



Summary



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September 1, 2022

"We Had No Choice"

"Filtration" and the Crime of Forcibly Transferring Ukrainian Civilians to Russia



A bus full of Ukrainians being transferred to Taganrog, Russia from the "DNR," February 2022. © 2022 ANDREY BORODULIN/AFP via Getty Images

Summary

hostilities, to areas of Ukraine occupied by Russia or to the Russian Federation, a serious violation of the laws of war amounting to a war crime and a potential crime against humanity. Many of those forcibly transferred were fleeing the besieged port city of Mariupol.

Russian and Russian-affiliated authorities also subjected thousands of these Ukrainian citizens to a process referred to by Russia as “filtration,” a form of compulsory security screening, in which they typically collected civilians’ biometric data, including fingerprints and front and side facial images; conducted body searches, and searched personal belongings and phones; and questioned them about their political views. Ukrainian civilians were effectively interned as they waited to undergo this process, with many reporting that they were housed in overcrowded and squalid conditions, for periods as short as several hours for up to almost a month.

Forced transfers and the filtration process constitute and involve separate and distinct abuses against civilians, although many Ukrainian civilians experienced both.

This report documents the forcible transfer of Ukrainian civilians from Mariupol and the Kharkiv region to Russia and Russian-occupied areas of Ukraine. Unlike combatants who, once captured, are held as prisoners of war (POWs) and may be moved to enemy territory, the forcible transfer of civilians is prohibited under international humanitarian law, or the laws of war, and can be prosecuted as a war crime and a crime against humanity. The report describes various kinds of pressure the Russian military and other Russian and Russian-affiliated officials used to make Ukrainian civilians fleeing hostilities go to Russia or the so-called “Donetsk People’s Republic” (DNR), an area of the Donetsk region controlled by Russian-affiliated armed groups and currently occupied by Russia (DNR is used in this report as a reference to this area, not as recognition of any claims to sovereignty). The report also describes the many challenges Ukrainian civilians faced and the abuses they suffered as they attempted to flee Mariupol for Ukrainian-controlled territory and avoid going to Russia, or as they tried to leave Russia for a third country.

On June 20, Iryna Vereshchuk, Ukraine’s deputy prime minister, claimed that 1.2 million Ukrainians had been forcibly taken to Russia, including 240,000 children. In late July, the Russian News Agency (TASS) reported that over 2.8 million Ukrainians had entered the Russian Federation from Ukraine, including 448,000 children. It reported that about half

and currently occupied by Russia (LNR is used in this report as a reference to this area, not as recognition of any claims to sovereignty).

Although the total number of Ukrainian civilians transferred to Russia – either voluntarily or involuntarily – remains unclear, many were transported to Russia in organized mass transfers, even though they were hoping to go to Ukrainian-controlled territory, in a manner and context that renders them illegal forcible transfers.

Russian and Russian-affiliated officials organized transport to Russia and told some civilians that they had no choice but to stay in Russian-occupied areas or go to Russia and should “forget about” going to Ukrainian-controlled territory. One woman from Mariupol who was transferred to Russia said: “Of course we would have used the opportunity to go to Ukraine if we could have, for sure. But we had no choice, no possibility to go there.” Other civilians said that military or other personnel at checkpoints instructed Ukrainian citizens fleeing hostilities to go to Russia or the DNR. Military personnel who rounded up civilians in occupied territories told them the same, although in some cases, Russian forces allowed people to proceed to Ukrainian-held territory.

Some people told Human Rights Watch they went to Russia voluntarily, including men wanting to avoid the travel restrictions under Ukraine’s martial law, which with limited exceptions, does not allow men ages 18 to 60 to leave the country.

Mariupol residents who had the financial means to organize their own private transportation, rather than rely on Russian organized evacuation buses, were able to travel to Ukrainian-controlled territory, sometimes after completing the filtration process, while others managed to leave the city to Ukrainian-controlled territory without going through the process.

Many traveled through areas of heavy fighting and ongoing shelling, along streets littered with dead bodies and burnt-out buildings, to escape Mariupol. They then passed through numerous checkpoints manned by Russian or Russian-affiliated forces, where they were often repeatedly questioned and searched, before finally reaching Zaporizhzhia in Ukrainian-controlled territory, where volunteers and aid groups have been providing humanitarian assistance and other support for new arrivals.

to Russia, but did not undergo filtration in Russian-occupied areas. A 70-year-old man from Ruska Lozova described what Russian forces warned him of in their attempt to convince him to leave his home: “You lived under us and so if the Ukrainian army comes, they will punish you,” he said the Russian forces told him. “You will be executed.” While he did not give in, hundreds of families from the village, including his neighbor, did leave for Russia.

At the Russian border, most Ukrainians went through another screening process before being sent to different parts of Russia, where many are now cut off from their families and friends, fearful and uncertain about what lies ahead, according to their family members and volunteers assisting Ukrainians who are in Russia but want to leave.

While in Russia, some interviewees were pressured to sign, and witnessed other people signing, documents stating that they had witnessed war crimes by Ukrainian forces. Some of those who had access to smartphones and social media networks were able to connect with activists who helped facilitate their transport out of Russia through Estonia, Latvia, or Georgia. Once they made it to the border, though, some had difficulties crossing from Russia because they lacked the proper identification documents, having left them behind in Ukraine when fleeing the shelling and other violence.

The report also documents the filtration or security screening process that DNR officials and Russian authorities have used to capture vast amounts of personal data about Ukrainian civilians, including their biometrics. While Russia may have legitimate grounds to conduct security screening on individuals voluntarily seeking to enter Russian territory, the filtration process in its scope and the systemic manner in which Russian forces and authorities organized and forced Ukrainian civilians to undergo it, is punitive and abusive. It is a mass illegal data collection exercise being carried out by Russian and Russian-affiliated forces outside of the territory of Russia, targeting non-Russians, with no legal underpinnings. It involves a clear violation of the right to privacy and could put those subject to it at risk of being targeted or suffering other abuses for years to come. For example, in Mariupol, Russian and Russian-affiliated forces rounded up civilians they suspected of having ties to the Ukrainian military and sent them for filtration. This became more commonplace as Russia sought to entrench control in areas it occupies in southern Ukraine. In some cases, Ukrainian civilians understood that if they were to be allowed safe passage from areas of active hostilities or even to move around on roads

In the villages of Bezimenne and Kozatske in the DNR, almost 200 people were effectively interned after they completed the filtration process and had received “filtration receipts,” indicating that they had successfully completed the process. For over 40 days, DNR personnel refused to return their passports and prevented them from leaving the village, where they sheltered in local schools or a cultural center in unsanitary conditions with meager food rations.

The report notes that individuals who “failed” the filtration process in the DNR, apparently due to their suspected ties to the Ukrainian military or to nationalist groups, were detained in the DNR. Some of those detained, whose whereabouts and fate are unknown, are presumed forcibly disappeared according to family members. While this report cannot document their fate beyond that, there are serious grounds for concern that these individuals are at risk of grave harm, including torture or other ill-treatment; in particular, the lives of , those forcibly disappeared may be at risk.

The practices documented in this report are distinct from the arbitrary detention of Ukrainian civilians by Russian and Russian-affiliated forces and their subsequent unlawful transfer to pre-trial detention centers and penal colonies in Russia. Human Rights Watch has documented this practice in other publications.

This report is based on Human Rights Watch interviews with 18 people who went to Russia—15 from the Mariupol area, 1 from Donetsk, and 2 from the Kharkiv region —10 of whom also underwent the filtration process. Human Rights Watch interviewed another 8 people who went through the filtration process in the DNR but were able to continue on to Ukrainian-controlled areas and avoided being transferred to Russia.

The report is also based on interviews with 21 Mariupol and Kharkiv residents whose family members and friends were transferred to Russia, most of whom remained in Russia as far as the interviewees knew. Human Rights Watch also interviewed eight lawyers and activists in Russia and Europe who have been helping newly arrived Ukrainians leave Russia.

Human Rights Watch also spoke with dozens of civilians from the Mariupol area who were able to escape the war zone to Ukrainian-controlled territory without undergoing

food, water, and other humanitarian needs in the city, as well as about their experiences fleeing the city to safety.

Most of the cases documented by Human Rights Watch where Ukrainians from the Mariupol and Kharkiv areas were transported to Russia amount to forcible transfers. The laws of war prohibit Russian or Russian-affiliated forces from forcing Ukrainian civilians, individually or en masse, to evacuate to Russia. A forcible transfer is a war crime and a potential crime against humanity and includes a transfer in circumstances where a person consents to move only because they fear consequences such as violence, duress, or detention if they remain, and the occupying power is taking advantage of a coercive environment to transfer them. Transferring or displacing civilians is not justified or lawful as being on humanitarian grounds, if the humanitarian crisis triggering the displacement is itself the result of unlawful activity by the occupying power.

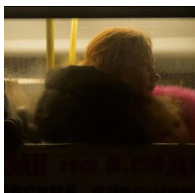
In at least five cases documented by Human Rights Watch, the interviewees’ consent to be transferred may be genuine, as they said they wanted to go to Russia in order to travel onwards to Europe after. Such cases may not constitute forcible transfers.

Russian and Russian-affiliated forces in all parts of Ukraine that they now occupy should ensure that civilians can leave in safety to Ukrainian-controlled territory if they choose, regardless of whether they have private vehicles to flee in. They should ensure that people who board buses heading to Russia are fully informed about where the buses are going and are given options if they do not want to travel to Russia. They should stop all forms of pressure on Ukrainian citizens to go to Russia and should facilitate the return to Ukraine of all Ukrainian civilians who wish to do so.

While Russian authorities can conduct essential security screenings of those seeking to enter Russia, they should halt all ongoing biometric data collection and retention processes. Russian authorities should only ever collect biometric data where lawful, proportionate, and necessary to do so, and should inform data subjects of why their data is being collected, how it will be used, and how long it will be held for.

To help ensure that the perpetrators of grave violations of the laws of war in Ukraine, including forced transfers, and other serious abuses against civilians such as filtration, are investigated and brought to justice, Ukraine should ratify the Rome Statute of the

Related Content



September 1, 2022 |

News Release

Forcible Transfer of Ukrainians to Russia

Punitive, Abusive

Screening of Fleeing

Civilians

Recommendations

On Forced Transfers to Russia and Russian-Occupied Territory

To Russian and Russian-Affiliated Authorities

- Do not prevent civilians in areas occupied by Russian and Russian-affiliated forces, including in the self-proclaimed “Donetsk People’s Republic” (DNR), from leaving to Ukrainian-controlled territory or any other third country if they choose, including by jeopardizing their safe passage. Allow independent, neutral parties to facilitate civilian evacuations to Ukrainian-controlled or allied territory, including by

- Ensure all civilians who board any evacuation buses heading to Russia are fully informed about where the buses are going and are given options if they do not want to travel to Russia;
- End all efforts to take advantage of the coercive environment for Ukrainian civilians, or create a humanitarian crisis by unlawful activity, to displace them to Russia and Russian-occupied territory;
- Allow all civilians transferred out of Ukraine who wish to return to Ukraine to do so, facilitating their return.

To Ukrainian Authorities

- Facilitate civilian evacuations to areas of safety where feasible to destinations chosen by the civilians;
- Ratify the Rome Statute of the International Criminal Court to facilitate prosecutions of war crimes and crimes against humanity, including forced transfers;
- Take all necessary measures, including relevant legislative amendments, to ensure that Ukrainian nationals who were transferred to Russia, including men between the ages of 18 and 60, suffer no legal consequences for this upon returning to Ukraine.

