



# WAR CHRONICLES:

## the status of civilians in Russian captivity

Dnipro 2024



Human Rights  
«Protection Group «SICH»  
Civic Organization



This guide is based on a comprehensive analysis of Ukrainian legislation and international law, as well as consultations with experts from leading human rights organizations in Ukraine. The guide consists of two sections that explain concepts, related to the armed conflict and the legal status of civilians in Russian captivity. All terms in the guide are consistent with the terminology of international legal instruments and national legislation, ensuring their correct using in the public sphere. Consistency is a key condition for the proper determination of the legal status of civilians in Russian captivity and the subsequent development of mechanisms for their returning to Ukraine. Accurate terminology also facilitates the systematization of effective tools to protect the rights of this category of Ukrainian citizens and their families. This guide is particularly significant in the context of post-conflict development when the state faces the issue of claiming compensation from the aggressor state in favor of conflict victims who were held in Russian captivity. According to this context, the use of appropriate terminology will play a decisive role in legal proceedings, including the level of international courts and special tribunals.

# **WAR CHRONICLES:**

## **The Status of Civilians in Russian Captivity**

*The guide of the correct procedure for determining  
the legal status of civilians in Russian captivity*

*Dnipro,  
NGO «Human Rights Group «SICH»  
2024*

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## ● INTRODUCTION

Since 2014, the aggressor state has employed the practice of illegal detention and subsequent imprisonment of Ukrainians who actively condemn the occupation of our territories, assist the Armed Forces of Ukraine, refuse to work for the occupation administration, or oppose the aggressor state and collaborators in any way. From the outset, the international community condemned these actions by the aggressor state as violating the norms of international humanitarian and criminal law, as well as universally recognized international human rights standards. With the onset of the full-scale invasion, the number of Ukrainians in Russian captivity has sharply increased which is due not only to the intensification of the armed conflict but also because of several other factors. According to the Coordination Headquarters for the Treatment of Prisoners of War, the whereabouts of only eight thousand Ukrainian prisoners are precisely

known. Tens of thousands of people – both civilians and prisoners of war – remain missing.

To date, there has been no unified terminology in the country to define the legal status of civilians in Russian captivity. As a result, government bodies, media representatives and human rights defenders use different terms to describe the status of various categories of individuals held in Russian captivity. In reality, there are many reasons for this situation, the main one being the inability to encompass all cases of the aggressor state's illegal actions related to the detention and subsequent imprisonment of Ukrainians in places of deprivation of liberty. In other words, the objective and subjective elements of the crimes, committed by the occupation administration, are characterized by a set of unique legal facts which require interpretation and individualization. This is crucial for holding perpetrators accountable and subsequently compensating

conflict victims for moral and material damages. This includes not only international criminal prosecution but also specific aspects of exercising the right to compensation under Ukrainian law. There is also the issue of ensuring that conflict victims receive appropriate socio-economic and legal guarantees from the state. Today, this issue is a pressing concern for the Ukrainian authorities.

These factors have necessitated the creation of this guide for media representatives and government bodies. In carrying out their responsibilities, these entities must accurately describe all elements of the legal status of civilians who have been or are still in Russian captivity. The media must also use correct terminology, as the way they report certain events and facts will influence how these are perceived by international institutions. To do so, they must have clear and understandable terminology that fully complies with international

law norms and aligns with national legislation. This guide is the result of analyzing numerous international legal instruments and domestic laws and was developed in collaboration with leading Ukrainian human rights organizations.

This guide is based on several fundamental principles. First, the status of civilians can be changed over time while in Russian captivity. For example, a person may be illegally (arbitrarily) detained and later acquire the status of a person missing under special circumstances. This is due to the nature of the occupiers' illegal actions, which are characterized by a certain duration over time. Second, one person may have several distinct legal statuses simultaneously, referred to as a «combined status,» defined by the totality of elements of specific war crimes or crimes against humanity. For instance, a civilian may be both a victim of forced disappearance and a victim of torture simultaneously. Third, use of specific terms depends

on the mandate of the international institution to which the Ukrainian government body or the relatives of the civilian held in Russian captivity are appealing. In this case, the terminology adopted by each specific institution is taken into account.

