian troops in Balakiya found that in mid-July, the regiment held a position at a grain elevator ‘in Hrakove’.\(^{306}\) This information was corroborated by four residents of Zaliznychne.\(^{307}\)

A captured senior gunner belonging to an artillery howitzer division under the regiment reported that, on 2 March 2022, his unit crossed the state border of Ukraine as part of a column and settled in the village of Nova Hnylytsya (2 km from Hrakove and 15 km from Zaliznychne). On 11 September 2022, his division was defeated during Ukraine's Kharkiv counteroffensive.\(^{308}\)

According to the OPG, between 24 March 2022 and 9 September 2022, the BTG of the 9\(^{th}\) Motor Rifle Regiment of the 18\(^{th}\) Guards Motor Rifle Division occupied positions in the area of Hrakove, Zaliznychne, and Chkalovskoe. They also named the commander of the BTG as the Chief of Staff of the 18\(^{th}\) Guards Motor Rifle Division, Colonel Aleksandr Aleksandrovich Lazarev.\(^{309}\) According to Russian media, in July 2022, Colonel Lazarev headed the defence of a motor rifle unit.\(^{310}\) Local people reported that the

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306 As there is no grain elevator in Hrakove, it is likely that Reuters meant to refer to an elevator known as the ‘Hrakove elevator’, which is rather located near to Hrakove Railway Station, but is in fact located in the neighbouring village of Zaliznychne. See: Elevatorist.com, ‘АПК НОВААГРО (Граківський елеватор)’, available at: https://archive.ph/dC4jV; Reuters, ‘Abandoned Russian base holds secrets of retreat in Ukraine’, 26 October 2022, available at: https://archive.ph/7qjF1.
head of the Russian troops in Hrakove was called ‘San Sanych’, a common abbreviation for Aleksandr Aleksandrovich.\textsuperscript{311}

### 5.2.2. 202\textsuperscript{nd} Rifle Regiment of the 4\textsuperscript{th} Separate Motor Rifle Brigade of the 2\textsuperscript{nd} Army Corps of the so-called ‘Luhansk People’s Militia’ (based in occupied Luhansk, Luhansk Oblast, Ukraine)

Most local residents with whom IPHR spoke noted that, in addition to Russian military personnel, there were also combatants present hailing from Luhansk and Donetsk (‘the militia of Donetsk-Luhansk’, ‘the L/DNR militia’, or ‘troops of the LNR and DNR’), who differed in their uniforms and behaviour from Russia’s regular armed forces.\textsuperscript{312} One resident of Hrakove reported that the soldiers who kidnapped his neighbour were driving a van bearing Luhansk licence plates when they first entered the village.\textsuperscript{313}

The RFE/RL investigation, as well as Russian documents published by the outlet reveal that since 25 March 2022, employees of the 202\textsuperscript{nd} Rifle Regiment were occupying Balakliya and adjacent settlements.\textsuperscript{314}

According to an intercepted telephone conversation published by Ukrainian intelligence in September 2022, the 202\textsuperscript{nd} Rifle Regiment was in the process of retreating from Balakliya.\textsuperscript{315} According to an obituary accessible in open source, the deputy commander of the regiment, V. Fedotov, was killed near Balakliya.\textsuperscript{316}

According to the OPG, the 202\textsuperscript{nd} Rifle Regiment was under the operational control of the 11\textsuperscript{th} Army Corps from 1 May 2022. The regiment’s 4\textsuperscript{th} Battalion was present in Hrakove.\textsuperscript{317} According to the Reuters investigation and the published Russian documents, the 202\textsuperscript{nd} Rifle Regiment (specifically, its 3\textsuperscript{rd} and 4\textsuperscript{th} Battalions) was present in the Hrakove area.\textsuperscript{318} IPHR also found open-source information that corroborates the presence of the 202\textsuperscript{nd} Rifle Regiment in Hrakove in early July 2022.\textsuperscript{319}

