



A DEAFENING SILENCE

UKRAINIANS HELD INCOMMUNICADO, FORCIBLY DISAPPEARED AND TORTURED IN RUSSIAN CAPTIVITY

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Cover photo: Alina Potapova holds up a placard at a demonstration in Kyiv. The sign reads, "Hold on, my love". Her fiancé went missing in July 2023, and was later confirmed to be in Russian captivity. Alina has not received any letters or pictures of recently released Ukrainian prisoners of war at a demoHe is held incommunicado, leaving Alina without any news as to his whereabouts or well-being. © Oleksandr Khomenko/Amnesty International

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GLOSSARY

| WORD | DESCRIPTION |
|--|---|
| CRIME AGAINST HUMANITY | Crimes against humanity are among the most serious crimes of concern to the international community. Certain acts – including murder, torture, enslavement, enforced disappearance and other inhumane acts – are considered crimes against humanity if they form part of a widespread or systematic attack directed against the civilian population in furtherance of a state or organizational policy to commit such attacks. |
| ENFORCED DISAPPEARANCE | when there are reasonable grounds to believe that someone has been apprehended by the authorities or their agents, or people acting with their acquiescence, but the authorities refuse to acknowledge this or conceal the person's fate or whereabouts, placing them outside the protection of the law. |
| INCOMMUNICADO DETENTION | when a detainee is denied any access to people outside the place of detention, in particular legal counsel, family members and an independent court. |
| INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) | an international organization mandated by the Geneva Conventions to provide humanitarian protection and assistance for people affected by armed conflict and other violence. |
| INTERNATIONAL HUMANITARIAN LAW | comprises principles and rules regulating the protection of people and the conduct of hostilities in armed conflict. |
| PRISONER OF WAR | members of the armed forces who have fallen into enemy hands during an international armed conflict. |
| WAR CRIME | Serious violations of international humanitarian law committed in either international or non-international armed conflict. These include certain acts committed during international armed conflict listed as grave breaches in the Geneva Conventions of 1949 and Additional Protocol I. Article 8 of the Rome Statute of the International Criminal Court recognizes other conduct in both international and non-international armed conflict as war crimes. |

1. INTRODUCTION

Russia's treatment of Ukrainian military personnel and civilians in captivity amounts to war crimes and crimes against humanity. Thousands of members of the Ukrainian forces are currently held captive in Russia and occupied Ukraine as prisoners of war (POWs). These POWs are often held for months or years without their detention being notified to the relevant authorities. They are denied the right to communicate with the outside world, and Russia has prevented international organizations from accessing them. This treatment amounts to incommunicado detention which, given its duration, is considered inhuman treatment. This approach is designed to place POWs beyond the protection of international law, facilitating torture and other ill-treatment, including denial of medical care they require, and in some cases, unlawful killing of POWs. Committed in the context of Russia's aggression against Ukraine, these acts amount to war crimes.

Procedural safeguards contained in the Third Geneva Convention such as the right to regular correspondence, granting access to places of detention for international organizations and the direct repatriation of wounded and sick prisoners are designed to prevent and mitigate such treatment. Russia is systematically failing to uphold its obligations under the Geneva Conventions and must immediately fulfil these obligations.

Tens of thousands of Ukrainians, both military personnel and civilians, are considered "missing in special circumstances" by the Ukrainian authorities. Many of them are likely in detention which has not been acknowledged by Russia. Others have likely been killed. Russia's failure to confirm the presence of specific Ukrainians in its captivity – despite strong evidence they are there – amounts to enforced disappearance. In cases without such evidence, the relatives of the missing face an agonizing wait for information. Russia's aggression renders investigation into their fate impossible, yet the Ukrainian authorities must ensure that families of the missing are put at the centre of all investigations, ensuring adequate consultation and communication at all stages of the process.

Civilians make up a considerable number of those believed to be missing. Russia has long employed the tactics of arbitrary arrest, torture and enforced disappearance to intimidate the civilian population in areas it controls. In the context of an attack against the civilian population of Ukraine, these acts amount to crimes against humanity.

2. METHODOLOGY

This report details Russia's unlawful practices with regard to the detention, enforced disappearance, ill-treatment and execution of Ukrainian prisoners. The report focuses on violations of the rights of prisoners of war (POWs). However, it also covers civilians and those considered missing, both military and civilian. Amnesty International recognizes that there has been an international armed conflict in Ukraine since 2014,¹ however this report focuses on cases of persons deprived of liberty since Russia's full-scale invasion in February 2022.

The analytical legal framework contains elements of international humanitarian law, international human rights law and international criminal law (see section on Legal Framework). Where the report refers to prisoners of war, civilian detainees and hostages the term "person deprived of liberty" is used.

The report refers to Russia as the perpetrator of these violations, regardless of whether those perpetrators would refer to themselves as belonging to private mercenary companies, such as the "Wagner Group" or agents of the so-called "Donetsk People's Republic" or "Luhansk People's Republic". Russia exercises such a degree of command and control over these entities as to make such distinctions practically meaningless. Many persons deprived of liberty have been held in territories of Ukraine currently occupied by Russia, as well as in Russia itself. Amnesty International does not distinguish between detaining entities and considers all persons deprived of liberty to be in Russian captivity, regardless of whether they are detained in occupied Ukraine.

The primary sources for this report are interviews, primarily carried out in Ukraine between January and November 2024. Amnesty International researchers interviewed 104 people in Ukraine, including five former Ukrainian prisoners of war, 38 families of prisoners of war whose detention has been confirmed by the International Committee of the Red Cross (ICRC), 23 families of those "missing in special circumstances" (including seven families of suspected prisoners of war whose status remained unconfirmed at the time of writing), 28 civilians formerly detained and their families, and 10 Russian prisoners of war currently detained in Ukraine.²

Confirmation of detention by the ICRC consists of Russian authorities notifying the ICRC's Central Tracing Agency Bureau in Geneva that a certain person is in their custody. The notification should contain details of the location and the welfare of the person detained. Notification to ICRC does not mean that this person has been visited by the ICRC. Once an individual has been notified to ICRC, ICRC will then share this information with the relevant Ukrainian authorities and the family members of the person detained.

The majority of interviews took place in Kyiv region, but also in Lviv, Chernihiv and Donetsk regions, and where interviews were carried out remotely, this was done via secure communication platforms. All interviews were carried out in Ukrainian or Russian languages, depending on the preference of the interviewee, without the use of interpreters. Interviews used a standardized questionnaire, and the full, informed consent of all interviewees was obtained prior to interview. Some interviewees requested anonymity due to concerns over the safety of relatives currently in Russian captivity, and where the names have been changed this is indicated by inverted commas around the names.

Amnesty International also met with key stakeholders in Ukraine including international and Ukrainian human rights and humanitarian organizations, interviewed a Russian volunteer directly involved in arranging correspondence and other communication between Ukrainian POWs in Russia and their families in Ukraine, and conducted a comprehensive literature review of reports from academics, international and Ukrainian human rights organizations including ZMINA and the Media Initiative for Human Rights, as well as publications from the United Nations and ICRC. A draft version of the report was shared with Ukrainian authorities, who responded with comments in a letter dated 14 February 2025. These comments have been incorporated into the body of the report where relevant.