We hope that this guide will help clarify the legal status and enhance the level of legal protection for civilians in Russian captivity and their families. The state, in close cooperation with human rights defenders, must act in the best interests of these categories of citizens.

# I. TERMINOLOGY OF ARMED CONFLICT

**1. War crimes** are a type of international crime that encompasses serious violations of international humanitarian law (violations of the laws and customs of war), for which individuals are held criminally responsible at both the national and international levels.

*Note: According to the Rome Statute of the International Criminal Court, war crimes include:*

- deliberate killing;*
- torture or inhuman treatment;*
- deliberately causing severe suffering or serious injury to body or health;*
- large-scale destruction and appropriation of property;*

*– forcing a prisoner of war or another protected person to serve in the armed forces of a hostile state;*

*– depriving a prisoner of war or another protected person of the right to a fair and regular trial;*

*– unlawful deportation or transfer or unlawful confinement;*

*– taking hostages;*

*– deliberately directing attacks against civilians and civilian objects;*

*– deliberately directing attacks against personnel, installations, materials, units, or vehicles involved in humanitarian aid or peacekeeping missions;*

*– killing or wounding a combatant who, having laid down arms or having no means of defense, has unconditionally surrendered;*

*– perfidious killing or wounding of*

*persons belonging to the hostile nation or army;*

*– looting of a town or settlement;*

*– use of poison or poisoned weapons;*

*– outrages upon personal dignity, including humiliating and degrading treatment, etc.*

*Article 438 of the Criminal Code of Ukraine refers to violations of the laws and customs of war as outlined in international treaties. However, this article does not fully align with the norms of international humanitarian law and international criminal law, as not every violation of the laws and customs of war constitutes a war crime.*

**2. Genocide** is any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial, or religious group as killing members of the group; causing serious bodily or mental harm to members of the

group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; forcibly transferring children of the group to another group.

*Note: The Convention on the Prevention and Punishment of the Crime of Genocide, adopted on December 9, 1948, condemns not only genocide itself but also the following actions: conspiracy to commit genocide; direct and public incitement to commit genocide; attempt to commit genocide; complicity in genocide. On April 14, 2022, the Verkhovna Rada of Ukraine issued a statement recognizing the actions of the Russian Federation in Ukraine as genocide. The document identifies acts of genocide as: 1) committing mass atrocities in temporarily occupied territories of Ukraine, including numerous cases of murder, abduction, cruel deprivation of freedom, torture, rape, and desecration of the bodies of the dead and tortured; systematic deliberate*

*killing of civilians and the creation of conditions of life causing exceptional suffering to the Ukrainian people; 2) the forced relocation of Ukrainian children and their placement in foreign environments with the aim of destroying their self-identity as Ukrainians; 3) widespread physical and psychological violence against the population of Ukraine; 4) systematic actions aimed at creating conditions calculated to gradually destroy the Ukrainian people by undermining their economic potential and security.*

**3. Cruel treatment** refers to systematic, severe, prolonged, and multi-act violence that causes the victim physical or psychological suffering and is perpetrated by representatives of the occupying administration, armed forces, or law enforcement agencies of the aggressor state in places of detention with the intent to degrade the person's honor and dignity.

*Note: In practice, cruel treatment can take the form of torture, systematic*

*infliction of bodily harm, beatings, deprivation of food, water, clothing, or shelter, as well as restrictions on communication with family members. Cruel treatment involves both physical violence and psychological effects in the form of intense mental suffering. In national criminal law, the infliction of such suffering serves as a basis for criminal liability. Cruel treatment may also accompany other crimes, such as intentional murder with extreme cruelty or infliction of grievous bodily harm in a manner characterized by particular torment.*

**4. Armed aggression** refers to the use of armed force by another state or group of states against Ukraine, characterized by active confrontation between the parties to the conflict, displacement of specific communities, extensive destruction of civilian infrastructure, and the emergence of distinct categories of conflict victims.