The 202\textsuperscript{nd} Rifle Regiment is part of the 4\textsuperscript{th} Separate Motor Rifle Brigade, which was supposedly commanded by Colonel Vyacheslav Makarov, who died in 2023.\textsuperscript{320} The 4\textsuperscript{th} Separate Motor Rifle Brigade is subordinate to the 2\textsuperscript{nd} Army Corps of the so-called ‘Luhansk People’s Militia’, which, in 2022, was headed by Major General Essedula Abdulmuminovich Abachev.\textsuperscript{321}

\begin{itemize}
\item \textsuperscript{311} Interviews with Witness CH2511, Witness VC8882, and Witness PK3302.
\item \textsuperscript{312} Interview with Witness OS1322, Witness ON9842, and Witness CH2511; Notes from the IPHR group meeting with four Hrakove residents.
\item \textsuperscript{313} Interview with Witness CH2511.
\item \textsuperscript{314} Радіо Свобода, ‘Секретна флешка окупантів’, 7 February 2023, available at: https://archive.ph/nqOmU.
\item \textsuperscript{315} Youtube, ‘Головне управління розвідки Міністерства оборони України’, 10 September 2022, available at: https://youtu.be/IeK8cAUleDY.
\item \textsuperscript{316} Telegram channel of the Governor of Sevastopol Razvozzhaev, 10 September 2022, available at: https://archive.ph/CNqoc, https://archive.ph/f4xc5.
\item \textsuperscript{317} Office of the Prosecutor General of Ukraine, ‘Повідомлення про підозру Рузинському Андрію Юрійовичу’, 20 May 2023, available at: https://archive.ph/xRqtQ.
\item \textsuperscript{318} Documents published by Reuters journalists, available at: https://archive.ph/bNHio.
\item \textsuperscript{320} Первый Канал, ‘Погиб командир 4-й мотострелковой бригады полковник Вячеслав Макаров’, 14 May 2023, available at: https://archive.ph/GF1mC.
\end{itemize}
5.2.3. 126th National Guard (‘Rosgvardia’) Regiment (Military Unit № 3718, based in Nazran, Republic of Ingushetia)

A video published in April 2022 and titled ‘The 126th Ingush Regiment of Nazran located in the zone of the special military operation’, featured Russian servicemen distributing food to residents in downtown Balakliya.

According to Ingush media reports, the 126th National Guard Regiment suffered heavy losses in the Balakliya area during Ukraine’s September 2022 counteroffensive in Kharkiv Oblast.

The captured Deputy Chief of Staff of the 126th National Guard Regiment, Major I. Khasanov, said in an interview that he arrived in Balakliya on 1 July 2022 to replace another officer who had been there earlier. Khasanov also explained that, during the occupation, the regiment’s servicemen patrolled the territory and detained ‘violators’.

The captive head of the engineering service of the 126th National Guard Regiment, Major V. Trifonov, said in an interview that he arrived in Balakliya in July 2022 as a replacement, but that his military unit had been there before.

Some local residents noted that non-Slavic military personnel were stationed in the villages and referred to them as ‘Chechens’ and ‘Buryats’. Taking into account commonalities in the appearances of some members of these groups, as well as the likely limited familiarity of local residents with individuals hailing from national republics in the Russian Far East and North Caucasus, at least some of these soldiers may have belonged to military units based in the Republic of Ingushetia.

The duties of the regiment commander, as of 1 June 2022, were performed by Lieutenant Colonel Ruslan Khanlarovich Gadzhiev. As of March 2023, he continued to head the unit. The regiment is part of the 49th Separate Operational Brigade of the National Guard, commanded by Major General Alexander Sergeevich Arkhipenko at the beginning of 2022.

5.2.4. 2nd Separate Guards Special Purpose (‘Spetsnaz’) Brigade (Military Unit № 64044, based in Promezhitsy, Pskov Oblast)

Some of the local residents with whom IPHR spoke reported that arrests in Hrakove and Zaliznychne were conducted by ‘specialists’ (i.e. special forces soldiers).

323 The location where the video was filmed was geolocated by IPHR open-source investigators as 87 Sobornaya Street, Balakliya, Kharkiv Oblast, Ukraine; 49.45276446382504, 36.83605006687524.
325 Youtube, ‘Интервью с @Volodymyr Zolkin, Хасанов Ильнур Халиуллович’, 8 October 2022, available at: https://www.youtube.com/watch?v=DSmARduS4Ec.
326 Youtube, ‘Интервью с @Volodymyr Zolkin, Трифонов Василий Сергеевич’, 30 September 2022, available at: https://www.youtube.com/watch?v=C8g09U5UAMA.
327 Interview with Witness FT0087, Witness Pt1100, and Witness FF1011.
330 Interview with Witness FT0087.
According to a Reuters investigation and the published Russian documents, the 177th Special Purpose Detachment was stationed in the area of Hrakove and Balaklyia.\textsuperscript{332}