¹ Amnesty International, "Ukraine: Mounting evidence of war crimes and Russian involvement", 7 September 2014, [amnesty.org/en/latest/news/2014/09/ukraine-mounting-evidence-war-crimes-and-russian-involvement/](https://www.amnesty.org/en/latest/news/2014/09/ukraine-mounting-evidence-war-crimes-and-russian-involvement/)

² As part of the background research for this report, Amnesty International requested and was granted access by the Ukrainian authorities to Russian POWs in their captivity, and its delegates were able to interview them without witnesses.

Amnesty International wrote to several Russian bodies on 19 December 2024, including the Ministry of Foreign Affairs, Ministry of Defense, Office of the Prosecutor General and the Federal Penitentiary Service, asking them to clarify the relevant domestic legal framework governing the detention of prisoners of war, comment on the allegations of torture and other ill-treatment and other violations of human rights of Ukrainians in Russian custody including denial of rights of correspondence, adequate medical care and the criminal prosecution of Ukrainian prisoners of war for the mere fact of participation in the conflict. The letter also requested clarity on the procedures for international monitoring bodies to apply for access to visit persons deprived of liberty. As of 4 February 2025, no response nor acknowledgement of the receipt of its communications has been received by Amnesty International.

The research methodology and findings of this report are also informed by past research into and publications on the abusive Russian practices towards Ukrainian civilians, including war crimes and likely crimes against humanity,³ as well as towards its own population including arbitrary detention, enforced disappearance, torture and other ill-treatment, and extrajudicial execution extensively documented by Amnesty International in the North Caucasus.⁴

³ Amnesty International, “Ukraine: “Like A Prison Convoy”: Russia’s Unlawful Transfer and Abuse of Civilians in Ukraine During “Filtration”, 10 November 2022, EUR 50/6136/2022, [amnesty.org/en/documents/eur50/6136/2022/en/](https://www.amnesty.org/en/documents/eur50/6136/2022/en/); “Ukraine: Abductions and torture in Eastern Ukraine”, 11 July 2014, EUR 50/034/2014, [amnesty.org/en/documents/eur50/034/2014/en/](https://www.amnesty.org/en/documents/eur50/034/2014/en/)

⁴ Amnesty International, “Russian Federation: The circle of injustice: Security operations and human rights violations in Ingushetia”, 21 June 2012, EUR 46/012/2012, [amnesty.org/en/documents/eur46/012/2012/en/](https://www.amnesty.org/en/documents/eur46/012/2012/en/).

3. LEGAL FRAMEWORK

The primary legal framework governing Russia's aggression against Ukraine is international humanitarian law, otherwise known as the law of armed conflict, the primary sources of which are the Geneva Conventions of 1949. However, international human rights law also applies during situations of armed conflict and Russia's treatment of Ukrainians in captivity also amounts to violations of international criminal law, including crimes against humanity and war crimes.

3.1 INTERNATIONAL HUMANITARIAN LAW (IHL)

An international armed conflict has existed in Ukraine since 2014, when Russian armed forces were operating in Ukraine directly and via proxies⁵, in an attempt to establish breakaway regions in Donetsk and Luhansk regions, as well as secure the occupation and illegal annexation of Crimea. Common Article 2 of the Geneva Conventions states that the Conventions apply to all cases of international armed conflict. The primary source of IHL concerning prisoners of war is the Third Geneva Convention, and that relating to civilians is the Fourth Geneva Convention. Additional sources of IHL may be found in international customary law.

The Third Geneva Convention holds that detaining powers must treat all prisoners of war humanely, and with respect.⁶ It sets out minimum standards to which detaining powers must conform, including with regard to medical treatment, safety, labour, and discipline.⁷ In addition, the Third Geneva Convention mandates that the capture of POWs must be notified to their country, and that POWs have the right to communicate with the outside world through regular letters.⁸ Seriously wounded and sick POWs must be repatriated directly, and mixed medical commissions be established to facilitate this.⁹ Finally, Article 126 holds that the ICRC shall be allowed to conduct visits to all places in which POWs are held, and to interview them without witnesses in order to verify conditions of detention and facilitate the correspondence of POWs with their family.¹⁰

The Fourth Geneva Convention holds that civilians may only be interned for reasons of security or absolute necessity, and such internment must be limited in time and with strict safeguards including regular review.¹¹

3.2 INTERNATIONAL HUMAN RIGHTS LAW

International human rights law continues to apply during situations of armed conflict. The International Covenant on Civil and Political Rights (ICCPR) holds that "Everyone has the right to liberty and security of person, and that no one shall be deprived of liberty except on such grounds and in accordance with such procedure as are established by law".¹²

The ICCPR, to which Russia and Ukraine are both parties, bans the use of torture.¹³ The absolute prohibition of torture and other cruel, inhuman or degrading treatment is further codified by the eponymous Convention (CAT), to which Russia acceded in 1987 and Ukraine in 2006.¹⁴ CAT defines torture as, "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person" for reasons

⁵ In addition to the Russian military, both Russian-armed and trained local and Russian militia and state-sponsored Russian private military companies were operating in Ukraine

⁶ Third Geneva Convention 1949, Articles 13, 14

⁷ Third Geneva Convention 1949, (previously cited)

⁸ Third Geneva Convention 1949, Articles 69, 71

⁹ Third Geneva Convention 1949, Articles 109, 112

¹⁰ Third Geneva Convention 1949, Article 126

¹¹ Fourth Geneva Convention, 1949, Articles 79 - 135

¹² ICCPR, 1966, Article 9

¹³ ICCPR, 1966, Article 7

¹⁴ United Nations Office of the High Commissioner of Human Rights, indicators.ohchr.org/

including obtaining a confession, punishment, or intimidation.¹⁵ The United Nations Commission on Human Rights affirmed that incommunicado detention, understood as a person being detained without access to family or lawyers,¹⁶ may facilitate or even itself amount to torture.¹⁷

Additionally, the International Convention for the Protection of All Persons from Enforced Disappearance (CPED), holds that no one shall be subject to enforced disappearance and expressly holds that a state of war may not be invoked as a justification for enforced disappearance.¹⁸ It also holds that relatives of those forcibly disappeared have a right to know the fate of their loved ones.¹⁹ Whereas Ukraine is a party to the CPED and Russia is not, enforced disappearance is effectively prohibited under other international treaties and instruments, including the ICCPR and the 1992 Declaration on the Protection of all Persons from Enforced Disappearance,²⁰ as well as international customary law and state practice.²¹

3.3 INTERNATIONAL CRIMINAL LAW

In the context of Russia's full-scale invasion of Ukraine, which amounts to an act of aggression and is of itself a crime under international law,²² many of these violations give rise to individual criminal responsibility under international criminal law.

Those acts and omissions giving rise to individual criminal responsibility are either war crimes, including "grave breaches" of the Geneva Conventions, or crimes against humanity, which were codified by the 1968 Convention on the Non-applicability of Statutory Limitations to War Crimes and Crimes against Humanity, to which Ukraine and Russia are both states parties and also codified by the Rome Statute of 1998, the founding treaty of the International Criminal Court (ICC). Russia is not a member of the ICC and Ukraine only ratified the Rome Statute in 2024, but accepted ICC jurisdiction over crimes occurring in its territory since 2014 pursuant to Article 12(3) of the Statute. States may also choose to pursue justice for atrocity crimes under the principle of universal jurisdiction.