*Note: According to current Ukrainian legislation, armed aggression against*



*Ukraine includes the following actions:*

*– Invasion or attack by the armed forces of another state or group of states on the territory of Ukraine, as well as occupation or annexation of part of Ukraine's territory;*

*– Blockade of ports, coasts, or airspace, or disruption of Ukraine's communications by the armed forces of another state or group of states;*

*– Armed aggression by another state or group of states against the military land, naval, or air forces, or civilian naval or air fleets of Ukraine;*

*– Acts of the use of armed force against Ukraine;*

*– Providing territory by a state to the third country which is used by that country to commit armed aggression against Ukraine;*

*– Deployment of armed forces of another state or group of states on the*

*territory of Ukraine to carry out armed aggression against Ukraine.*

**5. Crimes against humanity** are unlawful, deliberate acts committed as part of a widespread or systematic attack directed against any civilian population.

*Note: These offenses are characterized by a high degree of public danger. The list of such crimes includes:*

*– murder;*

*– extermination;*

*– enslavement;*

*– deportation or forcible displacement of population;*

*– imprisonment or any other severe deprivation of physical liberty;*

*– torture;*

*– rape, sexual slavery, forced*

*prostitution, forced pregnancy, forced sterilization, or any other similar severe form of sexual violence;*

*– persecution of any group or community;*

*– enforced disappearance of persons; the crime of apartheid;*

*– other acts that intentionally inflict severe suffering or serious bodily injury or cause serious damage to mental or physical health.*

*The statute of limitations does not apply to these crimes, and there is no specific provision for crimes against humanity in the Criminal Code of Ukraine.*

**6. Torture** is any deliberate act aimed at inflicting severe physical pain or moral suffering on a person, committed with the aim of compelling them or another person to perform actions against their will, including obtaining information or

confessions, or to punish them or another person for actions committed by them or others, or to intimidate them or others.

*Note: The aggressor state systematically applies torture to both prisoners of war and civilians held in places of detention who are unable to actively defend their rights. Therefore, at the stage of being in detention, this crime is characterized by latency. Representatives of the occupying administration and armed forces of the aggressor state actively conceal cases of torture and ill-treatment, complicating the process of qualifying such crimes and collecting evidence. This crime involves the use of physical and psychological violence against a person to achieve an unlawful goal, such as obtaining information from the person; coercing them into certain statements or actions; coercing third parties to perform or refrain from performing certain actions. The Istanbul Protocol is used in international practice to document*

*torture, detailing practices for working with victims of this crime.*

**7. Collaborators** is a criminal offense that includes:

– public denial by a Ukrainian citizen of the armed aggression against Ukraine, the establishment and consolidation of temporary occupation of part of Ukraine's territory, or public calls by a Ukrainian citizen to support the decisions and/or actions of the aggressor state, armed formations, and/or the occupying administration of the aggressor state, to cooperate with the aggressor state, armed formations, and/or the occupying administration of the aggressor state, or to not recognize the extension of Ukraine's state sovereignty to the temporarily occupied territories of Ukraine;

– voluntary assumption by a Ukrainian citizen of a position not related to organizational or administrative functions in illegal authorities established

in the temporarily occupied territory, including the occupying administration of the aggressor state;

– conducting propaganda by a Ukrainian citizen in educational institutions, regardless of types and forms of ownership, aimed at promoting armed aggression against Ukraine, establishing and consolidating temporary occupation of part of Ukraine's territory, avoiding responsibility for the aggressor state's armed aggression against Ukraine, and actions by Ukrainian citizens aimed at implementing the education standards of the aggressor state in educational institutions;

– transfer of material resources to illegal armed or paramilitary formations established in the temporarily occupied territory, and/or to armed or paramilitary formations of the aggressor state, and/or conducting economic activities in interaction with the aggressor state, illegal authorities established in the temporarily occupied

territory, including the occupying administration of the aggressor state;

– voluntary assumption by a Ukrainian citizen of a position related to organizational or administrative functions in illegal authorities established in the temporarily occupied territory, including the occupying administration of the aggressor state, or voluntary election to such authorities, and participation in organizing and conducting illegal elections and/or referendums in the temporarily occupied territory or public calls for conducting such illegal elections and/or referendums in the temporarily occupied territory;