According to the OPG, the 781st Special Purpose Detachment was also present in the area of Balaklyia.\textsuperscript{333}

On 27 February 2022, a column of Russian special forces was destroyed in Kharkiv, which included military personnel from the 781st and 70th Special Purpose Detachments of the 2nd Separate Guards Special Purpose Brigade.\textsuperscript{334}

On 28 March 2022, three servicemen belonging to the 781st Special Purpose Detachment were killed in the Izium District.\textsuperscript{335}

The 177th, 781st, and 70th Special Purpose Detachments all belong to the 2nd Separate Guards Special Purpose Brigade.\textsuperscript{336} It is known that the commander of the brigade at the time was Colonel Konstantin Semenovich Bushuev.\textsuperscript{337}

### 3.3 Organisational Chart

The following diagram (see the next page) illustrates the hierarchical positioning of the identified military units. As mentioned above, IPHR identified four categories of Russian and Russian-controlled military units potentially involved in the conduct described in this report: the regular Russian Armed Forces (in dark blue on the organigramme), Russian Special Forces (light blue), one regiments of the Russian National Guard (red), and a regiment of Russian-controlled Luhansk People’s Militia (green).

Alongside the permanent organisational structure of the Russian military, at the time of the events (between mid-March and September 2022), most identified units were under the operational control of the Balakleya Group of Forces, a temporary grouping of military units commanded by senior officers from the 11th Army Corps of the Baltic Fleet.

Further, it is important to note that some military units, in addition to their subordination to territorial structures, are also under the authority of special departments: for example, the 2nd Guards Spetsnaz Brigade is operationally subordinate to the command of the Western Military District, but also subordinated directly to the Chief of the Main Directorate of the General Staff of the Russian Armed Forces, Admiral Kostyukov.

As a rule, the temporary operational groups of forces created for the invasion of Ukraine are led by Russian military commanders at the appropriate levels. As such, Lieutenant General Ruzinsky simultaneously headed the 11th Army Corps and the Group of Forces Balakleya. Likewise, Colonel-General Zhuravlev simultaneously headed the Western Military District and the Group of Forces “West”.

\textsuperscript{333} Office of the Prosecutor General of Ukraine, ‘Повідомлення про підозру Рузинському Андрію Юрійовичу’, 20 May 2023, available at: https://archive.ph/xRqtQ.  
\textsuperscript{336} Сообщество ветеранов спецназа России, ‘2 ОбрСпН ГРУ ГШ МО’, available at: https://archive.ph/0XUBX.  
3.4 Command Responsibility

Article 28 of the Rome Statute provides for the mode of liability of command responsibility, according to which commanding officers can be held liable for crimes committed by their subordinates.

In the case of events taking place in Hrakove and Zaliznychne between March and June 2022, the command responsibility of Lieutenant General Ruzinsky may be engaged under Article 28 of the Rome Statute, if the criminal conduct of his subordinates is proven to the requisite standard.

In Prosecutor v. Bemba (2016), the ICC developed a six-part test for command responsibility:

1. Crimes within the jurisdiction of the court must have been committed by forces;
2. The accused must have been either a military commander or a person effectively acting as a military commander;
3. The accused must have had effective command and control, or effective authority and control, over the forces that committed the crimes;
4. The accused either knew or, owing to the circumstances at the time, should have known that the forces were committing or about to commit such crimes;
5. The accused must have failed to take all necessary and reasonable measures within his power to prevent or repress the commission of such crimes or to submit the matter to the competent authorities for investigation and prosecution; and
6. the crimes committed by the forces must have been a result of the failure of the accused to exercise control properly over them

1. CRIMES WITHIN THE JURISDICTION OF THE COURT MUST HAVE BEEN COMMITTED BY FORCES

Ukraine is not a State Party to the Rome Statute, but it accepted the Court’s jurisdiction over Rome Statute crimes taking place on its territory from 20 February 2014 onwards, pursuant to Article 12(3) of the Statute.339 All crimes alleged in this report meet the elements of war crimes as defined by the Rome Statute and ICC Elements of Crimes and took place on the territory of Ukraine after 20 February 2014.