To Other States

- Call on Russia to respect the prohibition on forcible transfers including coercing civilians to evacuate to unwanted destinations, and urge all parties to the conflict to facilitate safe passage for civilians to a destination of their choosing;
- Appeal to the United Nations Refugee Agency (UNHCR), the International Organization for Migration (IOM), the Office of the United Nations High Commissioner for Human Rights (OHCHR), and the International Committee of the Red Cross (ICRC), as appropriate to their mandates, to:
 - Request unfettered access for their international staff to visit the temporary

- Help Ukrainian citizens who wish to leave Russia and/or return to the territory of Ukraine to do so;
- Document the facts of forced transfers (number of people, conditions of their stay in Russia, etc.);
- Inquire with Russian authorities about the number of children transferred from Ukraine to Russia and the number, location, and occupancy rate of the temporary placement centers throughout Russia;
- Request access for international missions to temporary placement centers throughout Russia and other places where Ukrainian citizens are located following their transfer to Russia;
- Appeal to the European Network of Ombudsmen and the European Network of Ombudspersons for Children on the possibility of visiting the reception facilities throughout Russia, with the view to obtain information on the facts of forced transfers, including the number of people and conditions of their stay in Russia;
- Ensure that the application of the Temporary Protection Directive by EU member states and other temporary protection measures effectively apply to all Ukrainians who are seeking entry at EU borders from Russia, including those with lost, damaged, or destroyed travel documents and those traveling with copies of documents or electronic identity documents;
- Ensure that Ukrainian citizens seeking to enter EU member states from Russia and who do not have their passports for foreign travel can do so;
- Collect the names of individuals who have disappeared during the filtration process, their forced confinement, or their transfer to Russia from those Ukrainian civilians who arrive on their territories and are willing to share this information;
- Support investigations of cases of forcible transfer of civilians by a competent international jurisdiction or under the principle of universal jurisdiction to identify if they constitute war crimes or crimes against humanity and ensure that those responsible are held to account.

Commission of Inquiry on Ukraine, Children, Family, and the Council of Europe:

- Request unfettered access for their staff to visit the temporary placement centers and other places where Ukrainian citizens are located following their transfer to Russia, monitor those facilities to ensure that the new arrivals are fully informed of their rights and options;
- Monitor, report on, and assist, as appropriate, Ukrainian citizens who wish to return to the territory of Ukraine to do so, and Ukrainian citizens who wish to go to a third country to seek asylum/refugee status/family reunification without passing through Ukraine;
- Document the facts of forced transfer (number of people, including children, whereabouts of people who failed the filtration process, conditions of their stay in Russia, etc.) including to assist in family reunification and tracing.

On Treatment Within Russia

To Russian Authorities

- Sign and ratify the International Convention for the Protection of all Persons from Enforced Disappearance;
- Allow independent groups and international organizations to access centers accommodating people from Ukraine;
- Ensure that Ukrainian citizens have unfettered access to legal, civil society, and other support services that may assist them in relocating inside or outside of Russia as they wish;
- In a timely fashion, issue the document known as the “certificate confirming identity of a foreign national for the purposes of proceeding to a diplomatic mission of a foreign state in the Russia Federation” to those Ukrainians that are in Russia without their passports.

- Provide support via their embassies in Russia in the issuance of temporary travel documents enabling Ukrainian citizens who are in Russia without their identity or travel documents to leave the country if they wish to.

On Filtration

To Russian and Russian-Affiliated Authorities

- Respect the prohibition of arbitrary detention, enforced disappearance, torture, and ill-treatment; investigate any allegations of these or other abuses committed by Russian forces and Russian-affiliated armed groups;
- Clarify the fate and whereabouts of all civilians detained as a result of filtration;
- Halt all personal data collection and retention processes inside Ukraine, and limit security screening to what is essential to lawfully process individuals voluntarily seeking to enter Russia;
- All members of Ukrainian armed forces and affiliated armed groups detained by Russia should be afforded Prisoner of War (POW) status in line with their entitlement under the Geneva Conventions, and their rights as POWs should be respected fully.

To Other States

- Inquire with Russia about the number and whereabouts of Ukrainian citizens detained in the occupied territories following the “filtration measures”;
- Support investigations of cases of arbitrary detention, enforced disappearance, torture, and ill-treatment by a competent international jurisdiction or under the principle of universal jurisdiction to identify if they constitute war crimes or crimes against humanity, and ensure that those responsible are held to account.

Methodology

Human Rights Watch interviewed 20 residents from the Mariupol area who went through the filtration process in the DNR between March 15 and May 6 – including in Amvrosiivka, Bezimenne, Donetsk, Dokuchaievsk, Kachkarske, Kozatske, Khomutovo, Manhush, Nikolske (previously known as Volodarske), Novoazovsk, Pervomaisk, Sartana, Shyrokyne, Starobesheve, and Uspenka.^[1] After filtration in the DNR, seven stayed in Ukraine while 13 traveled to Russia alone or with their friends or families. Another two interviewees from the Mariupol area went to Russia without undergoing filtration.

Human Rights Watch interviewed one man who fled mobilization in DNR-controlled Donetsk, by paying an apparent member of the DNR forces to transport him from Donetsk to Russia, without undergoing filtration or a screening at the Russian border.

Human Rights Watch also interviewed seven people from the Mariupol area who said they had family members and friends who had gone through the filtration process in the DNR and then traveled to Russia and remained there, except for one who returned to Mariupol. Four other interviewees said they had family members who did not pass the filtration process and were detained in the DNR.

Human Rights Watch interviewed two women from the Kharkiv region, one of whom was with her partner, who were forcibly transferred to Russia. Ten other people in the Kharkiv region told Human Rights Watch that they knew of organized evacuations to Russia from their village or city and neighboring villages, including of their family and friends, and that they had refused to go.

Human Rights Watch interviewed eight human rights lawyers and activists in Russia and Europe who have been assisting Ukrainians in leaving Russia.

At the time of writing, the 18 people Human Rights Watch interviewed who went to Russia had succeeded in leaving Russia for European Union member states or Georgia, in most cases with the assistance of Russian, Ukrainian, and European activists. Three of them were, however, still in Russia at the time of their initial interview with Human Rights

Human Rights Watch reached out to 12 other Ukrainian citizens who were in Russian territory following their transfer, but they declined to be interviewed, citing security concerns and fear of reprisals.

The Russian government’s “deregistration” of Human Rights Watch in April 2022 prevented us from conducting research in person in Russia and also from visiting temporary placement centers for Ukrainian refugees.^[2]

Due largely to these constraints, all of the Ukrainians transferred to Russia that Human Rights Watch interviewed for this report were those who had access to financial means or social media networks and activists who helped them leave Russia. As such, their experiences are not necessarily representative of the many other Ukrainians who are still in Russia, who neither went there or remain there by choice. Further research is required to understand the full range of abuses that forcibly transferred Ukrainians in Russia may have experienced and be experiencing.

In total, Human Rights Watch interviewed 117 Ukrainians from the Mariupol area and the Kharkiv region between March 22 and June 28, 2022, in order to determine whether they or their families or friends had undergone filtration or forcible transfer to Russia.

These interviews helped researchers assess certain patterns — the majority were people who fled Mariupol in private cars and who were not, for the reasons described elsewhere in this report, subjected to filtration or forced transfers. For many fleeing to Ukrainian-controlled territory, the first destination was Zaporizhzhia, a city about 220 kilometers from Mariupol. Between mid-March and mid-May, Human Rights Watch interviewed 93 people who had left the Mariupol area. Seventy-eight of those interviewed made it to Zaporizhzhia, where volunteers and aid groups have been providing humanitarian assistance and other support for new arrivals. Sixty-two left in private vehicles and traveled through multiple Russian military checkpoints along the 80-kilometer route through Russian-controlled territory, most through the city of Berdyansk, which had fallen under Russian control, and onwards to Zaporizhzhia.

Human Rights Watch also interviewed four people from Mariupol who traveled to Russia in private cars.

went to collection points, where they had heard from Russian or Russian-affiliated military personnel or by word of mouth that they could get on evacuation buses that would take them out of the city. But when they arrived at the collection points, they discovered there were no buses to Ukrainian-controlled territory. They were instead taken to Russia.

Separate from the research for this report, Human Rights Watch interviewed dozens of people who had fled Russian-occupied areas of the Donetsk, Kherson, Luhansk, and Zaporizhzhia regions in private vehicles and evacuation buses who said they were not aware of any ongoing filtration process in the areas from which they had fled.

Large numbers of Ukrainian citizens went to Russia as a result of the hostilities. Given limitations described here, it is important to recognize that the cases documented in this report are unlikely to describe the full range of Ukrainian citizens’ experiences with filtration or transfer to Russia.

Human Rights Watch conducted interviews in person in Ukraine, in areas under government control, and remotely. In some cases, an interviewee’s partner or family members were present during the interview. We did not include them in our interview count unless they were interviewed separately.

The interviews were conducted in Ukrainian through a translator, or in Russian. Human Rights Watch has withheld people’s family names, or in some cases their full names, for security reasons.

In the report, the labels “Donetsk People’s Republic” (DNR) and the “Luhansk People’s Republic” (LNR) are used to identify those respective areas under control of Russian-affiliated armed groups, and not in recognition of any sovereignty claims.

On July 5, Human Rights Watch shared its findings with the Russian Federation and asked for responses to specific questions. The government did not respond.

Background

Russia has occupied parts of Ukraine since 2014.^[3] In response to the Maidan uprising, a mass, public revolt against a government led by a pro-Moscow president, Russia seized and occupied Crimea and stoked and supported anti-government insurgencies by armed groups in parts of the Donetsk and Luhansk regions.^[4] Active hostilities between Ukrainian forces and these Russian-backed armed groups, at times supported directly by Russian military forces, were followed by a ceasefire in February 2015.^[5] Ceasefire violations – including shelling and firing across front lines – were regular occurrences in the following years.^[6] Since starting its full-scale invasion of Ukraine on February 24, 2022, Russia has occupied the areas that militants call, respectively, the “Donetsk People’s Republic” and the “Luhansk People’s Republic” (with the Russian acronyms, “DNR” and “LNR”).^[7]

Russian authorities have proffered a variety of reasons for Russia’s invasion and the ongoing war against Ukraine. Key among them is a string of demonstrably false allegations: that Russia is saving people “whose only hope was Russia” from the Ukrainian government, which the Russian government falsely claims is controlled by “Nazis” who aim to destroy the country’s Russian speaking population.^[8] Thus, when Russian forces transfer Ukrainian civilians from areas of active hostilities to areas of Ukraine under Russian occupation or to the Russian Federation, under the guise of evacuations, they are not merely removing civilians from the hazards of war. They are implementing policy ambitions articulated by Russia’s leadership in the lead up to and during the current conflict.

Mariupol Under Siege

Mariupol is a strategic port city in southeastern Ukraine with a pre-war population of about 430,000.^[9] On March 2, 2022, Russian forces and Russian-linked armed groups encircled the city, which by that time lay between two regions already under the effective control of Russian forces. Civilians trapped in Mariupol quickly lost access to electric

sheltered in basements for weeks with limited access to water, food, or medicine – and no safe way to escape.^[10] Russia announced victory over the city after Ukrainian forces surrendered their hold-out position in Mariupol’s Azovstal steel plant on May 16.^[11]

According to Ukrainian officials, during the 10-week siege, numerous efforts to negotiate a ceasefire to allow for the establishment of humanitarian corridors and mass evacuations of civilians failed throughout March and April. During that time, Ukrainian authorities said that Russian forces on numerous occasions prevented Ukrainian buses from entering the area to evacuate civilians from Mariupol to Ukrainian-controlled territory.^[12]

The UN Human Rights Monitoring Mission in Ukraine noted two evacuations of civilians from Mariupol in March, announced by Russia’s Defense Ministry: one which started on March 5, “towards Rostov-on-Don in the Russian Federation, via territory controlled by Russian affiliated armed groups,” and the second, which started on March 14, “towards Zaporizhzhia, after the route and security guarantees for evacuation convoys were agreed upon.” According to the UN, “evacuation happened by private vehicles, buses or on foot, and the Government of Ukraine supported evacuation towards Zaporizhzhia by providing buses and shelter upon arrival.”^[13]

Organized evacuations towards Ukrainian-held areas were rare exceptions. Russian forces and Russian-affiliated armed groups instead provided people with buses only going further into Russian-controlled territory. A successful humanitarian corridor to Ukrainian-controlled territory was finally established on April 30, which facilitated the evacuation of some women and children.^[14]

Until that time, hundreds of thousands of people from Mariupol and surrounding areas had managed to flee the fighting without humanitarian corridors, often after hearing about possible escape routes through word of mouth. As conditions deteriorated, many decided to take the risk of fleeing amidst heavy fighting and ongoing shelling, through streets littered with dead bodies and burnt-out buildings. They left in private vehicles, on foot, or in evacuation buses.^[15]

The forces that laid siege to Mariupol and took and exercised control over the greater Mariupol area included the Armed Forces of the Russian Federation and linked armed groups that operated out of the area they call DNR.