The Rome Statute holds that, when committed in the context of an armed conflict, the following acts, among others, are considered war crimes: wilful killing; torture or inhuman treatment; wilfully causing great suffering; and wilfully depriving a prisoner of war or other protected person of the rights to a fair and regular trial.²³ When committed in the context of a widespread or systematic attack against any civilian population, the following acts, among others, are considered crimes against humanity: murder, imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; torture; and enforced disappearance of persons.²⁴

¹⁵ Convention against Torture, 1984, Article 1

¹⁶ Amnesty International, Detention and Imprisonment, [amnesty.org/en/what-we-do/detention/](https://www.amnesty.org/en/what-we-do/detention/)

¹⁷ Commission on Human Rights Resolution 2003/32: torture and other cruel, inhuman or degrading treatment or punishment, 23 April 2003, refworld.org/legal/resolution/unchr/2003/en/39170

¹⁸ CPED, 2010, Article 1

¹⁹ CPED, 2010, Article 24(2). The "right to know" is also guaranteed by international humanitarian law and applies to all those missing in relation to an armed conflict. See, for example, ICRC, "Rule 117. Accounting for missing persons", *International Humanitarian Law Databases*, ihl-databases.icrc.org/en/customary-ihl/v1/rule117

²⁰ United Nations General Assembly resolution 47/133, 18 December 1992

²¹ See ICRC, "Rule 98. Enforced Disappearance", *International Humanitarian Law Databases*, ihl-databases.icrc.org/en/customary-ihl/v1/rule98#refFn_78FB8E2F_00017

²² Amnesty International, "Russia/Ukraine: Invasion of Ukraine is an act of aggression and human rights catastrophe", 1 March 2022, [amnesty.org/en/latest/news/2022/03/russia-ukraine-invasion-of-ukraine-is-an-act-of-aggression-and-human-rights-catastrophe/](https://www.amnesty.org/en/latest/news/2022/03/russia-ukraine-invasion-of-ukraine-is-an-act-of-aggression-and-human-rights-catastrophe/)

²³ Rome Statute, 1998 Article 8(2)(a)(i),(ii),(iii), and (vi)

²⁴ Rome Statute, 1998 Article 7(1)(a),(e),(f), and (i)

4. PRISONERS OF WAR



Families and supporters of prisoners of war detained in Mariupol demonstrate in Kyiv for the return of their loved ones. The sign held up (centre) reads: "We are waiting for you at home". © Oleksandr Khomenko/Amnesty International

The total number of Ukrainian prisoners of war (POWs) currently being held in Russia and occupied Ukraine is not known.²⁵ While the Geneva Conventions impose an obligation on authorities to inform the ICRC - and by extension the state authorities and the families of POWs - of an individual's detention, in practice this does not always occur.²⁶ Families of Ukrainian POWs report that confirmation of detention, where it arrives at all, might come **months or even years after they last heard from their relative**. In the absence of systematic, comprehensive notification by parties to the conflict, it is not possible to ascertain accurate numbers of POWs.²⁷ Some missing persons suspected to be in captivity may have been killed in fighting or in its aftermath. Equally, some people presumed missing or killed may in fact be in detention.

While acknowledging that there are likely many POWs currently in captivity who have not been officially confirmed, this section will deal only with those for whom such confirmation has been received by the ICRC. Amnesty International also recognizes that the confirmation of a POW by Russian authorities is not a guarantee that this person remains alive, due to numerous deaths in custody that have been reported. In the age of social media, videos and photos of POWs are often circulated by their captors. Exposing POWs to public curiosity is a violation of the Geneva Conventions,²⁸ yet images that clearly identify POWs provide a crucial source of information for families desperate for a glimpse of their loved ones. Misidentification is also possible, and frequently occurs. Evidence that a POW was once in the hands of their captors is also no guarantee that they remain in captivity.

²⁵ Interfax quoted a representative of the Ukrainian Coordination Headquarters for the Treatment of Prisoners of War in January 2024 that 8,000 Ukrainian military and civilians were deprived of liberty in Russia and occupied Ukraine, see: <https://interfax.com.ua/news/general/962624.html>. This figure is likely based on information not available to the public, and is not possible to verify. Families of POWs interviewed by Amnesty International reported Ukrainian authorities told them a figure of between 8,000 – 10,500. It is highly likely the number of people deprived of liberty is in the thousands.

²⁶ Third Geneva Convention 1949, Article 67

²⁷ The Ukrainian authorities in their letter of 14 February 2025 claimed that they strictly abide by the obligations under the Geneva Conventions to notify the presence of captured combatants in Ukrainian captivity. Due to restrictions on working in Russia, Amnesty International was not able to interview Russian families of POWs to ascertain whether they receive such confirmations. No comment was received from Russian authorities in response to Amnesty International's request for information

4.1 WAR CRIMES COMMITTED AGAINST UKRAINIAN POWS

4.1.1 PROLONGED INCOMMUNICADO DETENTION (INHUMAN TREATMENT)

“At the moment the only thing that worries me is that I don’t know where my husband is. I have some information, it is unofficial, unconfirmed, but that they were again sent away from [this colony] somewhere, transferred somewhere again. Again I won’t know where to look for my husband and where to write letters. This black darkness of not knowing - it's killing me.”

Olena Kolesnyk, whose husband Serhii was captured in July 2024²⁹

Although there is no international legal definition of incommunicado detention, Amnesty International defines it as when a person deprived of liberty, whose whereabouts is known, is denied any access to people outside the place of detention, in particular legal counsel, family members or an independent court. Prolonged incommunicado detention may amount to inhuman treatment, which in the context of an armed conflict is considered a grave breach of the Geneva Convention.³⁰

Twenty-four of 43 families of confirmed POWs (56%) interviewed by Amnesty International reported that they have received no communication whatsoever from their relative during their captivity. Seven more POWs were only able to send a text or make a brief phone call at the beginning of their captivity, often relying on smuggled phones and the discretion of individual captors (see “Correspondence” section for more information). These POWs are also held incommunicado, bringing the total to 72%. None of the returned POWs interviewed were visited in captivity by international organizations, and one of the relatives of current POWs reported being notified of such a visit to their relative.