2. MILITARY COMMANDER OR EFFECTIVELY ACTING AS A MILITARY COMMANDER

Individuals in positions of authority within military structures may incur criminal responsibility under the doctrine of command responsibility on the basis of their de jure as well as de facto positions as superiors.340

338 Prosecutor v. Jean-Pierre Bemba Gombo, ICC, Case No ICC-01/05-01/08, Judgment pursuant to Article 74 of the Statute (Trial Chamber III), 21 March 2016, para. 170.
339 Declaration on the recognition of the jurisdiction of the International Criminal Court by Ukraine over crimes against humanity and war crimes, 8 of September 2051. Accessible via: https://www.icc-cpi.int/sites/default/files/iccdocs/other/Ukraine_Art_12-3_declaration_08092015.pdf#search=ukraine.
340 Prosecutor v. Jean-Pierre Bemba Gombo, ICC, Case No. ICC-01/05-01/08-424, Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the Prosecutor Against Jean-Pierre Bemba Gombo (Pre-Trial Chamber) (Bemba Confirmation Decision), 15 June 2009, para. 409 Prosecutor v Delalic et al,ICTY, Case No. IT-96-21-T, Judgment, 16 November 1998, para. 354.
The term “military commander” refers to a person who is formally or legally appointed to carry out a military command function and extends not only to regular armed forces but also to non-governmental irregular forces, and forces composed of foreign fighters. De facto commanders are those exerting effective control through a chain of command.

Between March and June 2022, Lieutenant General Ruzinsky was the de jure (i.e legally appointed) military commander of the 11th Army Corps. Units belonging to the 11th Army Corps, Russian Special Forces (2nd Separate Guards Special Purpose Brigade), Russian National Guard (126th Regiment) and Luhansk People's Militia (202nd Rifle Regiment and 4th Separate Motor Rifle Brigade) operating in this area were grouped under a single command structure dubbed the “Balakleya Group of Forces”. According to documents retrieved by RFE/RL, Lieutenant General Ruzinsky was signing off on orders and other operational decisions as commander or the “Balakleya Group of Forces” from March until at least July 2022 – either as its appointed de jure commander, or as a minimum as its de facto military leader. (see organisational charts 1 & 2).

3. EFFECTIVE COMMAND AND CONTROL, OR EFFECTIVE AUTHORITY AND CONTROL, OVER THE FORCES THAT COMMITTED THE CRIMES

Under Article 28, effective command and control is a manifestation of a superior-subordinate relationship. It requires more than mere influence over subordinates; a commander must have the power to prevent or repress the commission of crimes or refer them to the competent authorities for punishment.

A number of factors may indicate the existence of a superior’s position of authority and effective control, including the official position of the suspect, their power to issue or give orders, the capacity to ensure compliance with the orders issued, their position within the military structure and the actual tasks that they carried out, the capacity to order forces or units under their command, whether under their immediate command or at lower levels, to engage in hostilities.

341 Prosecutor v. Jean-Pierre Bemba Gombo, ICC, Case No ICC-01/05-01/08, Judgment pursuant to Article 74 of the Statute (Trial Chamber III), 21 March 201, para. 176
342 Prosecutor v. Rasin Delić, ICTY, Case no. IT-04-83-T, Judgement, 15 September 2008 paras 364-368
343 (see Prosecutor v. Jean-Pierre Bemba Gombo, ICC, Case No. ICC-01/05-01/08-424, Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the Prosecutor Against Jean- Pierre Bemba Gombo (Pre-Trial Chamber) (Bemba Confirmation Decision), 15 June 2009, para. 409; Prosecutor v. Delalić et al, ICTY, Case no. IT-96-21-T, Judgement, 16 November 1998, para. 370.
345 Prosecutor v. Jean-Pierre Bemba Gombo, ICC, Case No. ICC-01/05-01/08-424, Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the Prosecutor Against Jean-Pierre Bemba Gombo (Pre-Trial Chamber) (Bemba Confirmation Decision), 15 June 2009, paras. 414–415.
346 Pierre Bemba Gombo (Pre-Trial Chamber) (Bemba Confirmation Decision), 15 June 2009, para. 417. (“The Chamber takes the view that there are nonetheless several factors which may indicate the existence of a superior’s position of authority and effective control. These factors may include (i) the official position of the suspect; (ii) his power to issue or give orders; (iii) the capacity to ensure compliance with the orders issued (i.e., ensure that they would be executed); (iv) his position within the military structure and the actual tasks that he carried out; (v) the capacity to order forces or units under his command, whether under his immediate command or at a lower levels [sic], to engage in hostilities; (vi) the capacity to re-subordinate units or make changes to command structure; (vii) the power to promote, replace, remove or discipline any member of the forces; and (viii) the authority to send forces where hostilities take place and withdraw them at any given moment.”).
There is a reasonable basis to believe that Lieutenant General Ruzinsky exercised effective command or authority and control over Russian forces operating in Hrakove and Zaliznychne between March and July 2022, namely:

- Lieutenant General Ruzinsky was the de jure commander of the 11th Army Corps. According to Russian chain of command doctrine and practice, units subordinate to the 11th Army Corps - 18th Motor Rifle Division, the 7th Separate Motor Rifle Regiment, the 9th Motor Rifle Regiment, and the 11th Tank Regiment – were under his effective command and control;

- Simultaneously, Lieutenant General Ruzinsky was the commander of the operational Group of Forces ‘Balakleya’. Documents discovered by RFE/RL suggest that he had ultimate decision-making authority over operational and personnel matters in relation to the entire Group of Forces. As such, as a minimum Ruzinsky had authority and control over the Group of Forces and its subordinate units;

- Documents discovered by RFE/RL demonstrate that senior officers of the 11th Army Corps formed the main basis of the Group of Forces ‘Balakleya’ leadership. These senior officers are under Ruzinsky’s de jure command and control.

This overlap of subordination and operational control (summarised in the following diagram) constitutes strong evidence that Lieutenant General Ruzinsky exercised command/authority and control over the forces that committed the crimes.

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4. KNEW OR, OWING TO THE CIRCUMSTANCES AT THE TIME, SHOULD HAVE KNOWN THAT THE FORCES WERE COMMITTING OR ABOUT TO COMMIT SUCH CRIMES

Demonstrating that a commander “knew” requires that his actual knowledge of the crimes be proven through direct or circumstantial evidence. Circumstantial evidence sufficient to prove actual knowledge may be that the military commander is “part of an organised structure with established reporting and monitoring systems.”

In order to demonstrate that a commander “should have known,” it must be proven that the commander was “negligent in failing to acquire knowledge of his subordinates’ crimes.”

In Bemba, the Trial Chamber held that factors such as the number, nature, scope, location, and timing of the illegal acts; the modus operandi of similar acts; the scope and nature of the commander’s position and responsibility in the hierarchical structure; and the location of the command at the time may indicate their knowledge of the committed crimes.

Four factual circumstances indicate that Lieutenant General Ruzinsky knew or at least should have known that his forces were committing or about to commit the crimes.

i. The widespread nature of the illegal acts: According to IPHR findings, between May and June 2022, Russian occupying authorities subjected at least 15 local residents of Hrakove and Zaliznychne to atrocity crimes, including killings, disappearances, confinement and torture. Hrakove and Zaliznychne are small villages with a relatively small civilian population. As such, the documented cases represent a high concentration of illegal acts within a short temporal period across a small geographical area – giving them a widespread nature and therefore impossible to overlook. Furthermore, these 15 cases are only those that IPHR has documented and verified, and the real number of Russian atrocity crimes in the region is likely to be much higher. According to international organisations’ reports and information from the media, these and other types of crimes against the civilian population occurred in most, if not all, territories of Ukraine occupied by the Russian forces.

349 Prosecutor v. Jean-Pierre Bemba Gombo, ICC, Case No. ICC-01/05-01/08-424, Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the Prosecutor Against Jean-Pierre Bemba Gombo (Pre-Trial Chamber) (Bemba Confirmation Decision), 15 June 2009, para. 431.