– organization and conduct of political events, conducting information activities in cooperation with the aggressor state and/or its occupying administration, aimed at supporting the aggressor state, its occupying administration or armed formations and/or avoiding responsibility for armed aggression

against Ukraine, without signs of state treason, active participation in such events;

– voluntary assumption by a Ukrainian citizen of a position in illegal judicial or law enforcement bodies established in the temporarily occupied territory, as well as voluntary participation of a Ukrainian citizen in illegal armed or paramilitary formations established in the temporarily occupied territory, and/or in the armed formations of the aggressor state or providing such formations with assistance in combat operations against the Armed Forces of Ukraine and other military formations formed in accordance with Ukrainian laws, volunteer formations that were formed or self-organized to defend the independence, sovereignty, and territorial integrity of Ukraine.

*Note: Correct qualification of the crime of collaborationism requires consideration of two important elements: the objective side and the*

*subjective side. The former manifests as cooperation with the aggressor state and its representatives which may include not only performing organizational or administrative functions. The latter involves the direct intention to harm the national security of Ukraine, as collaborationist activities contradict national interests.*

**8. Compensation** is the meaning of reimbursing damage caused to an individual, community, or state by the occupying administration or armed forces of the occupiers as a result of violations of international law, applied based on special international legal mechanisms and national legislation.

*Note: According to the national legislation, the damage requiring compensation includes:*

– human losses and related social costs;

– economic losses;

- military losses;
- losses related to ensuring public safety;
- social protection of war veterans;
- losses of public buildings and housing and communal services;
- damage to land resources, subsoil, water and forest resources, atmospheric air;
- losses of transport and energy infrastructure;
- losses of cultural heritage;
- losses of institutions, enterprises, and organizations;
- damage to personal peasant farms and farming enterprises.

**9. Places of detention** are specially equipped facilities in temporarily occupied territories or

operating continuously in the territory of the aggressor state where civilians are held in custody without the right to leave voluntarily.

*Note: The purpose of detention in these places may include: conducting illegal filtration measures; preparing for illegal deportation; obtaining ransom from third parties; serving sentences imposed unlawfully; arrest pending trial; psychological pressure and torture, etc. Places of detention can be established both in temporarily occupied territories of Ukraine and on the territory of the aggressor state (filtration camps, detention centers, torture chambers, psychiatric facilities, places of punishment).*

**10. International Armed Conflict** refers to an armed conflict that arises between two or more states, including instances of occupation of the entire or part of a state's territory, as well as national liberation wars.

*Note: In international humanitarian law, the concept of international armed conflict is based on objective criteria. One such criterion is the fact of one party to the conflict capturing prisoners of war from the other party. From the moment wounded or captured military personnel or civilians of one state are in the hands of the armed forces of another state, or as soon as control over part of the territory of another state begins, the rules of international humanitarian law immediately apply. The subjects of international armed conflicts include states directly engaged in warfare with each other, nations fighting for independence, and international organizations and blocs.*

**11. Non-International Armed Conflict** refers to an armed conflict occurring within the territory of any state between its armed forces and other organized armed groups, which, under responsible command, exercise control over part of the

territory, enabling them to carry out continuous and coordinated military actions.

*Note: An internal armed conflict can transform into an international one if the armed forces of another state intervene or if certain participants in the internal conflict act on behalf of another state. The main criteria characterizing an internal armed conflict include its limitation to the territory of one state, with the subjects being government and anti-government forces, and the continuous and coordinated nature of military actions.*

**12. Illegal Deportation** – This is the forcible removal of civilians from a temporarily occupied territory to the territory of the aggressor state or another state through eviction or other coercive measures.