Starting on February 24, Russian forces entered the Kharkiv region from the north and northeast. By early March, they were approaching the capital of the region, Kharkiv, Ukraine’s second city, from the west.^[16] Already by February 25, fierce fighting had broken out in the city’s northern suburbs.^[17] Some Russian forces entered the city on February 27, leading to short-lived street battles.^[18] While Russian forces were pushed out of the city that same day, they have continued to fire munitions into it since then.^[19]

Russian paratroopers reportedly entered the city again on March 2, but failed to establish a foothold, falling back to fight Ukrainian forces in the villages north and east of the city.^[20]

According to the Kharkiv region’s deputy prosecutor, Andrii Kravchenko, at least 1,019 civilians, including 52 children, have been killed and 1,947 others wounded, including 152 children, during hundreds of attacks by Russian forces in the Kharkiv region between late February and early August.^[21] Attacks have continued through this writing, with Kharkiv’s northeastern neighborhoods, such as Saltivka, a densely built-up residential area, enduring particularly frequent shelling. Other parts of the city have also continued to come under attack.^[22]

These continuing attacks forcibly displaced hundreds of thousands of residents. A city with a pre-war population of 1.4 million people, many of Kharkiv’s residents quickly left. On March 28, Kharkiv’s mayor estimated that about 30 percent of the city’s population had left, with more residents leaving in April.^[23] By June, half of the city’s population was estimated to have left.^[24]

Though they have lost some ground to the northeast of the Kharkiv region, by early April, Russian forces were occupying almost all of the northwest of the region, including dozens of towns and villages, and had taken control of several of the region’s key cities, including Iziium, Kupiansk, and Balakliia.^[25] In some of the parts of the Kharkiv region that Russian forces had occupied, and in many cases still occupied at the time of writing, they told residents that they could not to leave to Ukrainian-controlled territory, saying the routes were too dangerous.^[26] They told residents they were welcome to flee to safety in Russia, either in buses the military provided or in convoys of private vehicles. Many people left for Russia as they felt compelled to under the circumstances, viewing it as the only way to escape relentless shelling. In some instances, including in one instance documented in

Forcible Transfers of Civilians Under International Law

Parties to an international conflict are prohibited under international law from forcibly transferring or deporting the civilian population of an occupied territory, in whole or in part. Violation of this prohibition is a grave breach of the Geneva Conventions and prosecutable as a war crime and a crime against humanity.

The laws of war applicable to the international armed conflict in Ukraine include the Geneva Conventions of 1949, the First Additional Protocol to the Geneva Conventions (Protocol I), and customary international law.^[28] Provisions in the fourth Geneva Convention and Protocol I, prohibiting individual or mass forcible transfers of civilians from occupied territory to the territory of the occupying power or any other country, make clear that the prohibition is regardless of motive.^[29]

To constitute the crime of deportation or transfer, the transfer needs to be “forcible.” Consent to be moved has to be voluntary and genuine, and not given under coercive conditions. As the International Criminal Tribunal for the Former Yugoslavia has made clear, the absence of genuine choice making displacement unlawful and forcible can include psychological force caused by “fear of violence, duress, detention, psychological oppression or abuse of power,...or by taking advantage of a coercive environment.”^[30] Therefore, a transfer is not voluntary if civilians agree or seek to be transferred as the only means to escape risk of abuse if they remain. Moreover, transferring or displacing civilians is not justified or lawful as being on humanitarian grounds if the humanitarian crisis triggering the displacement is itself the result of unlawful activity by those in charge of the transfers.^[31]

It is permitted to temporarily displace or evacuate civilians to protect them from the

conflict, “to the maximum extent feasible,” take the necessary precautions to protect civilians and civilian objects under their control from the dangers resulting from military operations, including seeking to remove civilians and civilian objects under their control from the vicinity of military targets.^[32] Those displaced or evacuated should be transferred back to their homes as soon as hostilities – not occupation – in the area in question have ceased.^[33]

The International Criminal Court can prosecute the war crime of “the deportation or transfer [by the Occupying Power] of all or parts of the population of the occupied territory within or outside this territory,” and the crime against humanity of “forcible transfer of population.”^[34]

In contrast to civilians, members of opposing armed forces, of allied militia, or similar forces who meet certain conditions spelled out in the Third Geneva Convention, if captured, are to be held as prisoners of war (POWs) and may lawfully be transferred to the detaining state’s territory.^[35]

The detention of POWs is not a form of punishment but aims to prevent them from further participation in the conflict. The laws of war prohibit a warring party from prosecuting a POW merely for having taken a direct part in hostilities and can only prosecute them for war crimes. POWs must be released and repatriated without delay after the end of active hostilities. During international armed conflicts, the ICRC has a right to visit POWs to make sure that their treatment and the conditions in which they are being held are in line with the laws of war.

Filtration

As Russian forces encircled Mariupol in March, they started forcing some fleeing residents



residents specially for filtration. During the process, DNR or Russian officials collected civilians' biometric data, including fingerprints and photographs of their face looking forward and in profile; searched their bodies, belongings, and phones; and questioned them about their political views and ties to Ukrainian armed forces and government agencies. While for some the wait lasted only hours, many had to remain near the filtration centers for between three days and up to almost a month, waiting to undergo interrogation. Those who “failed” the filtration process in the DNR, apparently due to their suspected ties to the Ukrainian military or nationalist groups, were detained and some apparently forcibly disappeared according to family members.

The DNR “Ministry of Internal Affairs” stated in May that “filtration activities are carried out in DNR with regard to residents of the territories formerly under Ukrainian control” in order to prevent “persons affiliated with Ukraine’s military, law enforcement and security agencies, nationalist battalions, and sabotage and intelligence groups from penetrating the republic.”^[36]

While there are no official statistics available on how many people have undergone filtration, one man who went through the process in Manhush said that when he got in line for the process on March 22, he was the 666th person waiting.^[37] He waited for almost a month until it was his turn, and on the day he was “filtered,” someone standing with him in line said he had heard from officials that on that day, the number of people who were signed up for filtration there had reached 60,000. While he waited for his turn to come up in Manhush, he also tried to undergo the process in Nikolske, hoping it would be faster. He said on April 11, he was told in Nikolske there were roughly 4,000 people ahead of him in the line.

Journey To Filtration

Of the 20 people Human Rights Watch interviewed who underwent filtration, seven were in private vehicles and were led to believe they had to undergo the process in order to be allowed to travel onwards.^[38] One person left Mariupol on foot and was eventually picked up by a family in a car and underwent the process for the same reason. Six people left Mariupol on foot and boarded free buses which took them further into Russian-controlled territory where they then underwent the screening. Six people whom Human Rights

undergo filtration. Thirteen of the 20 people traveled onwards to Russia after they had been screened.

The people Human Rights Watch interviewed who went through the filtration process did so between March 15 and May 6.^[39]

People often had to wait for days or weeks – housed in schools, community centers, government buildings, tents, or vehicles – as they waited their turn to go through filtration, sometimes in deplorable conditions with limited food and poor sanitary conditions, alongside dozens or even hundreds of other displaced or transferred people also waiting to go through the same process.^[40]

Many described the fear, desperation, and helplessness they felt as they traveled to the filtration points. They did not know what lay ahead, but they knew that returning to the horror of Mariupol was not an option, and they believed the only way they would be allowed to flee the hostilities and danger was to undergo the process.

Those who had the means to flee Mariupol in private vehicles – either initially when they left their homes or places of shelter, or once they got to the gathering points and realized that the buses were only going to the DNR or other Russian-controlled territory – were often able to avoid the filtration process by traveling to Ukrainian-controlled territory, albeit passing through numerous Russian checkpoints during their journey.^[41]

Fleeing Mariupol

One woman said that her brother, who left Mariupol by car with his family on April 10, spent five days in a field in Shyrokyne village waiting for filtration:

There was a tent camp, and his wife and their kids – the older one is three and the baby just turned one – slept in a tent with other women and children, while my brother slept in the car. It was cold and the car windows were shattered from shelling. His children caught a stomach bug; they were vomiting and had non-stop diarrhea, so the family was allowed to jump the queue. If not for the children getting so sick, I



Irina, aged 37, said her sister’s family left Mariupol on foot on March 26 and found a convoy of buses in Nikolske that she believed were taking people to Zaporizhzhia, in Ukrainian-controlled territory.^[43] But the buses instead went to Russian-occupied Manhush and then on to Donetsk, the main city in the DNR, where the family underwent filtration.

Another Irina, a 44-year-old engineer, said she spent nearly six weeks sheltering in her five-story apartment building in Mariupol’s left bank, with about 30 of her neighbors.^[44] An attack on April 7 caused part of the building to catch fire, prompting Irina and the others in the building to flee the next day, despite the continued fighting. Irina said a Russian soldier they came across told them to put white bands on their arms and run. After running for about a kilometer, she said, the group came across more Russian troops who told them to get into their armored vehicle, which then drove them to Vynohradne village, about 13 kilometers east of Mariupol.

There, Irina said, the Russian troops checked their documents and belongings, wrote down their names, and put them on a bus to Bezimenne, another village about 24 kilometers east of Vynohradne. She said they spent three nights at a community center that had two large halls with about 150 to 200 people, all from Mariupol. She said there were soldiers milling around and a woman in charge, who told them that they had to wait for a bus to Starobesheve, a town in DNR-controlled territory. On April 11, Irina and others were told to board three or four buses that took them to a filtration point housed in a similar community center in Starobesheve.

Anatolii, a real estate agent, said he knew before boarding an evacuation bus just outside of Mariupol that it was going to the DNR and that there he would need to go through filtration.^[45] Anatolii, who is now in Norway, said that he and his friend fled Mariupol on April 7. They walked to a checkpoint in Vynohradne, where Anatolii had heard they could get on a bus to leave the city. From Vynohradne, they boarded a bus that the driver, dressed in military uniform, told them was going to Kachkarske in the DNR.

Once in Kachkarske, Anatolii said that officials from the DNR’s “Ministry of Emergency Situations” took him and the others on his bus to a school that was already housing around 100 other displaced or transferred people. Authorities then gave everyone a form to fill out, he said, to add their names to the queue for filtration. One question asked

go to Russia.” He said that some people had to wait for 10 days or more before authorities would send them for filtration, but he and his friend pestered the staff in the school so much that they underwent filtration after only three days, along with older people and families with children who were being given priority.

Rounded up from the Street, Homes, and Shelters

“Mykyta” said that Russian soldiers detained him on the street in Mariupol on March 25 at around noon as he was walking to check on his grandmother, who lived nearby. They questioned him about his political views, and when he said that he supported Ukraine, one of them threatened to shoot him and held him at gunpoint. Then, another group of soldiers forcibly took him to a house in the neighborhood, which they used as a temporary military base, and held him there together with approximately two dozen other civilians, also picked up on the streets.

Late at night, the soldiers put all of the detained civilians on a bus and told them that the bus would take them to nearby School #30, where they would be questioned and “those who want to be evacuated to Russia will be provided transportation, and those who want to return home will be able to do just that.”^[46] However, instead of taking them there, the bus took them to Sartana, a town 16 kilometers northeast of Mariupol, where they had to spend the night in a local school, together with many other detained civilians, including women and older people. The next morning, all the civilians were put on buses and taken to a schoolhouse in Primorske village of Novoazovsk region. They were held there for two weeks from March 26, before the DNR “Emergencies Ministry” sent the group to undergo filtration in Dokuchaievsk, a village under Russian control, about 90 kilometers to the north.

“Mykyta” described the conditions at the Primorske school:

There were no mattresses in the school building, nothing. People —there were over 150 of us—slept on the floor and on school desks. For the first four to five days, they [DNR authorities] fed us three times a day – we got gruel and lard and some canned vegetables. But then they ran out of food and would only feed us twice a day, and it

they had checkpoints everywhere and our passports were taken away. At first, they said, “Your filtration will happen two days from now.” And then, it was like, wait another day, and another day and then they stopped making any promises at all. Those people who had relatives in the DNR were luckier – if the relatives showed up in person and signed a piece of paper saying they were personally responsible for delivering them to a filtration point, they could go with the relatives.