350 Bemba Confirmation Decision, para. 432.

351 Prosecutor v. Jean-Pierre Bemba Gombo, ICC, Case No ICC-01/05-01/08, Judgment pursuant to Article 74 of the Statute (Trial Chamber III), 21 March 2016, para 193.


ii. The Period of time over which these acts were committed: Lieutenant General Ruzinsky was the commander of the Group of Forces ‘Balakleya’ for at least 17 weeks (March-June 2022), during which the 15 alleged crimes took place.

iii. The scope and nature of the commander’s position and responsibility in the hierarchical structure: Russian military doctrine dictates that Lieutenant General Ruzinsky had full responsibility for units under his control as commander or 11th Army Corps. Furthermore, Ruzinsky was at the top of the hierarchy within the Group of Forces ‘Balakleya’, and therefore bore full responsibility for the conduct of participating units and their personnel. According to standard reporting and monitoring systems within the Russian armed forces, Ruzinsky ought to have received reports on operations and conduct of all units under his subordination in the area.

iv. The location of the command at the time: The command of the Group of Forces ‘Balakleya’ operated from the occupied city of Balakliya, situated 38 kilometres away from Hrakove and Zaliznychne. Lieutenant General Ruzinsky and/or his general staff would have been stationed in the city. The Balakliya Police Station was also used for the confinement, torture and ill-treatment of dozens of civilians, including victims from Hrakove and Zaliznychne. The geographic proximity of the Group’s main interrogation and detention centre to its command centre suggests that Lieutenant General Ruzinsky knew or ought to have known of the conduct of his troops at the time.

5. FAILED TO TAKE ALL NECESSARY AND REASONABLE MEASURES WITHIN HIS POWER TO PREVENT OR REPRESS THE COMMISSION OF SUCH CRIMES OR TO SUBMIT THE MATTER TO THE COMPETENT AUTHORITIES FOR INVESTIGATION AND PROSECUTION

Under Article 28, commanders have three duties regarding crimes committed by subordinates: (i) to prevent the commission of crimes before they occur, (ii) to repress the commission of crimes, and (iii) to submit the matter of the committed crimes to the proper authorities for investigation and prosecution. It is sufficient for criminal liability that a commander failed to fulfil any one of the three duties. This case-by-case condition requires proof that the accused did not take measures to prevent or punish the persons responsible.

IPHHR investigators found no evidence to show that Lieutenant General Ruzinsky or his subordinates had made any effort to prevent, repress, or submit the crimes committed to the proper authorities for investigation and prosecution. There is no evidence of opened investigations by Russian investigative authorities in relation to the alleged crimes. The repetitive nature of the crimes throughout the entire


355 Prosecutor v. Jean-Pierre Bemba Gombo, ICC, Case No. ICC-01/05-01/08-424, Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the Prosecutor Against Jean- Pierre Bemba Gombo (Pre-Trial Chamber) (Bemba Confirmation Decision), 15 June 2009, paras. 438–440.

356 Bemba Confirmation Decision, para. 436 and fn. 575.

357 See Prosecutor v. Jean-Pierre Bemba Gombo, ICC, Case No ICC-01/05-01/08, Judgment pursuant to Article 74 of the Statute (Trial Chamber III), 21 March 2016, paras 197-209.
period of Ruzinsky’s command suggest that no efforts were made by him or his staff to prevent or punish such acts. Moreover, the conduct – which took place in direct proximity to the Group of Forces’ command centre – appears to have been officially sanctioned and part of the Group’s policy or military/security strategy.

6. **THE CRIMES COMMITTED BY THE FORCES MUST HAVE BEEN A RESULT OF THE FAILURE OF THE ACCUSED TO EXERCISE CONTROL PROPERLY OVER THEM**

The ICC stipulated that “there is no direct causal link that needs to be established between the superior’s omission and the crime committed by his subordinates. Therefore, the Chamber considers that it is only necessary to prove that the commander’s omission increased the risk of the commission of the crimes charged.”

Crimes documented by IPHR in Hrakove and Zaliznychne took place throughout the entire period of Lieutenant General Ruzinsky’s command in the area. His failure to prevent and punish such conduct throughout his tenure clearly increased the likelihood of these crimes being committed by his subordinates. His inaction signalled to his subordinates that they can act with impunity, which undoubtedly led to further criminal conduct.

There are, therefore, reasonable grounds to believe that Lieutenant General Ruzinsky bears command responsibility for the war crimes of wilful killings, unlawful confinement, torture, and inhuman treatment analysed in this report.

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358 Prosecutor v. Jean-Pierre Bemba Gombo, ICC, Case No. ICC-01/05-01/08-424, Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the Prosecutor Against Jean-Pierre Bemba Gombo (Pre-Trial Chamber) (Bemba Confirmation Decision), 15 June 2009, paras 425.