*Note: The norms of the Convention for the Protection of Civilian Persons in Time of War prohibit the forced*

*individual or mass relocation or deportation of protected persons from occupied territory to the territory of the occupying state or any other state, whether occupied or not. Thus, illegal deportation constitutes a war crime and a gross violation of fundamental human rights. In international law, deportation can also be regarded as a crime against humanity. Under current conditions, the aggressor state actively conducts illegal mass deportations of Ukrainian citizens, including children, from all temporarily occupied territories. Generally, our citizens are moved to the territory of the Russian Federation and occupied Crimea. Deportation is accompanied by other war crimes, such as robbery, illegal detention, and appropriation of citizens' property.*

**13. Enforced Disappearances** – This refers to arrest, detention, abduction, or any other form of deprivation of liberty by state representatives or individuals or groups acting with the authorization, support, or consent of the state, with

subsequent refusal to acknowledge the fact of detention or concealment of information about the fate or whereabouts of the disappeared person, resulting in the person being left without legal protection.

*Note: In international criminal law, widespread or systematic practice of enforced disappearances is a crime against humanity and entails criminal liability. Specifically, criminal prosecution applies to: any person who commits an act of enforced disappearance, orders, incites, or attempts to commit it, is an accessory or participates in it; a superior who ordered or implicitly consented to the act of enforced disappearance. An additional guarantee is the establishment of a long statute of limitations for prosecution and execution of judgment, which should be counted from the moment the crime of enforced disappearance is completed.*

**14. Occupying Administration** is a set of government bodies and

structures of the Russian Federation functionally responsible for managing temporarily occupied territories and self-proclaimed bodies under the control of the Russian Federation which have usurped the exercise of governmental powers in the temporarily occupied territories and which have performed or are performing functions characteristic of state authorities or local self-government bodies in the temporarily occupied territory of Ukraine, including bodies, organizations, enterprises, and institutions, including law enforcement and judicial bodies, notaries, and administrative service providers.

*Note: According to Ukrainian legislation, the state is not responsible for illegal actions and unlawfully made decisions by the occupying administration of the Russian Federation in the temporarily occupied territories. The occupying administration includes the so-called «self-proclaimed authorities,» which illegally exercise powers characteristic of Ukrainian authorities*

*in the temporarily occupied territories. The formation process of the occupying administration (election, appointment, delegation, etc.) is not considered, as any formations are deemed illegal under Ukrainian law. Any act (decision, document) issued by bodies and/or individuals in the temporarily occupied territory is invalid and does not create legal consequences, except for documents confirming the fact of birth, death, registration (dissolution) of marriage of a person in the temporarily occupied territory (Article 9, Part 3 of the Law of Ukraine «On Ensuring the Rights and Freedoms of Citizens and the Legal Regime in the Temporarily Occupied Territory of Ukraine»).*

**15. Reparations** are a set of measures to ensure compensation for harm inflicted on individuals (states) aimed at addressing socio-economic and structural injustice through restitution, compensation, rehabilitation, satisfaction for harm done, and guarantees of non-recurrence of the conflict.

*Note: Reparations serve not only a compensatory function but also carry symbolic meaning, as they allow victims of the conflict to feel justice. Thus, reparations are not only a financial or property equivalent of the harm caused; they encompass socio-political issues. The nature of reparations is within the scope of the right to protection, which includes the right to justice and the right to compensation. Reparations are also part of the process of truth-seeking, as they partially indicate the acknowledgment of past crimes by the perpetrators.*

**16. Temporarily Occupied Territory** are parts of Ukraine's territory where armed formations of the Russian Federation and the occupying administration of the Russian Federation have established and exercise actual control or where armed formations of the Russian Federation have established and exercise general control with the aim of establishing the occupying administration of the Russian Federation.

*Note: According to Ukrainian legislation, temporarily occupied territories include: land and internal waters within certain districts, cities, towns, and villages; internal sea waters adjacent to the land territory; subsoil under the territories and airspace over these territories. In conditions of large-scale invasion, the boundaries of temporarily occupied territories may change due to the de-occupation of certain areas or, conversely, the appearance of newly occupied territories. Ukrainian legislation establishes a special legal regime in these territories and introduces additional mechanisms for protecting the rights and freedoms of Ukrainian citizens.*

**17. Filtration** is a system of coercive, punitive measures carried out by the occupying administration or armed forces, involving the illegal detention of civilians to collect their personal (biometric) data, conduct personal searches and inspections of belongings, extract information from relevant carriers, and determine

their attitudes toward the occupying authorities.

