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Forcible Transfer of Ukrainians to Russia
Punitive, Abusive Screening of Fleeing Civilians

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

(Kyiv, September 1, 2022) – Russian and Russian-affiliated forces have been forcibly transferring Ukrainian civilians, including those fleeing hostilities, to the Russian Federation or areas of Ukraine occupied by Russia, Human Rights Watch said in a report released today.

The 71-page report, "'We Had No Choice': 'Filtration' and the Crime of Forcibly Transferring

Ukrainian Civilians to Russia," documents the transfers of Ukrainian civilians. The transfers are a serious violation of the laws of war that constitute war crimes and potential crimes against humanity. Russian and Russian-affiliated authorities also subjected thousands of Ukrainian citizens to a form of compulsory, punitive, and abusive security screening called "filtration."

"Ukrainian civilians should not be left with no choice but to go to Russia," said Belkis Wille, senior crisis and conflict researcher at Human Rights Watch and co-author of the report. "And no one should be forced to undergo an abusive screening process to reach safety."

Human Rights Watch interviewed 54 people who went to Russia, went through filtration, had family members or friends who were transferred to Russia, or who supported Ukrainians trying to leave Russia. Most had fled the Mariupol area, and several were transferred from the Kharkiv region. Human Rights Watch also interviewed dozens of civilians from the Mariupol area who were able to escape the war zone to Ukrainian-controlled territory without undergoing filtration.

Human Rights Watch wrote to the Russian government on July 5, 2022 with a summary of its findings and questions but received no response.

Russian and Russian-affiliated officials organized transport for people fleeing the besieged southeastern port city of Mariupol. They 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. "Of course, we would have used the opportunity to go to Ukraine if we could have, for sure," said a woman transferred from Mariupol. "But we had no choice, no possibility to go there."

Others said that military or other personnel at checkpoints instructed fleeing Ukrainians to go to Russia or the "Donetsk People's Republic" ("DNR"), an area of the Donetsk region controlled by Russian-affiliated armed groups and occupied by Russia. Military personnel who rounded up civilians in occupied territories told them the same. People who had the financial means could organize their own transport to Ukrainian-held territory.

Residents from some villages and a city in the eastern Kharkiv region, bordering Russia, were also forcibly transferred to Russia. A 70-year-old man from Ruska Lozova village said that Russian forces told him that "You lived under us and so if the Ukrainian army comes, they will punish you," and said, "You will be executed." While he did not give in, hundreds of families from the village did leave for Russia.

Some people said they went to Russia voluntarily, mostly as a transit route to reach the European Union, including as a way of avoiding travel restrictions.

Although the total number of Ukrainian civilians transferred to Russia remains unclear, many were displaced and transported in a manner and context that makes them illegal forcible transfers, Human Rights Watch said. In mid-August, Russian media reported that over 3.4 million Ukrainians had entered the Russian Federation from Ukraine, including 555,000 children.

Some of those who had access to smartphones and social media networks were able to connect with activists who helped them leave Russia for Estonia, Latvia, or Georgia. At the border, though, some had difficulties because they had left their identification documents behind when they fled Ukraine.

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 in which 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 on humanitarian grounds if the humanitarian crisis triggering the displacement is the result of unlawful activity by the occupying power.

During the "filtration" process, which thousands of residents from the Mariupol area were forced to undergo while trying to flee, Russian and Russian-affiliated officials in the Russian-occupied region 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.

A man from Mariupol said that he and dozens of Mariupol residents stayed for two weeks in a village schoolhouse under filthy conditions before they were taken to undergo filtration. He said many got sick and feared what awaited them. "We felt like hostages," he said.

While Russia may have legitimate grounds to conduct security screening on people voluntarily seeking to enter Russian territory, the filtration process – in its scope and the systemic manner in which Ukrainian civilians were forced to undergo it – is punitive and abusive, has no legal underpinnings, and violates the right to privacy, Human Rights Watch said.

People who "failed" the process, apparently due to their suspected ties to the Ukrainian military or to nationalist groups, were detained in Russian-controlled regions, including at the detention center in Olenivka, where at least 50 Ukrainian detainees were reportedly killed during a blast on July 29.

Russian and Russian-affiliated forces in areas they occupy should ensure that civilians can safely leave to Ukrainian-controlled territory if they choose, Human Rights Watch said. They should ensure that people who board buses are fully informed about where the buses are going and have options if they do not want to travel to Russia. They should stop pressuring Ukrainian citizens to go

to Russia and facilitate the return to Ukraine of those seeking to do so.

Russian authorities should also halt all ongoing biometric data collection and retention processes of persons in or from Ukraine. They should collect biometric data only where lawful, proportionate, and necessary and inform people of why their data is being collected, how it will be used, and how long it will be held for.

"Herding people further into Russian-occupied areas and onward to Russia without consent should immediately stop,"Wille said. " Russian authorities and international organizations should do everything they can to help those taken to Russia against their will who want to return home to be able to do so safely."

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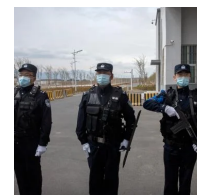### Intense and Lasting Harm
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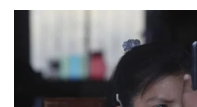### China: New UN Report Alleges Crimes Against Humanity

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