The statistics from the United Nations Human Rights Monitoring Mission in Ukraine (HRMMU) are even more stark. Russia has denied the HRMMU access to all places of detention housing Ukrainian POWs, and the mission reported in 2024 that only 21 out of 174 (12%) of former Ukrainian POWs interviewed since March 2023 were able to correspond with their families during their captivity.³¹

Olesia Melnychenko, a returned POW, told Amnesty International: “We asked for phone calls and requested to at least write letters, emails. We were told that this was impossible. They said that prisoners of war do not have the right to this.”³² Another returned POW, who was detained at Chornobyl Nuclear Power Plant in the early days of the full-scale invasion, explained how he and his fellow POWs were able to communicate with their relatives using landline phones at the station, until a senior Russian officer arrived, who was outraged

²⁹ Interview with Amnesty International in Kyiv, November 2024

³⁰ Third Geneva Convention, 1949, Article 130. According to the 2020 ICRC Commentary inhuman treatment ‘covers serious mental or physical suffering which falls short of the threshold of severe mental or physical suffering required for the grave breach of torture’ (para.5246)

³¹ Office of the High Commissioner of Human Rights, “Treatment of prisoners of war and update on the human rights situation in Ukraine”, 1 October 2024, ukraine.un.org/sites/default/files/2024-10/2024-10-01%20OHCHR%2040th%20periodic%20report%20on%20Ukraine.pdf, para. 46

³² Interview with Amnesty International in Kyiv, August 2024

his junior officers had turned a blind eye to it, and immediately demanded an end to all communication by Ukrainian POWs with the outside world.³³



Olesia Melnychenko and her son, pictured in Kyiv after her return from Russian captivity. While interned, Olesia was told by her captors that she did not have the right to correspond with her family, in clear contravention of the Geneva Conventions. © Oleksandr Khomenko/Amnesty International

While it holds the vast majority of POWs incommunicado, Russia does often acknowledge their detention by notifying the ICRC's Central Tracing Agency. However, most families of confirmed POWs interviewed by Amnesty International reported a delay of months between their relative's disappearance and receiving confirmation of detention. When this confirmation is received, it gives no details as to the location of the person concerned, nor their medical condition. For example, Valentyna's son "Oleksandr", a 26-year old conscript serving in Mariupol, was captured when Russian forces took the city in May 2022. The fall of Mariupol resulted in one of the largest captures of members of Ukrainian forces of the war. The exact number of prisoners taken that day is unknown, however it certainly numbers in the hundreds.³⁴ Valentyna was informed by the Ukrainian authorities that her son was taken prisoner on 17 May 2022, yet despite an effort at the time by the ICRC to register prisoners of war, she did not receive confirmation that he was in detention until over one year later.³⁵

Holding prisoners in incommunicado detention for extended periods amounts to cruel, inhuman or degrading treatment. Amnesty International's research, corroborated by the findings of the HRMMU, shows that Russia is keeping the majority of Ukrainian POWs in its control in incommunicado detention, often for years at a time. This prolonged detention, in total isolation from family members, lawyers or international organizations, clearly amounts to inhuman treatment. In the context of an armed conflict, this is considered a war crime.³⁶ As well as itself being a war crime, holding POWs incommunicado is designed to put them beyond the protection of law thereby facilitating the commission of further egregious crimes against their lives, health, and dignity.

³³ Interview with Amnesty International in Slavutych, November 2024

³⁴ International Committee of the Red Cross, "Ukraine: ICRC registers hundreds of prisoners of war from Azovstal plant", 19 May 2022, [icrc.org/en/document/ukraine-icrc-registers-hundreds-prisoners-war-azovstal-plant](https://www.icrc.org/en/document/ukraine-icrc-registers-hundreds-prisoners-war-azovstal-plant)

³⁵ Interview with Amnesty International in Kyiv, August 2024

³⁶ Rome Statute 1998, Article 8(2)(a)(ii)-2

4.1.2 EXECUTIONS AND DEATHS IN CUSTODY

“They started torturing me right away. They beat me with stun guns, these special sticks, it was very painful. I saw how the guys started to die after that. Their hearts just couldn't take it anymore. I was tortured for stinking because we were not given soap and hygiene products. We received very little soap and toothpaste. It was all extremely difficult, and then we were tortured for not being able to keep clean.”

Volodymyr Shevchenko, former POW who spent over two years in Russian captivity³⁷

Ukraine's Human Rights Ombudsman told Amnesty International that 177 summary executions had been documented by the Prosecutor General's Office, of which 109 occurred in 2024.³⁸ At least two significant political figures in Russia publicly called for the execution of prisoners of war in 2024. In July, former President, Deputy Chair of the Security Council Dmitri Medvedev called for “total executions”³⁹ on his Telegram channel and, in October, the Head of the Chechen Republic Ramzan Kadyrov publicly claimed that he had given an order not to take Ukrainian soldiers alive.⁴⁰ While he claimed later to have revoked this “order”, in December 2024 he threatened to use Ukrainian POWs as human shields to protect buildings in Chechnya from Ukrainian airstrikes.⁴¹ This rhetoric from senior figures involved in Russia's aggression in Ukraine may well have contributed to the reported increase in executions of Ukrainian POWs by members of Russian forces. A particularly egregious example occurred in October 2024, with drone video footage purporting to show the execution of 16 Ukrainian POWs.⁴²

Interviews with returned Ukrainian POWs illustrated how those deprived of liberty in Russia and the occupied territory regularly died in custody. Returned POW Volodymyr Shevchenko reported how POWs were beaten to death in captivity, and others were driven to suicide.⁴³ Another former POW, Dmytro Kyhym, told Amnesty International how a civilian detainee was beaten to death in a pretrial detention centre where he was being held, and another seriously ill detainee in a prison colony in Tula, Central Russia, was beaten badly in his cell and guards discussed removing him from the cell the next morning, wrapped in a blanket.⁴⁴ The wilful killing of prisoners of war, civilians and *hors de combat* is a war crime.

³⁷ Interview with Amnesty International in Kyiv, August 2024

³⁸ Interview with Amnesty International by phone, January 2025; Glavkom.ua, “Скільки українських військовополонених стратили росіяни? Дани омбудсмена”, 19 December 2024, glavkom.ua/world/observe/skilkokh-ukrajinskikh-vijskovopolonenikh-stratili-rosijani-dani-ombudsmena-1036671.html

³⁹ Dmitry Medvedev, Telegram post, 16 July 2024, t.me/medvedev_telegram/517

⁴⁰ The Kyiv Independent, “Kadyrov claims he revoked order not to take Ukrainian soldiers prisoner”, 19 December 2024, kyivindependent.com/kadyrov-claims-he-revoked-the-order-not-to-capture-ukrainian-soldiers/

⁴¹ Ramzan Kadyrov, Telegram post, 4 December 2024, https://t.me/RKadyrov_95/5276

⁴² DeepStateUA, Telegram post, 13 October 2024, <https://t.me/DeepStateUA/20493>

⁴³ Interview with Amnesty International in Kyiv, August 2024

⁴⁴ Interview with Amnesty International in Kyiv, November 2024



Returned POW Dmytro Kyhym told Amnesty International that POWs and civilian detainees were regularly beaten, in one case a civilian was beaten to death by his captors. © Oleksandr Khomenko/Amnesty International

4.1.3 DENIAL OF MEDICAL TREATMENT

Denial of medical assistance to those in need of it is another common theme in witness testimony. The UN Independent International Commission of Inquiry on Ukraine (IICIU) reported a “general absence or denial [by Russian authorities] of medical assistance to detainees who were injured, ill, or suffered traumas after torture which led to the deaths of detainees.”⁴⁵ Serhii Koroma, a former Ukrainian POW who was badly wounded before being captured, reported that he was given no more than a topical antiseptic on one occasion and left to heal or die.⁴⁶ Another former POW, Maksym Kolesnikov, suffered a serious leg wound while fighting, yet received no treatment at all in captivity.⁴⁷ On his return to Ukraine he was found to have torn ligaments and required surgery on his gallbladder, which had been damaged due to weight loss and starvation.⁴⁸ Volodymyr Shevchenko told Amnesty International researchers that he had witnessed a fellow POW be denied adequate care following severe torture, which led to heart failure and death.⁴⁹ The denial of medical assistance, particularly denial of pain medication, in acute situations of trauma amounts to the war crime of torture,⁵⁰ and may also amount to the war crime of wilfully causing great suffering, as well as subjecting detainees to inhuman treatment.⁵¹