*Note: The term «filtration» is not present in international humanitarian law, but its implementation is often accompanied by human rights violations and war crimes. Specifically, filtration directly violates the following prohibitions established in international law: the prohibition of forced displacement of residents of occupied territories; the prohibition of torture and cruel, inhuman, or degrading treatment; blocking food, water, medical supplies, and services necessary for maintaining basic hygiene standards; restricting the ability of international observers to ascertain the whereabouts of civilians. Filtration as a security measure is not prohibited by international law; however, the way it is conducted by representatives of the aggressor state involves violations of a number of norms of international humanitarian law and human rights law.*

**18. Filtration Camp** is a specially equipped place of detention

with restricted access and security, established by the occupying administration or the armed forces of the aggressor state, where civilians and prisoners of war are illegally transferred for filtration measures.

*Note: Filtration camps are formed based on relevant facilities in temporarily occupied territories or on the territory of the aggressor state. These can be buildings and structures suitable for holding a large number of people (schools, stadiums, industrial zones, etc.). Generally, these facilities lack adequate conditions for the detention of individuals and do not meet minimal standards for food, medical care, and hygiene. Filtration camps serve as a transit point, after which Ukrainian citizens are: forcibly transferred to the territory of the aggressor state; left in the temporarily occupied territory or issues are decided regarding charging the person and transferring them to a penitentiary facility; or released to the territory of Ukraine or other states.*



## ● II. TERMINOLOGY OF THE STATUS OF CIVILIAN PERSONS

**1. Hostage** – a person who is captured and held with the aim of compelling a state authority, institution, organization, or individuals to perform or refrain from performing an action as a condition for the release of the person, or for the purpose of further exchanging the detained person.

*Note: A key identifying feature of hostages in armed conflict is a specific demand from the aggressor state, its organs, units, or formations, directed towards the Ukrainian authorities, a foreign state, an international organization, family members of the detained person, or any physical or legal person, compliance with which is considered as a condition for the release of the hostage and their return to Ukraine. International humanitarian*

*law contains a direct prohibition on taking hostages as a guarantee of protecting civilians during wartime. Observers have received evidence indicating that Ukrainian civilians were deliberately detained for the purpose of exchanging them for Russian prisoners of war. Such practices violate the Geneva Conventions and international humanitarian law and are considered as arbitrary deprivation of liberty and taking hostages.*

**2. Interned Person** – a person who, in the context of armed conflict, found themselves in occupied territory and was forcibly removed from their place of permanent residence by the opposing side of the international armed conflict, to specially designated places while retaining their civil capacity.

*Note: According to international humanitarian law, persons may be interned either in the territory of the aggressor state or in a neutral country, including a protecting power.*

*For example, Article 49 of the Fourth Geneva Convention prohibits transfers to the territory of the occupying state except in certain cases, while Article 83 of the Fourth Geneva Convention obliges the detaining state not to establish internment places in areas particularly dangerous due to war. Both civilians and prisoners of war may be interned. Interned persons are ensured appropriate conditions of detention, food, and medical assistance in specially designated hospitals. Family members, especially parents and children, should not be separated during internment; they have the right to reunification and joint residence in internment places.*

**3. Unlawfully (Arbitrarily) Detained Person** – a person who has been unjustly and unlawfully detained by representatives of the occupying administration, units, and formations of the aggressor state with subsequent restriction of their freedom of movement and contact with family members.



*Note: Unlawful (arbitrary) detention may occur in temporarily occupied territory, the territory of the aggressor state, including public places, border crossing points, checkpoints, and at the place of residence or presence of the person. Such detentions are contrary to international humanitarian law and human rights. One of the mechanisms for documenting such detentions is the so-called «Moscow Mechanism,» introduced by the OSCE to identify unlawfully (arbitrarily) detained persons and assist in their return to Ukraine. The following types of contexts for unlawful detention of civilians are identified: 1) when there is no legal basis justifying the deprivation of liberty; 2) if deprivation of liberty is a result of exercising rights or freedoms guaranteed by Articles 7, 13, 14, 18, 19, 20, and 21 of the Universal Declaration of Human Rights; 3) when the violation of the right to a fair trial is so severe that detention by court decision becomes arbitrary; 4) when asylum seekers, immigrants, or refugees are subjected to prolonged administrative detention*