We felt like hostages. We were afraid they had some dodgy plans for us. Also, the toilet in the school building was just disgusting, the water was putrid and pretty much everyone was soon sick to the stomach and vomiting... One old woman died there. Whoever first saw she wasn’t moving called the maintenance person and he called someone, so a doctor came, took a look at her but she wasn’t breathing... They put her on a stretcher, covered the body with a sheet and took her away.^[47]

“Svitlana,” a 24-year-old woman from a Mariupol suburb, said that Russian forces had taken control of her area by mid-March.^[48] On the morning of March 15, Russian soldiers entered the basement of the local events hall where around 60 civilians, including Svitlana’s family, were sheltering. They ordered all the women, children, and older people to leave the basement and took them on foot to a nearby schoolhouse, which Russian and DNR forces were using for military purposes, and then to a former Ukrainian military base on the city’s edge, which Russian and DNR forces were occupying. Younger men, with few exceptions, were not allowed to accompany their families; it remains unclear what happened to them. The soldiers told women who wanted to stay behind with their husbands that they had no choice but to leave.

Svitlana and her six family members stayed there for hours with the other people from their shelter and a group of civilians brought from another shelter – 90 people in total.^[49] Late at night, without any explanation, the soldiers loaded everyone onto military trucks. After a 30-minute drive, they arrived in Kalchik, a village close to Mariupol and newly occupied by Russian forces, where they spent the night in a school building. The next morning, the military put them onto buses without revealing their destination. The buses

people, women, and children.

Maya, a woman from the Livoberezhnyi suburb of Mariupol, said that soldiers came to her mother’s apartment building in Mariupol on April 10 and took her mother and the other people sheltering in the basement of her building to the DNR to undergo the filtration process.^[50] After going through filtration, Maya said that her mother and the others in her building were taken to the Russian city of Taganrog, 100 kilometers to the east of Mariupol. The woman said her mother was too fearful to speak to Human Rights Watch on the phone but was trying to return to Ukraine.

Inna, a 40-year-old woman from Mariupol, said that on April 16, Russian forces entered her basement, where she and many neighbors were sheltering, and put them onto buses, saying they would be taken to Ukrainian-controlled territory. “But they lied to us and fooled us. They took us to Nikolske and on to Taganrog without giving us another choice,” she said. She said that later, while she waited to undergo filtration, Russian soldiers laughed at her when she asked about traveling to Ukrainian-controlled territory, saying: “Haha, how stupid you are. Of course, nobody will take you to Ukraine from here.”^[51]

In mid-March, soon after Russia took control of the area around Manhush, a settlement 20 kilometers west of Mariupol, DNR forces went house-to-house, searching people’s homes. On March 18, they entered the home of “Oleksandra,” who worked for the local government for over two decades and whose husband, a Ukrainian border guard officer, was captured by DNR forces and at the time of writing remains a prisoner of war in the DNR.^[52] Oleksandra said she asked them why they were searching people’s homes. “Both men lifted their jackets to show me their guns; that was the only reason they gave.” Once they found her husband’s military uniform and realized she worked for the government, they took her into custody. They held Oleksandra at the local police station for a day, and then told her she needed to be “filtered” and took her to Dokuchaievsk in handcuffs, where she underwent filtration and was then released.^[53]

Russian forces and Russian-affiliated armed groups also rounded up nearly all the men in Mariupol’s Mirny district and sent them for filtration in Bezimennoe and Kozatske villages. Their experiences are described below (see, Confinement, Internment of Civilians in Bezimenne and Kozatske Villages).

Those who underwent the filtration process described it as an involuntary security screening process that took place at either a police station, a community center, or a make-shift camp area, in which DNR forces asked a series of questions, and in many cases required people to fill out questionnaires, including about their families, jobs, political opinions, and ties to the Ukrainian army and government. Authorities also took photographs of their face and face in profile with cameras, scanned their fingerprints and their palms with a tablet, and took and searched their mobile phones, scrutinizing contacts, messages, and photographs, and in some cases noting down the phones' IMEI numbers, which are akin to each phone's unique digital fingerprint. They also examined some of the men's bodies, looking for tattoos showing links to the Ukrainian military or right-wing groups or bruises indicating that they had been carrying weapons.

All the interviewees who went through the process said that authorities did not ask for their consent to capture their personal data, including biometrics, and were given no reason why this data was being collected. Anatolii, the real estate agent, said no one dared to ask authorities why the data was being taken: “No one would risk asking, you just need to give them what they ask for.”^[54]

People Human Rights Watch interviewed mentioned 15 locations, all in areas under Russian and DNR control, where they themselves or their friends or family members went through the filtration process: Amvrosiivka, Bezimenne, Donetsk, Dokuchaievsk, Kachkarske, Kozatske, Khomutovo, Manhush, Nikolske (previously known as Volodarske), Novoazovsk, Pervomaisk, Sartana, Shyrokyne, Starobesheve, and Uspenka.

In a video posted on a Telegram group that functions as a general information group for people living in Donbas, a young man wearing a sweatshirt emblazoned with Soviet symbols and the word Volodarske, whose behavior in the video implied that he was involved in the administration of the filtration process, explains that the biometric data is being collected to populate a “Ministry of Internal Affairs” database to trace if people are linked to crimes or are “members of the nationalistic battalions.” He states that people undergoing filtration are bused to offices of the “Ministry of Internal Affairs” in the DNR, where officials take their passport details and fingerprints and run them through government databases to see “if there is a match.” He adds:

Then the person voluntarily gives their phone to a member of the

person is questioned. The questions might be based on the messages, the background of the person, including if they served in armed forces, for example if they are military officers or police. Based on this, the police decides whether to... [The video cuts at this point.]^[55]

Most of those who went through filtration said they received a paper receipt confirming they had completed the process. Six people showed Human Rights Watch the receipt.^[56] One simply read, “FP Volodarske,” referring to Volodarske “filtration point.”^[57] Another said “FP Manhush” and had the stamp of the DNR’s “traffic police” department.^[58] The other four receipts included stamps from the DNR “Ministry of Internal Affairs.”^[59]

Two individuals said that no soldiers forced them to undergo filtration, but that they did it because their fellow Ukrainian citizens had told them they would need to show filtration receipts at checkpoints in order to leave Russian-controlled territory.^[60] That these individuals reasonably believed they would need a filtration receipt in order to pass through Russian checkpoints is a reflection of the coercive context of the filtration process and underscores that it is involuntary. Nor did those administering the filtration ask for their consent before capturing their data. Five interviewees who made it to Ukrainian-controlled territory said that they did have to show their receipts to prove they had undergone filtration in order to pass through Russian checkpoints easily as they left Russian-controlled territory.^[61]

A woman from the village of Melekyne, just south of Mariupol, said she and her family left their home in mid-April on foot. ^[62] They walked to Manhush, where DNR authorities made them wait and queue for about 10 days before going through filtration. “Basically, you go and stand in a queue all day, and then at night when it’s curfew time you go back to where you are staying, and you do the same again the next day,” she said. “People decided to write down their names and record their places in line, so that the next day you could reconstitute the line.” She pointed out that people had to go through that process to get a filtration receipt which would allow them to leave. She showed the receipt to Human Rights Watch and said that once they completed the process, they were able to pay a taxi to take them to Ukrainian-controlled territory. During the process, authorities “encouraged” them to consider going to Russia and cited Russian pensions, which are higher than Ukrainian pensions, as an incentive, but she said they did not insist.

questioned her about her family and job and took her biometrics. When she asked why they were taking her photo and finger and palm prints, an officer replied: “We are filling in a database,” without being more specific. Oleksandra said they also copied all her contacts from her phone via Bluetooth. She showed Human Rights Watch the receipt she received after completing the process, which included a stamp from the Dokuchaievsk City “Department of the Ministry of Internal Affairs” of the DNR.

Oleksandra’s nephew, who is also from Manhush and went through the filtration process separately in Manhush, said that he was questioned by officials from the DNR’s “traffic police” department.^[63] When Oleksandra and her nephew left the area by car, they had to show their receipts proving they had completed the filtration process before they were allowed to cross to the Ukrainian-controlled side.^[64]

Anatolii, the man now in Norway, said that the individuals who carried out his filtration in Amvrosiivka included armed men from the DNR “military police,” the “department of motor vehicles inspection,” and other agencies, although he was unable to ascertain if some of the men were with the Russian armed forces. They captured his biometrics, searched his body for tattoos, checked his phone, and asked a series of basic questions about his background and ties to the Ukrainian military.^[65]

Svitlana, the 24-year-old woman from a Mariupol suburb, said she was brought to a “filtration camp” in Bezymenne staffed mainly by people whom she believed to be DNR forces and also some Russian forces, whom she distinguished by their uniforms:

It was a large tent... full of people [in fatigues] without insignias. When you come in, the first thing they order you to do is to give them your phone and the password to unlock it. They then plug the phone into a computer and keep it connected for about 20 minutes. Based on what I could overhear from their internal conversations, they were uploading all of my contact details from the phone into some database of theirs. I don’t know what else they did with the phone. ^[66]

Svitlana said that some officials took her photograph and finger and palm prints and asked a range of questions, including passport information and her home address.^[67] After the

Mariupol and Ukraine, and whether she had any links to Ukrainian right-wing armed groups. After this, she said, she was questioned by two more officials before she was finally given her phone back and put on a bus to Russia.

There is little official information about what happened to those who “failed” the filtration process, but it is understood that they were detained in the DNR, and some may be victims of enforced disappearances at the hands of DNR and/or Russian authorities. Official Ukrainian sources have said that those who do not clear the filtration process are detained in the DNR for interrogations for 36 days and then either released or prosecuted.^[68]

Anatolii, the real estate agent, said he heard three people he knew had “failed” the process because of alleged links to the military, but he didn’t know what had happened to them.^[69]

Inna, who was a postal worker in Mariupol, said:

The Russians didn’t like that I was a civil servant. One of the interrogators said, “We know everything about you. We know that you are an SBU agent.” They interrogated me for an hour and a half, and then moved me to another room that only opened with a keycard and fingerprint scan where another interrogator asked me the same questions all over again but for five hours. They took my phone and were searching through it and even plugged it into a computer. I had deleted many things, but they looked through my contact list and found people who are from the Azov battalion, and they found a photograph of my son near an Azov vehicle. They told me that I was in trouble. Finally they released me, and as I went into the hall, I saw four soldiers grab two men who were waiting and take them away. I don’t know what happened to them; I didn’t see them again.^[70]

A 58-year-old pensioner now in Germany, Anatolii V., said that during his filtration interrogation by DNR military police in Manhush, his interrogators searched his phone and found photos of relatives who are in the Ukrainian military. They threatened Anatolii V. and his son, aged 32, who was with him, saying they would be shot on the spot:

\$2,500 on me; it was all I had, and I didn’t want to give it to them. But then one man came in with a rifle and threatened to cut off my ear to play with it. They separated me from my son, and eventually took the money from me and let us go.

After completing filtration, Anatolii V. went to Berdyansk and then traveled to Ukrainian-controlled territory and on to Germany. He did not want to share with Human Rights Watch all that happened while he was interrogated, and he said his son was also unwilling to talk about what happened while they were separated.^[71]

Anatolii V. also said that Russian forces detained his stepson in Mariupol on March 25 during house-to-house searches. After completing filtration, Anatolii V. waited in Berdyansk while looking for his stepson, who was eventually released after three weeks in custody with six broken ribs and a broken jaw. He has trouble speaking now but told Anatolii V. that Russian forces had held and beaten him for weeks because they believed he had been in the Ukrainian military. They released him only after they received access to a database with names of soldiers, and saw he was not in it, Anatolii V. said.