However in some cases not only were prisoners denied medical treatment, but also punished for requesting it.⁵² The IICIU reported that multiple Ukrainian prisoners testified that the doctor in charge of medical

⁴⁵ IICIU, “Report of the Independent International Commission of Inquiry on Ukraine”, A/HRC/52/62549, 25 October 2024, ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coiukraine/A_79_4632_AUV.pdf, para. 50

⁴⁶ Interview with Amnesty International in Kyiv, August 2024

⁴⁷ Interview with Amnesty International in Kyiv, August 2024

⁴⁸ Interview with Amnesty International in Kyiv, August 2024

⁴⁹ Interview with Amnesty International in Kyiv, August 2024

⁵⁰ United Nations General Assembly, “Report of the Special Rapporteur on Torture and other cruel, inhuman and degrading treatment”, A/HRC/22/53, 1 February 2013, ohchr.org/sites/default/files/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.53_English.pdf para. 56

⁵¹ Rome Statue 1998, Article 8(2)(a)(ii) and (iii)

⁵² Office of the High Commissioner of Human Rights, “Treatment of prisoners of war and update on the human rights situation in Ukraine”, 1 October 2024, (previously cited) para. 36

assistance for POWs tortured his patients with electricity.⁵³ This is just one aspect of the widespread and systematic practice of torture and other ill-treatment of Ukrainian POWs in Russian captivity.

4.1.4 TORTURE

“In Olenivka, they beat the boys in front of us, forced them to sit on a bottle.⁵⁴ They tormented them in ways we could all see and hear. They insulted us. I’m not even mentioning the conditions we were held in — that was a separate kind of hell. It was a cell with no running water. You slept on the floor, and mice ran over you. You eat nothing but garbage. The only thing that probably kept us from dying was the bread. Everything else was just horrific.”

Olesia Melnychenko, former POW⁵⁵

Torture and other ill-treatment of Ukrainian POWs is widespread and systematic by numerous existing accounts and is reported at all stages of captivity.⁵⁶ The HMMU reported that 97% of former POWs it interviewed were subjected to torture or other ill-treatment.⁵⁷ While the sample size is much smaller, all of those former Ukrainian POWs interviewed by Amnesty International reported the same.

POWs are often subjected to “reception” beatings on arrival at places of detention,⁵⁸ and methods of torture include beatings, electric shocks, burns, and sexual violence including rape.⁵⁹ Former POWs told Amnesty International that torture was carried out in all places of captivity, and wherever particular guards refused to participate, they were quickly replaced. These findings are supported by the IICIU, who reported in 2024 that torture amounted to a “coordinated state policy”,⁶⁰ committed with impunity.

Torture and inhuman treatment are prohibited in all circumstances by international human rights and humanitarian law and, when committed in the context of an armed conflict, amounts to a war crime.⁶¹

⁵³ IICIU, “Report of the Independent International Commission of Inquiry on Ukraine”, A/HRC/52/62549, 25 October 2024, (previously cited) para. 55

⁵⁴ This is reference a practice which Amnesty International has previously documented in Russia, whereby the captive is being sexually violated.

⁵⁵ Interview with Amnesty International in Kyiv, August 2024

⁵⁶ See for example, Media Initiative for Human Rights, “Вирізали “Z” на щоках, морили голодом і катували до смерті: як полонених українців знищують у Тульській колонії”, 8 February 2024, <https://mipl.org.ua/vyryzaly-z-na-shhokah-moryly-golodom-i-katuvaly-do-smerti-yak-polonenyh-ukrayincziv-znyshhuyut-u-tulskij-koloniyi/>

⁵⁷ Office of the High Commissioner of Human Rights, “Treatment of prisoners of war and update on the human rights situation in Ukraine”, 1 October 2024, (previously cited) para. 28

⁵⁸ Interview with Amnesty International in Kyiv, August 2024

⁵⁹ Office of the High Commissioner of Human Rights, “Treatment of prisoners of war and update on the human rights situation in Ukraine”, 1 October 2024, (previously cited) para. 47

⁶⁰ IICIU, “Report of the Independent International Commission of Inquiry on Ukraine”, A/HRC/52/62549, 25 October 2024, (previously cited) para. 78

⁶¹ Rome Statue 1998, Article 8(2)(a)(ii)

4.2 PROCEDURAL SAFEGUARDS

The protections enshrined in the Geneva Conventions establish minimum standards for humane treatment. They also act as procedural safeguards that have a practical effect on reducing the scope for violations to occur. Three key safeguards contained in the Third Geneva Convention must be immediately implemented in order to limit the potential for the aforementioned war crimes being committed: facilitating correspondence; granting access for humanitarian organizations; and the repatriation of seriously ill and wounded POWs and establishment of mixed medical commissions.

4.2.1 CORRESPONDENCE

“I went to work, and about half an hour later, the National Information Bureau called me and said that there was a letter for me from my son. It was such endless joy. It's such a joy, it had been so long. And the paper letter... at first glance they are not significant for people, but they are very significant for us. They are like a little museum of memory.”

Olesia Bezruk, whose son was captured in Mariupol in May 2022⁶²

“When I received the first letter from my sister, I went into the cell and just sat in the corner in tears. I read the letter, I was crying. The other guys asked, “What happened?” It was the same when I received letters from my mother, from my wife. I also just sat in the corner, read these two letters and just, you know, was in tears. Well, everything was tearing apart in my soul.”

Dmytro Kyhym, former POW⁶³

The Third Geneva Convention provides that POWs must be given the opportunity to regularly correspond with their family. Of the 43 confirmed POWs or their families interviewed by Amnesty International, only five had this opportunity. All of these reported only being given the opportunity to send letters or make phone calls on condition that they agreed to give interviews to Russian television. In some other cases, Ukrainian POWs were allowed communication with their families after their status changed to that of criminal suspects, defendants or convicted prisoners.

The prosecution of prisoners of war for mere participation in hostilities is a violation of the Geneva Conventions, and depriving POWs of fair trial rights is a war crime. Nonetheless, Russia has indeed launched sham trials of POWs, often accusing them of war crimes or crimes against the Russian state under Russia's

⁶² Interview with Amnesty International in Kyiv, August 2024

⁶³ Interview with Amnesty International in Kyiv, November 2024



Olesia Bezruk, pictured here at her home, is one of the few families of a prisoner of war to receive a letter. One of her sons was taken prisoner, and the other is missing presumed killed. She told Amnesty how much the letters from her son meant to her, describing them as "little museums of memory". © Oleksandr Khomenko/Amnesty International

4.2.2 ACCESS FOR HUMANITARIAN ORGANIZATIONS

The presence of international, impartial monitors in places of detention has a similar deterrent effect on torture and other violations of international law. **No Ukrainian POW interviewed by Amnesty International reported being visited by an international organization during their captivity.** The United Nations bodies mentioned in this report, the HRMMU and IICIU, report being denied any access whatsoever to Ukrainian POWs held in Russia or in occupied Ukraine.⁷¹ The ICRC, mandated by the Geneva Conventions to carry out such visits, does not publicly comment strict confidentiality over whether they are able to access places of detention in order to maintain the trust of the detaining authorities. However, relatives of POWs interviewed by Amnesty International with one exception reported that the ICRC did not visit their relative. Neither did any returned Ukrainian POW interviewed by Amnesty International report being visited.