*without the possibility of administrative or judicial review or protection; 5) when deprivation of liberty occurs due to discrimination of the person on various grounds, potentially leading to disregard of human rights equality.*

**4. Person Unlawfully Deprived of Liberty** – a person who is held in places of detention in temporarily occupied territory or the aggressor state without any explanation and official charges, or with such charges and with subsequent restrictions on movement and contact with the outside world.

*Note: Unlawful deprivation of liberty is a serious violation of international humanitarian law and constitutes a war crime. The unlawful nature is determined by: the absence of any legal grounds (e.g., committing crimes in occupied territory, espionage, or sabotage), the lack of official documents sanctioning detention, violations of procedural law during detention, and insufficient or restricted*

*information about the person's place of detention.*

**5. Person Missing Under Special Circumstances** – a person who has disappeared in connection with armed conflict, military actions, temporary occupation of part of Ukraine's territory, or emergency situations of natural or man-made origin.

*Note: The Law of Ukraine «On the Legal Status of Persons Missing Under Special Circumstances» provides a special legal status acquired from the moment of entry into the Unified Register of Persons Missing Under Special Circumstances. This status is maintained until the search for the missing person is terminated. Persons in this category enjoy all constitutional rights which are protected until the search for them is concluded.*

**6. Person Deprived of Personal Freedom Due to Armed Aggression Against Ukraine** – a Ukrainian citizen,

a foreign national, or a stateless person who, due to armed aggression against Ukraine in any form, is deprived of freedom by the aggressor state, its organs, units, formations, or other entities during their stay in temporarily occupied territories of Ukraine or in the territory of the aggressor state.

*Note: National legislation specifies categories of persons who fall into this category, including: prisoners of war; civilians; public figures, politicians, and human rights defenders; civilian hostages; foreigners or stateless persons who served in the Armed Forces of Ukraine or other military formations. These individuals and their family members are entitled to additional social, economic, and legal guarantees from the state, as regulated by the Law of Ukraine dated January 26, 2022, No. 2010-IX "On Social and Legal Protection of Persons Deprived of Personal Freedom Due to Armed Aggression Against Ukraine and Their*

*Family Members." Freedoms may also be restricted for those who did not support the occupying regime and maintained a neutral position, identifying them as supporters of Ukraine.*

**7. Victims of Enforced Disappearance** – persons who have been deprived of liberty in any form by representatives of the occupying administration, armed forces, or law enforcement agencies of the aggressor state, or by other individuals acting with the permission, support, or consent of the occupiers, and regarding whom there has been a prolonged absence of information about their whereabouts or fate.

*Note: Victims of enforced disappearance can be both identified and subsequently released persons, as well as individuals whose fate remains undetermined despite being identified. International humanitarian law guarantees victims of enforced*

*disappearance the right to prompt, fair, and adequate compensation for the harm suffered. This includes moral and material damages in the forms of: restitution, rehabilitation, satisfaction, and guarantees of non-repetition. Enforced disappearances are often accompanied by the use of physical force by the aggressor state's representatives, loss of contact, and negative consequences (death, physical or psychological suffering, loss of ability to work, disability, etc.). A victim of enforced disappearance is any missing person and any individual who has suffered direct harm as a result of enforced disappearance (Article 24(1) of the Convention).*

**8. Political prisoner** is a person who has been deprived of personal freedom under the following conditions:

1) If the deprivation of liberty was applied in violation of one of the fundamental rights guaranteed by the European Convention on

Human Rights and its Protocols, in particular, the freedom of thought, conscience, and religion, the freedom of expression and information, as well as the freedom of assembly and association;

2) If the deprivation of liberty was applied for clearly political reasons without connection to any offense;

3) If, for political reasons, the length of imprisonment and its conditions are clearly disproportionate to the offense the person is suspected of or found guilty of;

4) If the person is deprived of liberty for political reasons on a discriminatory basis (compared to other individuals);

5) If the deprivation of liberty is the result of an obviously unfair trial, which may be linked to the political motives of the authorities.