A Ukrainian volunteer, who spent a month evacuating over 8,000 people from Mariupol to Ukrainian-controlled territory and gained a detailed understanding of what people went through during and after the filtration process, told Human Rights Watch that those carrying out the filtration would detain people they thought might be linked to Ukrainian armed forces or law enforcement for an administrative detention period in Olenivka detention facility in the DNR.^[72] During this time, they attempt to determine whether the person is linked to the army or police, or a “military volunteer” or has links with the Azov Battalion. They might ultimately release the individual or prosecute him, he had been told.^[73] He noted, however, that cases of members of the armed forces undergoing filtration were extremely rare: “No soldier in their right mind would undergo filtration if there is any way they can avoid it,” he said. On July 29, at least 50 Ukrainian prisoners of war, including fighters from Ukraine’s Azov Regiment who had surrendered to Russian forces in Mariupol in May, were killed in Olenivka as a result of an attack that Ukrainian authorities blamed on Russian artillery and Russian authorities blamed on Ukrainian rockets. Russian officials have not allowed the International Committee of the Red Cross (ICRC) or the UN to investigate, despite initial commitments to grant them access to the

There are serious grounds for concern that civilians whom Russian and Russian-affiliated armed groups detained as a result of filtration may face torture or other ill-treatment and enforced disappearance in detention. In May, the UN Monitoring Mission stated that it had “corroborated complaints about torture and ill-treatment of persons in detention to compel them to confess cooperation with the Government of Ukraine, provide information to, or cooperate with Russian armed forces. In particular, victims reported that they were kept tied and blindfolded for several days; beaten...; subjected to mock executions; threatened with sexual violence; put in a closed metal box; forced to sing or shout glorifying slogans; provided with no or scarce food or water; and held in overcrowded rooms with no sanitation.”^[75]

The Challenges of Avoiding Filtration

The best chance civilians fleeing Mariupol had of avoiding coerced filtration was to do so in private vehicles. Most people interviewed by Human Rights Watch who had fled in private vehicles said they did not undergo filtration. Russian soldiers at the numerous checkpoints along the way to Ukrainian-controlled territory let them pass through after searching their phones, vehicles, and the men’s bodies, apparently checking for tattoos and signs of bruising. Some interviewees said they avoided talking about their plans to go to Ukrainian-controlled territory as they believed it would make the Russian soldiers more likely to allow them to pass.

Andrii, a 46-year-old man, told Human Rights Watch how he left Mariupol on April 10 with his wife, his 82-year-old mother, and an 86-year-old family friend, using his own car, which was damaged but still functioned.^[76] During the 40-kilometer drive in DNR-controlled territory, Andrii said that he was stopped at least six times, had his car searched, and was repeatedly questioned about his destination. Russian soldiers at checkpoints told him that he could only go to Russian-controlled territory, he said. Andrii told them that he was going to DNR-controlled Rozivka. After getting to Rozivka, he said he and his family spent five days there and then managed to drive out of the city and on to Zaporizhzhia. He realized that it was only because he had his own car that he was able to make it to Ukrainian-controlled territory: “If I didn’t have the car, the DNR would not have taken us further than Volodarsk [Nikolske],” he said.^[77]



the city center, Russian forces had gained significant territory and troops were present on the city streets. Many Mariupol residents, terrified, started leaving in large numbers, they said. After Yulia and Tatiana’s apartment building was hit for the second time, destroying their apartments and setting the rest of the building on fire, they decided they needed to leave as well. They heard from friends that evacuation buses near the district hospital would take people to Nikolske, a town in Russian-occupied territory, and that from there, they could get a bus to Zaporizhzhia. “The next day, there was very heavy shelling, but we still decided to run to the bus,” Yulia said. “We prayed and crossed ourselves and ran. We were terrified because we knew we could get killed, even though it was only about 15 minutes from our home to the hospital.”^[79]

They made it, and when they got on the bus and started driving towards Nikolske, Tatiana said, “we saw the city through the bus window, and it was black. Burned to coal. We did not expect to see it like that. We were in the bus crying, all of us, because our town was gone. This was the first time we had set foot outside of the basement in a while, and we could not believe what we were seeing.”^[80]

When they made it to Nikolske, they were given tea and porridge and could wash at a reception center. “It felt like all of Mariupol was there, there were so many people,” Tatiana said.

Tatiana and Yulia wanted to go to Ukrainian-controlled areas but learned there were no longer any buses headed for Zaporizhzhia. They saw buses marked “Ukraine – Zaporizhzhia,” but the drivers told them that the buses were going to Donetsk. “They said that the Russians just took over the Ukrainian buses that had been used for evacuations and started using them to take people to Russia,” Yulia said.^[81]

Tatiana and Yulia then realized they would need to find their own way to make it back to Ukrainian-controlled territory. On March 23, they were able to find a private car and driver who could take them to Berdyansk. “Many people could not afford to pay for the private car; it cost around 1,000 hryvnas [about US \$34],” said Yulia. “The ATMs were all empty, and people could not withdraw money. We were just lucky because we had cash.” From Berdyansk, they had to walk three kilometers across the checkpoint and then eventually they found a bus that took them to Zaporizhzhia.^[82]

February.^[83] In early April, they decided that they needed to find a way to leave Mariupol as the fighting intensified. Russian soldiers who were present in and around the hospital told them that small buses would take people, especially those who were wounded, to Nikolske. Tatiana said they left on April 11 and spent the night in a school in Nikolske with about 100 people from Mariupol. Upon learning there were no buses to Berdyansk, where they could get a bus to Zaporizhzhia, Tatiana contacted someone who arranged for a private vehicle to take them to Berdyansk for about 2,500 UAH (about US \$84). They eventually made it to Berdyansk and then on to Zaporizhzhia.

Mariia, a 42-year-old woman from Mariupol who was traveling with her mother and her 3-year-old daughter on April 2, said that she and her family members managed to avoid filtration in Volodarsk and subsequent transfer to Russia by “quietly walking away from the bus” when it stopped by the Volodarsk filtration point. While some people were arguing loudly and others were queuing up for filtration, Mariia found a taxi driver who took them to Berdyansk.^[84]

Collection of Biometric Data in the Context of Filtration

The data collection practices in the context of the filtration process raise serious concerns around respect of the right to privacy, as well as data protection. Privacy and data protection are rights that are intrinsically linked. Individuals need to have the means and tools to exercise their right to privacy, keep control of their personal information, and protect themselves and their data from abuse. It is also important that the obligations of those processing data are clear, so that they take measures to protect personal data, mitigate interference with the right to privacy, and are held to account when they fail to comply with obligations and principles.

Right to Privacy

Article 17 of the International Covenant on Civil and Political Rights (ICCPR) affirms the right to privacy, which may not be subject to arbitrary or unlawful interference.^[85] The UN Human Rights Committee, the authoritative body charged with interpreting the ICCPR,



and holding of personal information in computers, data banks, and other devices, whether by public authorities or private individuals, must be regulated by law” and that every individual should have the right to know “what personal data is stored...and for what purposes” and “which public authorities or private individuals or bodies control or may control their files.”^[87] If a person is concerned that data has been collected or used incorrectly, they should have recourse to remedy the problematic information collection or use.

In its General Comment 16 on the right to privacy, published in 1988, the Human Rights Committee stressed that States must take effective measures to ensure that information concerning a person’s private life does not reach the hands of persons who are not authorized by law to receive, process, and use it, and that it is never used for purposes incompatible with the ICCPR.^[88] Effective protection should include the ability of every individual to ascertain in an intelligible form, whether and, if so, what personal data are stored in automatic data files, and for what purposes, with a corresponding right to request rectification or elimination of incorrect data. Every individual should also be able to ascertain which public authorities or private individuals or bodies control or may control their files.^[89]

Other Filtration-Related Abuses

Confinement, Internment of Civilians

For over 40 days, from around April 12 to May 24, “DNR” authorities confined about 200 men in Bezimenne and Kozatske villages in the DNR and confiscated their passports after the men had passed through the filtration process. Russian forces and Russian-affiliated armed groups had detained the men in Mariupol during an operation in the city’s Mirny district.

The men could move freely within the respective villages but were confined to the villages and could not leave. In both villages, the authorities used schools to house the internees, and in Bezimenne they also used an event hall. Why the men were confined or interned is unclear.

partner was interned in Kozatske.^[90] All five said that they or their relatives had undergone filtration and received receipts confirming so within a few days of arrival, but the DNR officers retained their passports. It is very unlikely they would have been able to pass through the Russian checkpoints around the village without their passports, and moving beyond the villages without their passports would have made them extremely vulnerable to detention in other Russian-occupied areas.^[91] Those who had their phones on them were able to stay in touch with family members; they could walk around the village during the day and buy basic necessities if they had the money to pay and were able to change Ukrainian hryvnas into Russian rubles, but they had no freedom of movement outside of the village.

International humanitarian law prohibits arbitrary detention, but foresees the detention, internment, or assigned residence of civilians in particular circumstances. In particular, the Fourth Geneva Convention allows detention or internment of civilians in occupied territory for “imperative reasons of security” or if “the security of the Detaining Power makes it absolutely necessary”.^[92] For any of these forms of deprivation of liberty to be lawful, they should meet procedural safeguards, including being based on individualized decisions, taken in accordance with a regular process, and subject to appeal. Deprivation of liberty that does not conform with the standards set out in the Geneva Conventions is referred to as “unlawful confinement.” “Unlawful confinement” of civilians is a grave breach of the Fourth Geneva Convention and subject to prosecution by the International Criminal Court.

Kazatske

“Oleksandr” arrived in Kozatske, a village 45 kilometers northeast of Mariupol, on April 14 and was interned there for 40 days. He was in touch with Human Rights Watch by phone while still there and immediately after his release, when he returned to Mariupol.^[93] He said that he and over 180 other men were brought there from Mirny district by Russian and DNR forces in mid-April and, with few exceptions, were allowed to leave only on May 24. During all that time, he said they lived on the premises of a local school in very poor sanitary conditions, slept on mattresses in the classrooms and hallways, had to drink non-potable water, and received meager portions of macaroni or rice twice a day. As a result, he said, many suffered from respiratory diseases and stomach viruses, but they had little

According to Oleksandr, 188 people were in the facility with him during the first few weeks of confinement. Eventually some 20 people were allowed to leave the village, mostly to seek medical treatment because they were very sick. Several apparently had Covid-19, one man had a stroke at the facility, and another man broke his leg.^[95]

The interned men ranged in age from 18 to over 60. There was also a woman with her 14-year-old son, rounded up by Russian forces when they, together with numerous other civilians, were fleeing for safety from the shelter at Mariupol's Ilyacha Metallurgical Plant, and a 13-year-old boy who arrived there together with his 18-year-old brother.

The two brothers told Oleksandr and the other internees that they were fleeing from Mariupol with their mother when Russian forces sent them to Russian-controlled Sartana. DNR forces detained the mother, who had previously served in Ukraine's Armed Forces, during the filtration process, despite the brothers' protests. The authorities then put them on a bus for Bezimenne without her, promising that she would join them later. The teenagers spent 25 days at Bezimenne without any news about their mother until their father, who had previously moved to Russia and remarried, came to pick them up. The father was apparently contacted by Russian authorities and was told that unless he picked up his younger son, the 13-year-old boy would be placed in an orphanage in DNR-controlled territory. He took the brothers to Russia, and the fate of their mother remains unknown. "My heart was just breaking every time I saw those boys [in the school building at Kozatske]," Oleksandr said. "The younger kid is just 13 so he would at least walk around, run, get distracted, but the 18-year-old spent all those weeks lying on his mattress, face to the wall. He barely ever spoke and would only get up to go to the toilet or to pick up food."

According to Oleksandr, Russian and DNR forces rounded up all the male civilians they could find in Mariupol's Mirny district. When his group arrived in Kozatske, DNR soldiers told them that filtration would not take more than two to four days, after which they would be allowed to proceed wherever they wished. The men then walked into the school building, where they were instructed to wait for filtration and gave up their passports. The filtration itself did not take longer than promised, but the men could not get their passports back.

Oleksandr told Human Rights Watch he learned from a missing persons hotline not only

The DNR has a missing persons hotline, which you can call and ask about a particular person. You tell them his name, date of birth, and they tell you where that person is, according to their data, and whether this person has been through filtration. So, I called them and asked about myself, pretending I was a relative, and this woman on the hotline said that I had already cleared filtration and was supposedly back in Mariupol. Several other men followed my example – and it’s the same story.

Those who knew some people with connections tried to find out what was happening, but the answers varied from “just sit tight and you’ll be released soon,” to “they’ll be transferring you to Russia,” or the “DNR will mobilize you and send you to the frontlines.” We were particularly afraid of the latter and getting more and more apprehensive. The conditions were also getting to us. The food was inedible, cold macaroni, some swill of gruel, totally gross, the water tasted funny, no wonder everyone had diarrhea, and the state of the toilets just despicable... But more than anything, it was the uncertainty. We kept asking, “Why keep us there? When will we get the passports back?” But [the DNR authorities] would not tell us anything coherent...