There is clear evidence of a policy of systematic denial of humanitarian access to Ukrainian POWs by Russian authorities. Visits by international monitors are a crucial mechanism for deterring violations of international law. Firstly, international monitors such as the ICRC are the primary means through which POWs can communicate with their relatives, through the transmission of letters or organizing phone calls and video calls. Secondly, through interviews with POWs and detaining authorities, as well as observation, international monitors can spot signs of torture and other ill-treatment, as well as ensure that conditions of detention meet international standards.

Without these safeguards, POWs remain in incommunicado detention where they are at much higher risk of torture and other ill-treatment, and their relatives remain in total limbo, with no information on the fate, condition and location of their loved ones. Russia is flagrantly violating its obligations under the Third Geneva Convention by systematically denying access to international monitors. Families of POWs consistently reported to Amnesty International a deep frustration and anger at international organizations, particularly the ICRC, for failing to secure this access. While this anger may have been compounded by failures in messaging and communication by these international organizations, their failures - real or perceived - must be considered in light of Russia's systematic violation of its obligations under the Geneva Conventions. It is

⁷¹ IICIU, "IICIU, "Report of the Independent International Commission of Inquiry on Ukraine", A/HRC/52/62549, 25 October 2024, (previously cited) para. 5; Office of the High Commissioner of Human Rights, "Treatment of prisoners of war and update on the human rights situation in Ukraine", 1 October 2024, (previously cited) para. 18

imperative that Russia immediately allows access to international monitors to all facilities where Ukrainian POWs are being held.

4.2.3 REPATRIATION OF SERIOUSLY ILL AND WOUNDED POWS AND ESTABLISHMENT OF MIXED MEDICAL COMMISSIONS

A final key safeguard to prevent and deter the deaths of POWs in custody is the well-established IHL principle that seriously ill and wounded POWs be repatriated directly.⁷² The internment of POWs is justified under international law as there is a legitimate military necessity to prevent adversaries from further participation in hostilities. Where POWs are so seriously ill or wounded that they are no longer able to participate in hostilities, there is no further justification for their detention. Moreover, there is a powerful humanitarian argument for the repatriation of such prisoners, who should be able to recover and adjust to their new physical or mental condition in their own countries.

Direct repatriations of seriously wounded and sick POWs do not currently occur regularly, and while exchanges of POWs are ongoing, their frequency has declined since 2022.⁷³ While both Ukraine and Russia blame the other for this decline, worrying testimony from a former Russian soldier documented by the IICIU suggested that only “presentable” POWs would be exchanged, with those not deemed presentable due to injuries (presumably sustained during captivity) were denied medical care.⁷⁴

The ongoing denial of medical assistance documented above could be mitigated by the establishment of a mixed medical commission by Russia, as set out in Article 112 of the Third Geneva Convention. Mixed medical commissions, made up of two citizens of a neutral country and one appointed by the detaining power, are set up to evaluate the suitability of POWs for repatriation.⁷⁵ Ukraine claims to have already established a mixed medical commission for this purpose, yet there is no evidence that Russia has taken any steps to do the same.⁷⁶ While the primary purpose of mixed medical commissions is to evaluate POWs for possible repatriation, the presence of medical professionals from neutral countries would likely have the ancillary effect of encouraging adequate medical treatment for all POWs.

Russian authorities must therefore take all necessary steps to ensure that seriously wounded and sick POWs are repatriated and ensure that those POWs wounded or sick prior to or during captivity receive the medical assistance that they need. The establishment of a mixed medical commission would be a welcome first step on this path.

⁷² Third Geneva Convention 1949, Articles 109, 112

⁷³ Lawfare, “Russia’s Weaponization of Ukrainian Prisoner Exchanges”, 29 July 2024, <https://www.lawfaremedia.org/article/russia-s-weaponization-of-ukrainian-prisoner-exchanges>

⁷⁴ IICIU, “Report of the Independent International Commission of Inquiry on Ukraine”, A/HRC/52/62549, 25 October 2024, (previously cited) para. 57

⁷⁵ ICRC, Convention (III) relative to the Treatment of Prisoners of War. Geneva, 12 August 1949.

Commentary of 2020, Article 112, ihl-databases.icrc.org/en/ihl-treaties/gciii-1949/article-112/commentary/2020?activeTab=#_Toc42501284

⁷⁶ Government of Ukraine, Coordination Centre for the Treatment of Prisoners of War, “Mixed Medical Commissions: Aggressor Country Does Not Adhere to the Geneva Conventions”, 14 November 2024, koordshtab.gov.ua/posts/zmishani-medychni-komisiyi-krayina-ahresorka-ne-dotrymuyetsya-zhenevskikh-konventsiiy-1654; The Kyiv Independent, “Ombudsman denies Russian claim that Kyiv is delaying prisoner exchanges”, 3 December 2024, kyivindependent.com/ukraine-ready-to-bring-back-all-ukrainians-from-captivity-ombudsman-says-amid-russian-allegations/

5. “MISSING IN SPECIAL CIRCUMSTANCES”



A collection of photos of missing persons in the office of the “Edelweiss” family association. Edelweiss is made up of people whose loved ones have gone missing, they met regularly in the city of Pokrovsk to provide practical and psychological support to one another. Amnesty International researchers met with the association in Pokrovsk in May 2024. The city is now on the front lines of the conflict, with many inhabitants forced to flee. © Patrick Thompson/Amnesty International

In 2018, Ukraine's parliament passed the Law on the Legal Status of Missing Persons. This law enshrined into Ukrainian legislation the right of relatives to know the fate of their missing relatives. It also mandated the creation of a Commission on Missing Persons in Special Circumstances, the body with the primary responsibility for fulfilling that right, as well as a Unified Register of Missing Persons (launched on 2 May 2023), intended to be the sole official registry of cases. "Special circumstances" refers to cases of disappearances in relation to "armed conflict, military operations, temporary occupation of a part of the territory of Ukraine, natural or man-made emergencies."⁷⁷ [Ukraine reported to the UN Committee on Enforced Disappearances in September 2024 that the registry contained 55,000 cases, mainly military but also including up to 14,000 civilians.](#)⁷⁸

Many of those registered as “missing in special circumstances” will in fact be in detention in Russia or in the occupied territories of Ukraine. In many cases, there is significant evidence that an individual is in detention, but due to a lack of confirmation from Russia, they must be considered as missing. In other cases, there is no information whatsoever on the fate of an individual, and some families have been waiting for over 10 years for information on their missing relatives. All families of missing persons have a right to know the fate of their loved ones.