*Note: This term is predominantly used by media representatives to describe the conditions leading to the persecution and reasons for the deprivation of personal freedom of Ukrainian citizens by the aggressor state. Political prisoners essentially refer to individuals who have been deprived of their personal freedom as a result of armed aggression against Ukraine. Their social and legal protection guarantees are also regulated by the Law of Ukraine dated January 26, 2022, No. 2010-IX, «On Social and Legal Protection of Persons Deprived of Personal Freedom Due to Armed Aggression Against Ukraine, and Members of Their Families.» International law norms prohibit the persecution and deprivation of freedom of individuals based on their political beliefs. In its Resolution 2231 (2018) «Ukrainian Citizens Detained by the Parliament of the Russian Federation as Political Prisoners» the Parliamentary Assembly of the Council of Europe condemned the practice of detaining Ukrainian citizens by the aggressor state.*

## **9. A civil person under arrest**

is an individual who is held in places of deprivation of freedom under arrest sanctioned by a decision of the law enforcement agency of the aggressor state or self-proclaimed authorities in temporarily occupied territories and is subjected to corresponding investigative actions by authorized persons to establish the degree of guilt or innocence of such a person.

*Note: These individuals are often held in places of deprivation of freedom based on fabricated charges brought against pro-Ukrainian individuals who refused to acknowledge the occupation and cooperate with the aggressor state. International humanitarian law provides lawful grounds for the arrest of civilians in occupied territories, including: suspicion of engaging in espionage or sabotage activities for the benefit of the other side of the conflict; committing intentional offenses that resulted in the death of*

*one or more persons. Article 76 of the Fourth Geneva Convention stipulates that protected persons accused of committing a crime must be tried in the occupied country, and if convicted, must serve their sentence there.*

#### **10. A civil person sentenced**

is a civilian who, based on a preliminary investigation and official charges, has been found guilty and sentenced by the court of the aggressor state or by courts illegally established in temporarily occupied territories, and transferred to places of punishment.

*Note: These sentences can be lawful or unlawful. Lawful sentences are based on proven acts of espionage or sabotage for the benefit of Ukraine or intentional offenses by the convicted person that resulted in the death of one or more individuals. Convicted Ukrainian citizens do not have access to independent, qualified legal assistance, which impedes their ability to protect their interests.*

**11. Civilian prisoner of war** is the general status of a civilian who has been unlawfully or lawfully detained and deprived of freedom by the aggressor state, its agencies, units, formations, and is held in places of deprivation of freedom in temporarily occupied territories of Ukraine or in the aggressor state.

*Note: This term is not regulated by current legislation or international legal acts. It has an unofficial nature and is used to refer to all Ukrainian citizens who, regardless of the nature of the grounds, are held in places of deprivation of freedom by the occupying administration or other formations of the aggressor state. The use of this term distorts the reality of illegal detentions, unlawful holding, and enforced disappearances in the occupied territory, as capturing military personnel is a procedure not contrary to international humanitarian law, whereas the «capture» of civilians is not provided for by international humanitarian law.*

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### **Developed by:**

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Viktor Filatov  
Ksenia Onyshchenko  
Yulia Polekhina  
Olha Bozhko  
Yevhenii Yaroshenko  
Oleksandr Pavlichenko

### **Design and layout:**

Kostyantyn Filippov  
Hennadii Zyma

### **Cover:**

Animation for the documentary film  
«The Invisibles,» authors:  
Yaroslav Bilous  
Taras Bilous

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### **War Chronicles: The Status of Civilians in Russian Captivity.**

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To receive free legal assistance, contact the Civic organization «Human Rights Protection Group «SICH»

**Dnipro city, Ushinskogo lane, 2/43**

**Phones:**

☎ +380959033361

☎ +380687620009

☎ +380934544054

**E-mail: [pgsichdnipro@gmail.com](mailto:pgsichdnipro@gmail.com)**



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