According to Oleksandr, several weeks into their internment, one of the men became particularly persistent with his complaints and questions, even writing to the DNR authorities. Later, several DNR officers took him away, saying, “You want to know why you’re here? Now you’ll be going to a place where they’ll explain everything you need to know.” He returned to the Kozatske school building four days later and although he did not look bruised or otherwise physically hurt, he would not answer any questions about where he had been and what his captors did to him or told him.

The DNR authorities finally returned the men’s passports without providing any reason why they were interned. All the men left as soon as they received their passports.

Anna, whose partner was an internee in Kozatske, provided similar details to Human Rights Watch, based on her communications with her partner.^[96] Two other internees

Human Rights Watch monitored as part of the research for this report.

Bezimenne

A man who was held at Bezimenne and the two women who kept in touch by phone with their relatives interned there provided Human Rights Watch with similar accounts about the internment conditions there.^[97] Their accounts were corroborated by comments on the “Mariupol, Guglino, Mirny” Viber Group from three men who themselves were interned there and five women whose relatives were interned there.^[98] Allegedly more than 600 people were interned at Bezimenne, living on the premises of a local school and the House of Culture, a public events hall.

One of the two women, “Viktoria,” told Human Rights Watch that her husband and his friend, outraged by the unexplained protracted confinement, made a short video about the “horrendous conditions” at Bezimenne.^[99] When the video began circulating on social media, DNR security officials took the two men from Bezimenne without providing any information as to their destination. Days later, Viktoria heard through informal contacts that they were being detained at the jail in Olenivka, and that they had been accused of capturing images in an area where filming and photographing is supposedly forbidden and spreading false information about DNR authorities.

Although the men are believed to be in Olenivka jail, their fate and whereabouts remain unconfirmed.^[100] As they were last seen in the custody of DNR forces, if those forces refuse to confirm their whereabouts and fate, they should be treated as presumptive victims of enforced disappearance.

Viktoria told Human Rights Watch:

I was able to make it to Zaporizhzhia with our children on March 15, but my husband stayed behind in Mariupol. On April 14, he called me and said that he had been taken to Bezimenne for filtration, it should not take more than four days and then he’ll join us. He said some 300 people were already at Bezimenne when he arrived – and another 300 or so arrived on the same day with him. Two days later, they cleared

Two weeks went by. Things were tense, with so many men packed into the school building where you cannot sleep or wash properly. Many people were sick, and more were getting sick. People were vomiting, had upset stomachs, were coughing...Two men who were staying at the House of Culture there had advanced tuberculosis – they were literally coughing blood. My husband and our neighbor who was also there with him only realized it on April 30, and it was the last straw for them – they made the video hoping to draw attention.

He sent me a copy of that video that same day. I did my best to talk him out of publishing it while still at Bezimenne, but then on May 3, I saw that video on social media and it also got picked up by the press. On May 5, my husband stopped getting in touch. Our neighbor’s family also stopped hearing from him. I made calls and sent inquiries [to the DNR police, prosecutor’s office, and human rights commissioner], but they wouldn’t tell me anything.^[101]

Viktorina later contacted “some people with connections” who made informal inquiries and found out that the two men were first taken to the Donetsk pre-trial detention facility and then transferred to Olenivka jail.^[102]

Like in Kozatske, DNR agents returned the passports to all the men remaining at Bezimenne on May 24 and allowed them to leave the village.^[103] They did not provide any explanation for the internment.

Forced Transfer to Russia and Russian-Occupied Territories

People who sought to flee the fighting and did not have the means to organize private

areas and remain there or travel onward across the border into Russia.^[104]

As one woman from Mariupol said: “Of course we would have used the opportunity to go to Ukraine if we could have, for sure. But we had no choice, no possibility to go there.”^[105] The circumstances and context of these Russian organized mass transportations of Ukrainian civilians to Russia, specifically that most civilians had no effective choice but to agree to go, indicates that they constitute forced transfers, prohibited under international law and prosecutable as war crimes and crimes against humanity. Not every Ukrainian civilian transported to Russia or Russian-occupied territory may be a victim of forced transfer, as some may have chosen to go to Russia for various reasons. For example, two of the men said that they chose to leave Ukraine via Russia so that they would have a chance to reach elsewhere in Europe while avoiding travel restrictions under Ukraine’s martial law. However, this does not change the fundamental nature of the planned mass transportations of Ukrainian citizens to Russia as forced transfers.

Whether or not those transferred to Russia went through a filtration or screening process, as described above, is not relevant to the crime of forced transfer. For example, those from the Kharkiv region did not undergo filtration. What they share with the civilians from Mariupol is that they wanted to go to Ukrainian-controlled areas but went to Russia because Russian and DNR forces boarded them onto buses and gave them no choice, or no meaningful choice, except to stay under shelling where they believed their lives were in imminent danger. Russian forces and Russian-affiliated armed groups told them that shelling meant it was not safe for them to evacuate to Ukrainian-controlled territory and prevented them from leaving in the direction of Ukrainian-controlled territory.

Once in Russia, many transferred Ukrainians were moved to temporary placement centers in different parts of the country. Others traveled on their own to stay with relatives or friends or rented their own accommodation. Others were able to leave the country.

The exact numbers of people transferred to Russia from Mariupol, the Kharkiv region, and other parts of Ukraine remain unclear. On June 20, Iryna Vereshchuk, Ukraine’s deputy prime minister, claimed that 1.2 million Ukrainians had been forcibly taken to Russia, including 240,000 children.^[106] In late July, the Russian News Agency (TASS) reported that over 2.8 million Ukrainians had entered the Russian Federation from Ukraine, including 448,000 children.^[107] It reported that about half these Ukrainian nationals held

Human Rights Watch cannot estimate the number of Ukrainians who fled the hostilities and entered Russia in circumstances that constituted a forced transfer. However, the cases of most of the people we interviewed who went to Russia, or whose family members went to Russia, after fleeing hostilities described circumstances that bore all the hallmarks of forced transfer.

Human Rights Watch interviewed 18 people who went to Russia: 15 from the Mariupol area (13 of whom went through filtration in the DNR first), two from the Kharkiv region (one of them was transferred with her partner who was with her at the time of the interview and also corroborated her account of the transfer), and one man from Donetsk who crossed the border after paying an apparent member of the DNR forces a bribe.^[108]

Human Rights Watch also interviewed 21 Mariupol and Kharkiv residents with family members and friends who were transferred to Russia and eight activists helping newly arrived Ukrainians in Russia, including helping them leave.

Transfers from Mariupol to Russia

The 15 people who went to Russia from the Mariupol area said they made the journey with hundreds of other Ukrainians.^[109] Nine of them said they went to Russia because they were not given a choice to go elsewhere.^[110] Two said they were told that the route to Ukrainian-controlled territory was too unsafe because of the hostilities so instead they traveled to Russia.^[111] Four others said they chose to go to Russia because they wanted to travel onwards to Europe.^[112] Two of them noted that they knew that if they crossed over to the Ukrainian side, they would not be allowed to leave the country because of martial law, which with limited exceptions, does not allow men ages 18 to 60 to leave the country.^[113]

Loaded onto Buses and Additional Border Screening

Human Rights Watch interviewed 21 other people in Ukraine and Europe who knew people from Mariupol who were transferred to Russia and remained there at the time of writing. Following the filtration process, they said their friends and family members had

they’re given.”^[114]

The 15 people interviewed who crossed into Russia from the Mariupol area said that Russian border guards and security agents screened them at Russian border crossings, and the border to Crimea, regardless of whether they had already gone through filtration in DNR-controlled areas. One man, who fled conscription in DNR-controlled Donetsk, paid an apparent member of the DNR forces to be transported from Donetsk to Russia, without filtration.^[115]

Anatolii V., the 58-year-old pensioner now in Germany, said that when he and his son crossed into Crimea, which Russia annexed and has occupied since 2014, Russian soldiers at the crossing checkpoint photographed and fingerprinted him and his son and took their phones, as well as those of everyone else crossing, and plugged them into a computer.^[116] He said:

They told us they were rooting out terrorists and separatists and would be checking our phones to see our contacts, photos, text messages, social media posts and messages, including by restoring ones that had been deleted. When they gave us our phones back, we all had alerts on our screens that our phones had been unsafely disconnected from a computer.

Irina, the woman who traveled on to Georgia from Russia, said that after undergoing filtration in Starobesheve, she and the others with her were told to board a bus that took them to the Russian border without being offered any other options for transport to another destination.^[117] At the border, Irina said that she and the others were questioned, including about their links to Russia and their views of Russian politics, and they also had to share a “code” from their telephones, likely the IMEI number. After crossing the border, they were driven about an hour to Taganrog, a town in Russia’s Rostov region, where they were housed in a large sports facility filled with people who had arrived previously from Mariupol.

Anatolii, the man now in Norway, said that authorities put him on a bus and sent him to the Russian border after he went through the filtration process. He said he wanted to go to

affiliation interrogated him in much more detail:

They asked: “Where are you from? What is your job? How can you prove that was your job? What do you think about the Russian military operation? What do you think about the government of Ukraine? Who do you know in Russia?, and Who do you know in the Ukrainian military?” Then they checked our phones again.^[118]

Anatolii said that he and his friend were held and questioned there for about five hours before they were let through, put onto buses, and taken to what he described as a temporary placement center right across the border run by the Russian Ministry of Emergency Situations. A few hours later, he said that buses came there and took everyone to Taganrog, where he was housed in the same sports complex that Irina was taken to.^[119]

Svitlana, the 24-year-old woman from a Mariupol suburb, said authorities did not ask whether she and her family members wanted to go to Russia, but they simply loaded them and everyone who had already undergone filtration with them onto buses that drove them to the Russian border.^[120] They had to stay on the bus before the border crossing for many hours. The night was cold, and the buses did not have heating. There were no toilets. It was especially hard on the children and older people, she said. At the crossing, an official distributed migration cards to fill out, as well as an application form to receive a one-time payment of 10,000 rubles from the Russian government, which she and her family members refused. Russian security agents were pulling people out for questioning. They mostly focused on men but also interrogated some women, including her. She said the interrogator took down the IMEI number of her phone and asked her numerous questions in what she felt was a threatening manner:

That interrogation really spooked me... He [the interrogator] was putting me under psychological pressure... The way he spoke, the way he was asking questions, it was as if he knew something about me, as if I was about to get accused of something... He was grilling me for an hour, asking strange, difficult questions, rephrasing his questions, apparently trying to catch me in a lie, trying to get me to reveal something I did not want to say... He asked me questions about the

“Mykyta,” the man who was kept in Primorske for two weeks awaiting filtration, said that border guards at the Russian crossing took all men into a room for a thorough check. In addition to asking them questions about their background, political views, and relatives and friends in Ukraine’s armed forces, security agents also scrutinized their phones, recorded IMEI numbers, made them strip, and searched their bodies for tattoos or bruises from body armor or automatic rifle use.^[122]

“Marina’s” husband is a retired Ukrainian military officer who managed to clear DNR filtration, but he did not pass the Russian border control. Marina said that all men were questioned “for hours” at the border. Her husband was led into a separate room and sometime later, security agents also took her into a room for questioning. Although Russian security agents did not seem to be paying close attention to women, she felt she was clearly singled out. They questioned her “for a long, long time,” she said, inquiring about her supposed connections with Ukrainian ultra-nationalists. They went through the list of contacts on her phone and asked questions about some of them, checked her body for tattoos, and asked what the image on her tattoo stood for. They also asked her about her husband and what she knew about his military service. The questioning was so long and intense that she thought she would be detained, like her husband, and worried that her children would be left alone at the border. She was eventually allowed to cross and spent a week at a temporary placement center in Taganrog, waiting for news of her husband. She later learned from local law enforcement officials that the Russians had sent him back to the DNR, where at the time of writing he was incarcerated in the Donetsk jail.^[123]

Svetlana Gannushkina of the Civic Assistance Committee, a leading Russian human rights organization working with refugees and migrants, told Human Rights Watch that her group has assisted hundreds of Ukrainians who have entered Russia. While some of them had no complaints about the screening at the Russian border and said they were treated with respect, others described their experience as traumatic and frightening:

This suggests that treatment might be dependent on the specific officials involved. If you’re faced with an official who is acting professionally and respectfully, you’re lucky, but you can also

while queueing up for the [border] screening with her family, “What happens to those who don’t clear it?” – and the man said, “I’ve already shot a dozen of those and I’m now thinking what to do with the rest of the lot.” He apparently meant it as a joke, but what a sick joke that is... and the woman, who has already suffered an exhausting and precarious journey, was frightened to death...^[124]

Gannushkina also said that as of March 2022, three new arrivals from Ukraine approached her regarding the “disappearance” of a family member after they were interrogated during screening. She said that one of the disappeared was an older man and the other two were young men. At the time of writing, nothing was known about their fate and whereabouts, although their relatives reported the disappearances to Russian authorities.^[125]

Gannushkina raised the issue of abusive screening and alleged ill-treatment and disappearances at a meeting of the Expert Council of Russia’s Ombudsperson, of which she is a member. In response to her remarks, a representative of the Federal Security Service said that the screening is absolutely necessary because “there are people who are fleeing from justice... under the guise of refugees... If [we] work with a person [question a person] for 20 minutes, or possibly for three hours, it means that there is a necessity... we are working in the interests of state security.” He also said that the agency was not aware of any reported disappearances but would look into the issue.^[126]

Other Examples of Pressure to Go to Russia or Russian-Occupied Areas

Several people who managed to hire private transport to flee Russian-held areas described indirect pressure by Russian forces and Russian-affiliated armed groups to go to Russia or Russian-occupied areas.