⁷⁷ Representative of the President of Ukraine in the Autonomous Republic of Crimea, 3 March 2023, <https://ppu.gov.ua/en/press-center/zapratsiuvav-vedynnyy-rejestr-osib-znyklykh-bezvisly-za-osoblyvykh-obstavyln/>

⁷⁸ OHCHR, “Experts of the Committee on Enforced Disappearances Commend Ukraine’s Law on Missing Persons in Special Circumstances, Ask Questions on Secret Detentions and the Forced Transfer of Children to the Russian Federation”, 24 September 2024, ohchr.org/en/news/2024/09/experts-committee-enforced-disappearances-commend-ukraines-law-missing-persons-special

5.1 UNCONFIRMED POWS: ENFORCED DISAPPEARANCE

According to the Ukrainian Coordination Headquarters for the Treatment of Prisoners of War, as reported by Deutsche Welle, a quarter of the 3,767 POWs returned to Ukraine by November 2024 were considered missing (i.e. not confirmed as POWs by Russia).⁷⁹ While the exact numbers of Ukrainian POWs held by Russia is not known, it is therefore likely that there remain hundreds or possibly thousands of POWs in Russian captivity who have not been notified to the ICRC.

Amnesty International's research found that POWs remain unconfirmed even when there is strong evidence to suggest that these POWs are in captivity. Olena Sharkevych told Amnesty International that despite the fact that her husband Oleksandr had not been confirmed in captivity, he was able to send a message to his brother from the former POW camp of Olenivka. This camp was bombed on 29 July 2022, resulting in at least 50 deaths among Ukrainian POWs.⁸⁰ A UN investigation debunked Russian claims that the explosion was caused by a Ukrainian HIMARS missile, and Russia's refusal to allow monitoring mechanisms access to territory it controls has precluded the possibility of any impartial investigation into the attack.⁸¹ Russia's ongoing silence over the fate of Oleksandr Sharkevych creates unimaginable anguish for his family, and the only measure of hope they can take is from the fact that so many POWs remain unconfirmed, despite evidence they are alive in captivity.

Much of the available evidence comes from photos and videos of Ukrainian POWs posted by Russians, often on Telegram channels, or even official media. Testimony from returned POWs is another crucial and often reliable source of information on unconfirmed POWs. Khrystyna Makarchuk's husband Volodymyr featured on Russian television channel NTV, where he described the circumstances of his capture.⁸² Moreover, a returned POW who knew Volodymyr personally confirmed to his family not only that he was in captivity, but also told them the location where he was being held and the date he had arrived there.⁸³ Despite all this, Russia still has not confirmed Volodymyr's detention.

Oleksandr and Volodymyr's situations are far from unique, and many families interviewed by Amnesty International told similar stories. This report has already established that Russia is subjecting POWs to enforced disappearance by refusing to acknowledge the detention or their whereabouts.

While the treaty sources of international humanitarian law, such as the Geneva Conventions, do not explicitly prohibit enforced disappearance, the prohibition is recognized as a norm of international customary law.⁸⁴

Enforced disappearance is defined by the International Convention for the Protection of All Persons from Enforced Disappearance as "the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law."⁸⁵

Russia's treatment of a significant number of POWs satisfies each element of this definition. As with detainees held incommunicado (which in many cases also in itself amounts to enforced disappearance), this treatment is designed to enable the commission of atrocity crimes against POWs, including wilful killing and torture, with impunity for those directly involved or complicit in them. Moreover, enforced disappearances may amount to the war crime of inhuman treatment. Where this practice is committed as part of a widespread or systematic attack against any civilian population, it amounts to a crime against humanity (see Part 3, below, for more information).

Russia must immediately notify the ICRC of all POWs currently in its captivity.

⁷⁹ DW Українською, "Зниклі безвісти військові: як повернути рідних і що робить Червоний Хрест?" 19 November 2024, [youtube.com/watch?v=6MgbVUcMtKI](https://www.youtube.com/watch?v=6MgbVUcMtKI), minute 8:12.

⁸⁰ OHCHR Ukraine, "Olenivka: Two years since the deadly strike that killed dozens of Ukrainian POWs, a continued call for accountability", 25 July 2024, ukraine.un.org/en/274954-olenivka-two-years-deadly-strike-killed-dozens-ukrainian-pows-continued-call-accountability

⁸¹ OHCHR, "Türk decries lack of accountability for Olenivka killings", 25 July 2023, ohchr.org/en/press-releases/2023/07/turk-decries-lack-accountability-olenivka-killings

⁸² Interview with Amnesty International in Kyiv, November 2024

⁸³ Interview with Amnesty International in Kyiv, November 2024

⁸⁴ ICRC, "Rule 98. Enforced Disappearance", International Humanitarian Law Databases (previously cited)

⁸⁵ ICPED, 2010, Article 2

5.2 OTHER MISSING PERSONS

“We’re living with the hope of ‘What if?’. We had the chance to leave Ukraine, but we don’t want to leave. If I go, what if my child comes back? What if he appears? Where will he look for his mum? So we sit, we wait, we hope, in case he turns up”.

Olha, whose son disappeared in August 2015 while serving in the Ukrainian military⁸⁶

For many of those considered “missing in special circumstances” there is considerably less information about their fate. This is largely due to the immense challenges of recovering accurate information from the obliteration, obfuscation and chaos of the modern battlefield, yet a flawed system for dealing with such cases has created unnecessary suffering for families. Many Ukrainian families have been searching for answers about the fate of their loved ones for over a decade. Yadviha Lozynska’s 21-year-old son Andrii Lozynskyi went missing during the Ukrainian withdrawal from the battle of Ilovaisk in 2014. He called his mother on 28 August to reassure her everything was fine, and she has not heard from him since. The Ukrainian authorities declared him killed in action and he received a state burial in 2017. Yadviha claims she did not hear about it until six years later and refuses to accept that this buried soldier is her son.⁸⁷

Such communications problems were very common prior to the full-scale invasion in 2022, with one mother of a missing soldier from 2014 insisting to Amnesty International that, prior to 2022, the authorities pretended the problem of missing persons did not exist.⁸⁸ The establishment of the Unified Register of Missing Persons in 2023⁸⁹ has resolved some of the problems that existed before, yet every family of missing persons interviewed by Amnesty International, including after that date, complained of a lack of communication from authorities. Investigators working on specific cases change frequently and given the opaque nature of the state structures charged with investigating these cases, families often do not know where to go to find answers.

Olena feels that no one is looking for her husband, who went missing while serving in the Ukrainian Armed Forces in January 2023. She told Amnesty International that no one is maintaining contact with her, and she does not feel she has had the whole truth about the circumstances of her husband’s disappearance.⁹⁰ Similarly, Liudmyla claims that the military unit in which her son served had not shared with her the results of the internal investigation into his disappearance. The lack of communication makes families feel abandoned, that no one is searching for their relatives. “If I only could be reassured that at least a minute a month is dedicated by the authorities to the search of my son... All the boys who served with my son initially, they are all gone now. They died performing the tasks of the state, the task the state sent them to. Why then does this same state not look for those who went missing while performing its task?” questioned Liudmyla.⁹¹

It is important to acknowledge that no country has the capacity needed to deal with the number of missing persons that Ukraine is dealing with.⁹² International organizations have commended Ukraine on its response to the problem in the face of such obstacles,⁹³ and the fundamental issue preventing effective investigation into many cases is Russia’s ongoing aggression. Without an end to the fighting, the agony of families will endure. The only route to a comprehensive solution of this ongoing issue is for Russia to immediately stop its aggression and cooperate fully with all investigations.