Andrii, the 46-year-old man who left Mariupol on April 10 and drove 40 kilometers through DNR-controlled territory, said that each of the six times Russian soldiers stopped and searched his car at checkpoints, they repeatedly asked about his destination and told him that he could only go to Russian-controlled territory. He was eventually able to drive



When Tatiana and Yulia, the mother and daughter who left Mariupol on March 20, arrived by bus in Russian-occupied Nikolske, they were hoping to board another bus to Zaporizhzhia. “We started asking if we could get a bus to Zaporizhzhia because we knew we wanted to go to Ukraine. But we were told that there were no more buses to Zaporizhzhia; as of five days ago, they stopped, even for Red Cross buses. [Local officials] said the only options were Russian territories: DNR or Rostov-on-Don [in Russia] – any Russian area, but we could forget about Ukraine.”^[127] As described above, they hired a car for Zaporizhzhia.

When Tatiana, the teacher who fled Mariupol in a minibus on April 11, arrived in Nikolske, people wearing “DNR volunteer” vests told her and her husband they would be able to continue on either to Donetsk in the DNR or to Rostov in Russia. “We asked about going to Berdyansk [where one could board buses for Zaporizhzhia] and they said no,” she said.^[128] She and her husband hired a car for Berdyansk, and eventually for Zaporizhzhia.

The Forced Transfer of 17 Children to the DNR

In early June, Ukrainian President Volodymyr Zelensky said that 200,000 Ukrainian children had been forcibly taken to Russia.^[129] While Human Rights Watch has not been able to verify the total number of children that Russian or Russian-affiliated forces transferred to Russia, researchers did document the transfer of 17 children from Mariupol to the DNR.

In mid-March, a Ukrainian volunteer tried to rescue the 17 children, between the ages of 2 and 17, from a residential healthcare facility in Mariupol, the Regional Children’s Bone and Tuberculosis Sanatorium. The volunteer told Human Rights Watch that he had been helping others from Mariupol evacuate as fighting intensified, and Ukrainian regional authorities had asked him to rescue any children whose families had not collected them from the healthcare facility.^[130] On March 18, he said, he put the 17 children he found at the facility with him in an ambulance, along with two other families who wanted to escape the city, and began the journey with them out of the city.

When they were stopped at a Russian-controlled checkpoint in Manhush, the armed men at the checkpoint initially told him he was not allowed to take the ambulance out of the territory and prevented them from passing. The group spent the night in Manhush, at the home of one of the



children. While they were there, he said that the DNR “minister of social policy” arrived with some other officials and buses, as well as local media. The “minister” began distributing aid to the children in front of the local media. The “minister” told the volunteer that he had no legal right to remove the children from DNR territory. The volunteer said he tried to negotiate for the children’s families to come to the closest crossing point on the Ukrainian side to pick up the children, but the minister refused. The children were then put on a bus and apparently taken to the DNR.

Six of the children are part of a foster family from the city of Vuhledar, and six others are part of a foster family from the city of Komar. The other five children are not in foster care; their families are from Novotroitske, Mariupol, Mykolaivka (Volnovakhskiy district) and Dobropillia. As of this writing, Mariupol and Novotroitske are under Russian occupation.

Ukrainian officials have raised the case of the 17 children with Human Rights Watch.^[131]

In June, six of the children from one foster family were allowed to leave Donetsk for Russia and traveled from there onwards to France where they reunited with their foster parents.^[132] At the time of writing, the exact whereabouts of the other eleven children remain unknown.

The Russian Commissioner for Children’s Rights, Maria Lvova-Belova, stated in May that children from institutions in the DNR have been placed with foster families in the Moscow region and that she was working to expand the program and to unify guardianship and adoption procedures with the DNR and LNR authorities.^[133] By early June, 58 orphans from Donetsk had been taken to the Moscow region, and 40 other children from the DNR, including orphans, were receiving medical or rehabilitative care in Russia.^[134] Almost 200 children without parental care from Ukraine’s Donbas were to receive Russian citizenship in July, including 30 orphans from Mariupol, the commissioner said.^[135] Russian authorities have also returned six Ukrainian children whose parents died during the fighting to their relatives in Ukraine.^[136]

The laws of armed conflict prohibit the forcible transfer and deportation of civilians from occupied territory, including children, and prohibit a party to the conflict from evacuating children who are not its own nationals to a foreign country without their parents’ or guardians’ written consent, except temporarily as needed for compelling health or safety reasons.^[137]



Human Rights Watch interviewed two people who said they were transferred by Russian soldiers to Russia from the Kharkiv region, without undergoing filtration, as well as ten residents from another village and city in the Kharkiv region who described how many of their neighbors, as well as people from neighboring villages, were transferred by Russian soldiers to Russia.

Nataliya, from Ternova village, 20 kilometers northeast of the city of Kharkiv and 7 kilometers from the Russian border, was taken to Russia against her will on May 31.^[138] She said that Russian forces took control of the village, which has a population of about 1,200 people, on February 24, and that the area saw no fighting. Nataliya said that Russian forces offered buses to residents to go to Russia on several occasions, and some families left the village for Russia in their own vehicles. Forces did not allow anyone to leave the village if they said they wanted to evacuate to Ukrainian-controlled territory, she said. On May 28, she said soldiers came to her home and her neighbors' homes to inform them that a green corridor had been opened to Kharkiv city. Nataliya and seven of her neighbors all said that they wanted to go to Kharkiv, which remained under Ukrainian control. Nataliya said the soldiers returned on the evening of May 31 and loaded the eight of them onto a bus, saying that it was headed for Kharkiv. But, she said, then “I suddenly realized that we were in Russia when we arrived in Shebekino, which is across the border, but we didn’t even go through a border crossing.”^[139]

Nataliya and the others were then taken to “Virage,” a motorsport complex that had been turned into a transit camp, where Nataliya said thousands of Ukrainians were being housed. Two days after she arrived, volunteers came and brought Nataliya back to the official border crossing, where she had her photograph and fingerprints taken and filled out an immigration form.^[140] There, she met other Ukrainians who had been brought across the border from the Kharkiv region villages and towns of Lyptsi, Strilecha, and Vovchansk. Once back at Virage, Nataliya said that at least 100 Ukrainians arrived each day, including from Mariupol, Kharkiv, and Donbas.

According to satellite imagery, 55 tents were first observed in the parking lot of the Virage complex on March 20. A satellite image recorded on June 28 shows at least 68 tents erected in the center of the parking lot of the motorsport complex and five additional ones located on the side. The number of tents did not increase between early May and June 28.



Satellite image recorded on June 28 shows at least 68 tents erected in the center of the parking lot of the Virage motorsport complex and five additional ones located on the side. Satellite Image © 2022 Planet Labs PBC. Analysis & Graphics © 2022 Human Rights Watch

Most people were put on buses and taken to other locations after about two days, Nataliya said, but she managed to postpone her transfer for six days by saying that she was waiting for her husband, who had stayed behind in Ternova, to join her. On June 6, she left the camp and traveled by train to Moscow, then traveled onwards to Poland and into Ukraine, to Ukrainian-controlled Kharkiv.

“Alina” and her partner were at their holiday home in Lyptsi, a village 20 kilometers north of Kharkiv city and 10 kilometers from the Russian border, when Russian forces took control of the area on February 24. “Alina” said that Russian troops put up a military installation just across from their cottage, and the two of them stayed in the basement for three weeks as the crossfire got increasingly intense.^[141] On March 18, a Russian officer searched their basement, told them the situation would deteriorate further over the next few days, and strongly advised them to leave while evacuation buses to Russia were still running from the center of the village. The officer did not exercise any force and said that it was up to them to decide and that their basement was “probably” solid enough to withstand heavy shelling. But the couple felt they did not really have a choice, as “Alina” explained:

our home is hit directly – and they [Russian troops] had their firing positions right next to us, so we were very likely to get hit – there would be nobody to dig us out. Nobody to help us... So, we decided we had to leave. We have no documents [they had left their passports behind in their apartment in Kharkiv], and we were risking getting stuck [in Russia], but the desire to live was stronger... We got on that bus [with other civilians from the area]. It was accompanied by [Russian] soldiers, and they took us through checkpoints on the way to the border and in the direction of Belgorod [the Russian city closest to the border with Ukraine’s Kharkiv region].^[142]

Once they got to the border crossing, “Alina” and her partner were photographed and fingerprinted. The border guards then took them into a room for a conversation with “a psychologist” but according to them, the conversation resembled an interrogation, and the “psychologist” was likely a security agent:^[143]

“Alina” told Human Rights Watch:

He asked me [among other things] where my parents were and I said they were “under occupation in Zaporizhzhia region,” so he bristled at that and told me he had plenty of time at his disposal to convince me that this was no occupation and no war... He then preached to us about how the “special military operation” was absolutely necessary because Ukrainian troops were supposedly raping people in Donbas, and he said all sorts of other filth [about Ukrainian troops and Ukrainian authorities]. It went on for at least half an hour and we were just sitting there in silence. It’s not like we were in a position to object and leave.^[144]

On May 30, Human Rights Watch visited Kharkiv city and Ruska Lozova, 15 kilometers north of Kharkiv city, and interviewed a total of 9 residents, including a village administration official.^[145] According to the interviewees, when Russian forces took control of the area at the end of February, they established checkpoints on either end of the village. The soldiers at the checkpoint to the south of the village did not let any

of several days to take residents to Russia. The soldiers were supported by a local priest affiliated with the Patriarchate of the Russian Orthodox Church, who approached families and prepared lists of those wanting to board the buses, according to village residents. The soldiers also evacuated the priest on one of these buses to Russia.

Victor, 70, said that Russian soldiers urged him and his neighbors to leave for Russia: “Soldiers came to my home and told me I had to leave. I said, ‘No, I don’t want to, why should I leave?’ They said to me, ‘You lived under us and so if the Ukrainian army comes, they will punish you. You will be executed.’”^[146] Victor said that his neighbor gave in and went to Russia, but he stayed behind. He said he did not face any problems once the Ukrainian forces retook control of Ruska Lozova on April 27.

Those interviewed all had friends and relatives who had taken part in these evacuations to Russia. They said their relatives were not willing to speak to Human Rights Watch directly, so Human Rights Watch was unable to get a better understanding of their journey to Russia. The local official said that at least 2,000 village residents took the evacuation buses or used their own cars to go to Russia, out of a total population prior to the invasion of around 5,000 people.^[147] He said that some families that did not leave during the evacuations wanted to leave for Russia later on, but the Russian soldiers apparently told them it was too late and that they “should have thought of leaving earlier.”^[148]

The local official said Russian forces also organized evacuation buses for civilians to travel to Russia from the neighboring village of Pytonmyk. Human Rights Watch was unable to reach Pytonmyk because of fighting in the area at the time of their visit.

Human Rights Watch interviewed a woman from Kupiansk, a nearby city in the Kharkiv region, who said she was prevented by Russian forces from evacuating to anywhere except Russian territory until she and her family described a medical emergency that allowed them to negotiate their exit to Kharkiv city.^[149]

Ukrainian Civilians in Russia

After crossing the border into Russia, the transferred Ukrainians were generally sent to temporary placement centers for refugees. Many then waited for days before being

from the border.^[150] Others were taken directly from the border crossing to train stations, where they were instructed to take trains to regions much further away from the border.

Once they reached the first temporary placement center or train station, some were then able to travel on their own to stay with relatives or friends, to rent their own accommodations, or to proceed to Russian border crossings with European Union member states or Georgia in order to leave the country. However, those who had limited financial means and no contact via social media or otherwise with relatives or friends in Russia or networks of activists supporting Ukrainians felt that they had no choice but to go where they were told by Russian officials.

People Human Rights Watch interviewed, and their family members and friends transferred to Russia, spent time in different regions across Russia. Everyone interviewed who was transferred from the Mariupol area to Russia was initially taken to Taganrog, about 72 kilometers from the border crossing in Russia’s Rostov region, where some stayed at a large sports facility that had been converted into a temporary placement center. One couple interviewed by Human Rights Watch spent several weeks at a campground in the woods about 25 kilometers from Voronezh, in southwestern Russia.^[151] Another woman said she had friends who were sent to Penza (629 kilometers southeast of Moscow), Vladimir (193 kilometers northeast of Moscow), and Vladivostok, in the Far East.^[152]

Those who stayed at temporary placement centers in Russia told Human Rights Watch that the accommodations were clean, they were able to shower, and they were given regular hot meals, but they said that they and the people around them felt vulnerable and disoriented. They did not know what to expect and what their rights were, especially if approached by Russian officials, including criminal investigators.

Activist groups helping Ukrainians and several of the transferred Ukrainians interviewed by Human Rights Watch said Russian investigators questioned people at the temporary placement centers and put pressure on them to officially admit to having witnessed or suffered from war crimes by Ukrainian forces.^[153]

“I did not sign a statement about being a witness to Ukrainian war crimes that the investigator wanted me to sign,” one of the transferred Ukrainians said. “But I saw other

getting into trouble unless they complied.”^[154]

“Alina” from Kharkiv told Human Rights Watch that the investigators who questioned her and her partner in the temporary placement facility in the Voronezh region of Russia asked them a lot of questions about “alleged genocide in Donetsk” and “how Ukrainian forces are supposedly shelling Mariupol.”^[155] She added:

They interrogated each of us for about 30 minutes. They wanted us to tell them all we know about the situation in and around Kharkiv. They asked about the kind of weapons and equipment so called “Nazis” had, and they wanted to know where Ukrainian military installations were located. And they kept saying we should better cooperate because Kharkiv would be wiped off the face of the earth and there would be nowhere for us to go back to. We just kept saying that we did not know anything...^[156]

Russian officials have implemented measures to ease and expedite the process for Ukrainians to acquire temporary asylum and obtain Russian citizenship. On March 5, President Putin signed an “Decree on the entry, stay and exit from Russia of foreign citizens from the territories of the LPR (LNR), DPR (DNR) and Ukraine.”^[157] The decree, officially aimed at helping civilians escape hostilities, established a simplified procedure for Ukrainians to enter Russia (including the possibility to cross the border into Russia despite the absence of standard travel documents, such as travel passports, which are required under normal circumstances) and established a 15-day grace period with no in-country registration requirement, which new arrivals could then use to acquire asylum or have a respite before traveling from Russia to a third country. Those granted asylum could then apply for temporary residence permits and access a simplified procedure for seeking Russian citizenship available to Russian speakers, in line with federal legislation adopted in April 2020, which includes special streamlined provisions for Ukrainian nationals from Donbas.^[158]

On February 18, one week before Russia’s full-scale invasion began, President Putin issued a special order on the preemptive evacuation of civilians from the DNR and LNR, which entitles all the new arrivals to Russia to a one-time payment of 10,000 rubles.^[159] Asylum

food and security while in temporary accommodation facilities.^[160]

Svetlana Gannushkina of Civic Assistance Committee pointed out that, in practice, securing these entitlements is very difficult:

The applications for the 10,000-ruble payments are all processed in Rostov, and it takes a long time; people don't receive any money for months and find themselves destitute. And even when they do, this is a one-time payment, not a periodic allowance. Moreover, they are not getting real help with finding work and housing. The government is not coping well with this massive flow and although our organizations and volunteer groups are doing what we can, there is so much raw need and we just cannot fill the gap.^[161]

Ukrainians who stayed at temporary placement centers in Russia and Russian activists told Human Rights Watch that officials pushed the people staying at these centers to file official requests for temporary asylum in Russia, without explaining how the process works.^[162] One Russian activist who provided assistance to over 100 stranded Ukrainians in March and April 2022 explained how, under Russian law, people who have been granted temporary asylum status have to hand their passports over to the Interior Ministry and use a specially issued temporary asylum holder card while in Russian territory. “But many new arrivals from Ukraine don't realize this,” she said. “Without the process being spelled out to them, people do not realize that they can get their passports back at any time in case they're ready to leave the country and therefore, some genuinely believe they cannot ever return to Ukraine.”^[163]

Some of the transferred Ukrainians interviewed by Human Rights Watch described the challenges they and their family members faced when they tried to travel independently.

Svitlana, a 24-year-old woman, said that after crossing the border into Russia, she and her family wanted to travel on immediately on their own, but they were initially prevented from doing so. She said they first had to take a train to another Russian region, further away from the Ukrainian border, with a group of new arrivals and some official minders before having an opportunity to go their own way. They attempted to refuse getting on the

traveled independently with his family, “was stopped and questioned by police at every train station” because his Ukrainian passport made them look “suspicious” in the eyes of Russian law enforcement.^[165] Another woman said that when she left the temporary placement center with her children and stayed at a privately owned apartment in the Rostov region for a few days, the police sought to question her at the apartment and put pressure on the apartment owner, demanding information about her.^[166]

Ukrainian Civilians Seeking to Leave Russia

Some transferred Ukrainians tried to leave Russia as soon as possible by making their way to border crossings and onwards to Belgium, Estonia, Finland, Georgia, Germany, Norway, Poland, Sweden, or back to Ukraine. A network of Russian activists, working closely with Ukrainian and European activists, has emerged to help new Ukrainian arrivals who want to leave. While Russian officials have not forcibly blocked Ukrainians from leaving Russia, many Ukrainians faced challenges doing so, including because they did not have the proper identity documents or because of a lack of information about what options were available to them. Some were interrogated at border crossings before being allowed to leave the country.

No official statistics are available on how many Ukrainians who went to Russia have since left for other countries. All 18 people Human Rights Watch interviewed who went to Russia eventually left, including two who then returned to Ukraine via Europe.^[167] Many other Ukrainians told Human Rights Watch about family members and friends who had been transferred to Russia and who had either successfully left Russia, or who were trying to find a way to leave Russia. Activists described helping hundreds of Ukrainians leave Russia.

Once Irina and those she traveled with from Mariupol arrived at the temporary placement center at the sports complex in Taganrog, they were told that they would be dispatched the next day to other locations in Russia, much further away from the Ukrainian border, she said. Irina said she knew she did not want to stay in Russia, so she and six others from her original group pooled together the money they had managed to save and found a private driver who helped them leave, and they eventually make it to Tbilisi, Georgia.^[168] Anatolii, who was also initially taken to the Taganrog sports complex, said authorities told

to Rostov, on to Moscow, and then to the border with Estonia.^[169]

Activists and transferred Ukrainians said that finding information and assistance to leave Russia is especially challenging for people without smart phones or financial means, people who are not on social media, and older people. “I was trying to figure out how to leave for over a month when I finally saw a group on social [a Telegram chat created by the Helping Leave civic initiative] offering assistance to people in my situation,” one interviewee said. “It was like a miracle...They helped with transportation to the border, with lodging, with advice, they helped every step of the way. But if you aren’t online, you just won’t know where to get help.”^[170]

Some of the transferred Ukrainians wanted to return to Ukraine, which in practice was only possible via third countries. Some people from Mariupol were reluctant to go back to Ukraine – especially if they had no home to return to, due to the damage and destruction caused by shelling, and with their city now under full Russian occupation – and they wanted instead to travel to a third country.

Four activists who provide assistance to Ukrainians trying to leave Russia told Human Rights Watch that some of the Ukrainian families traveling with men between the ages of 18 and 60 fear that if they return to Ukraine, the men would be prosecuted for draft evasion, as males in that age group are officially banned from leaving the country.^[171] At least three men who were forcibly transferred to Russia also expressed that fear when interviewed by Human Rights Watch.^[172]

Four of the transferred Ukrainians interviewed by Human Rights Watch said that they did not face any problems leaving the temporary reception centers where they arrived immediately after crossing the border into Russia, nor any obstacles when traveling within Russia.^[173] However, some had to wait longer before being able to travel independently. “Svitlana,” the 24-year-old woman from a Mariupol suburb, said that she and her family wanted to travel on their own immediately, but they were told they had no choice but to continue with the group that had crossed the border with them on a bus to Taganrog and then on a train to Vladimir. Once they reached Vladimir, “Svitlana’s” family refused to go to a temporary stay facility and instead made their own travel arrangements with the assistance of Russian-based acquaintances and eventually reached Europe.^[174]

passports because they left straight from shelters with their documents remaining in their destroyed or damaged homes. Russian border guards have, in some cases, refused to let Ukrainians cross if they only had their Ukrainian national identity or pension cards. But in other cases, they were allowed to leave the country without passports.^[175]

“In practice, it is random at times,” said a Russian activist providing support for particularly complicated cases of Ukrainians attempting to leave Russia. She told Human Rights Watch:

In my work I come across two or three new cases a day of Ukrainians lacking the right documents. They all have something – like scans, or pension cards, DIA [Ukrainian electronic ID], and these are not appropriate for border crossing. If the documents are not exactly in order, it’s touch and go with Russian border guards. But then, I had several cases where people who tried crossing the border [without passports] were pushed back by Russian border guards [due to lack of proper documents]. They waited for the new shift, tried again, and they were allowed to cross. In one case, an older woman approached the same border guards three times in a row and on her third attempt, one of the border guards, apparently sympathetic in the face of her distress, just waved her through.^[176]

In one case documented by Human Rights Watch, a man who had left his passport behind in Mariupol went to the migration office in Taganrog soon after arriving in Russia, together with his spouse. He explained his situation to the officer on duty, clearly stating that he and his family were eager to leave Russia for Europe as soon as possible and asking for advice. In response, the officer gave him a print-out of a pro forma letter addressed to the head of the DNR “migration service” and identifying the sender as a “DNR citizen” seeking assistance in returning to the DNR.^[177] The officer urged the man to fill in his personal details, sign the letter, and then pick up his new DNR passport at the Russia-DNR “border.” “My husband was so lost and desperate, he almost signed the document without even understanding what it meant,” his spouse told Human Rights Watch. “I did not fully understand either, but I felt apprehensive and told the officials we would take the blank letter with us and show it to a lawyer. We called a rights activist who was helping us, and

right at the Russian border.”^[178]

Some of the transferred Ukrainians described being interrogated at the border by Russian border guards, even if they had their passports. Anatolii, the man now in Norway, said that when he and his friend presented their Ukrainian passports at the Russian border to leave, authorities pulled them out of the line and interrogated them again: “They asked, ‘How did you get here?’, ‘What happened in Mariupol?’, ‘Do you have any friends in the Ukrainian military?’, among other things. And they searched our phones again, looking at our contacts.”^[179] Anatolii said they eventually gave them exit stamps and allowed them to leave.

An activist with Helping Leave told Human Rights Watch how one of the families they were assisting missed their train while in transit to Russia’s border with Estonia. The police approached the family at the train station as they were waiting for their train, took the one man in the family to a room inside the train station, and questioned him there for several hours.^[180]

The man who was interrogated and threatened together with his son during filtration said Russian border guards held him from 1 a.m. until 8 a.m. when he was trying to leave the country and interrogated him again: “They were checking all the men. I finally lost it with one of the guards. I said to him, ‘This is the fifth time we are being interrogated. What do you think you will find?’ But they kept interrogating us, checking our phones and documents, and they were more forceful than in the other interrogations.”^[181] After the extensive questioning, he was eventually allowed to cross the border and later made his way to Germany.

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