⁸⁶ Interview with Amnesty International in Pokrovsk, May 2024

⁸⁷ Remote interview with Amnesty International, July 2024

⁸⁸ Interview with Amnesty International in Pokrovsk, May 2024

⁸⁹ Although legally established by the 2018 Law on Missing Persons, it took five years for the Unified Register to become operational.

⁹⁰ Interview with Amnesty International in Dnipropetrovsk region, May 2024

⁹¹ Interview with Amnesty International in Donetsk region, May 2024

⁹² International Commission on Missing Persons, “A country of missing people”, August 2023, reliefweb.int/report/ukraine/country-missing-people-securing-justice-and-truth-families-missing-ukraine-enuk, p. 27

⁹³ OHCHR, “Experts of the Committee on Enforced Disappearances Commend Ukraine’s Law on Missing Persons in Special Circumstances, Ask Questions on Secret Detentions and the Forced Transfer of Children to the Russian Federation”, 24 September 2024, (previously cited)

Nonetheless, recent changes in the structure of the Ukrainian state bodies responsible for providing answers to families of the missing raise serious concerns. The Commission on Missing Persons finally established in 2022 was replaced after only two months by a Commissioner and Secretariat, initially under the Ministry of Reintegration of Temporarily Occupied Territories, before having some of its functions redistributed in 2023 between the Ministry of Interior, Ministry of Defence and the Cabinet of Ministers (specifically the Coordination Headquarters for the Treatment of Prisoners of War).⁹⁴

ZMINA and other Ukrainian human rights organizations raised concerns that the splitting of responsibility between these governmental bodies is not in the best interests of families of the missing.⁹⁵ According to a report by ZMINA, decision-making power with regard to cases of missing persons now rests exclusively with the General Staff of the Armed Forces of Ukraine.⁹⁶ The concentration of responsibility for identification of missing persons with the Ministry of Defence raises concerns that cases of missing civilians will be deprioritized. These fears are exacerbated by the fact that families of missing civilians are already disadvantaged by the current legal provisions. For example, Ksenia Onyshchenko, a lawyer with the SICH Human Rights group, stated that “in military units there are official lists of missing in action, but no one notifies the family when a civilian disappears.”⁹⁷ Families of missing soldiers often organize themselves into associations based on the military unit their relative served in, with few corresponding organizations for civilians. This relative lack of organization and civil society representation translates into less influence with the authorities. This is crucial for being able to advocate for better support from the state; for instance, the compensation available to families of missing civilians may be considerably less than that available to families of missing soldiers.⁹⁸

Furthermore, the International Commission on Missing Persons reported in 2023 that the level of forensic and investigative expertise in Ukraine is high, but the system is overly compartmentalized, leading to a lack of cooperation and communication between different government structures.⁹⁹ This impacts the identification process, and will make it harder for families to access information about their case. There must be one, sole interlocutor for families to access and transmit information about their case, without having to navigate a complex bureaucracy or negotiate with multiple different agencies. However this is achieved, it is essential that any changes are preceded by an inclusive consultation with the families concerned as to how the current system can be improved.

⁹⁴ ZMINA, “Як Україна розшукує зниклих безвісти внаслідок агресії росії та підтримує членів їхніх сімей”, July 2024, https://zmina.ua/wp-content/uploads/sites/2/2024/07/znykli_bezvisty_a4_ua-preview.pdf p.12

⁹⁵ ZMINA, “Як Україна розшукує зниклих безвісти внаслідок агресії росії та підтримує членів їхніх сімей”, July 2024 (previously cited)

⁹⁶ ZMINA, “Як Україна розшукує зниклих безвісти внаслідок агресії росії та підтримує членів їхніх сімей”, July 2024 (previously cited), p.12

⁹⁷ ICMP, “Profiles of the Missing from Ukraine: War Crimes Must be Investigated” 20 June 2023, <https://reliefweb.int/report/ukraine/profiles-missing-ukraine-war-crimes-must-be-investigated>

⁹⁸ ZMINA, “Як Україна розшукує зниклих безвісти внаслідок агресії росії та підтримує членів їхніх сімей”, July 2024 (previously cited), p. 10

⁹⁹ ICMP, “A Country of Missing People: Securing Justice and Truth for Families of the Missing in Ukraine”, 28 August 2023, <https://reliefweb.int/report/ukraine/country-missing-people-securing-justice-and-truth-families-missing-ukraine-enuk> p. 180

6. CIVILIANS

While the primary focus on the report is POWs, it is also a well-documented practice by the occupying Russian forces to deprive Ukrainian civilians of their liberty unlawfully, including through prolonged incommunicado detention or enforced disappearance. Russian forces and their proxies resorted to these practices in Ukraine from the beginning of Russian invasion in 2014.¹⁰⁰ Prior to the invasion of Ukraine, Russian military and law enforcement forces extensively resorted to these in the North Caucasus and elsewhere, and relied on a combination of abusive laws, policies or secrecy and deniability in the operation of the relevant forces, circumvention of legal safeguards, intimidation and persecution of lawyers, absence of judicial independence and systemic manipulation of criminal justice.¹⁰¹

In September 2022, Russia announced that it was annexing the territories it then occupied, and even some territory that it did not control. Following this announcement, Russia imposed wholesale its laws on these territories and applied its law enforcement practices and criminal justice proceedings to the civilian population, including arbitrary arrest, enforced disappearance and the use of torture and other ill-treatment in custody.

The unlawful confinement of civilians is a war crime, and as they have also been committed in the context of an attack against the civilian population, Russia's policies and practice of enforced disappearance and torture in occupied Ukraine amount to crimes against humanity.

6.1 ARBITRARY ARREST

Civilians under occupation or in the hands of an enemy power are defined as “protected persons” under the Fourth Geneva Convention.¹⁰² Such persons may not be detained, except where “absolutely necessary” for security reasons.¹⁰³ Such internment is subject to strict safeguards including regular review and must be time limited.¹⁰⁴ Russia's indefinite detention of civilians in territories under its control in Ukraine fails to comply with these requirements, and some civilians currently in captivity have been there since before the full-scale invasion.

Oleksandr Marchenko travelled from Kyiv to Russian-occupied Donetsk via Russia in December 2018, hoping to resolve a property matter.¹⁰⁵ In Donetsk, he was abducted by masked men, and held incommunicado at an unofficial detention centre. His captors, who Marchenko believed to be members of the de facto “Ministry of State Security of Donetsk People's Republic” (MGB DPR), repeatedly tortured him, including by electrocution, crucifixion on a wooden panel, and strangulation. After two months, they drove him to the Russian border and handed him over to Russian Federal Security Service (FSB) officers, who then delivered him blindfolded to Krasnodar, in Russia. Following two consecutive detentions for purported administrative offences during which he was forced to sign a “confession”, Oleksandr Marchenko was remanded as a criminal suspect in March 2019 and charged with espionage.

On 26 November 2020, the Krasnodar Regional Court found him guilty under Article 276 of the Russian Criminal Code (“Espionage”) and sentenced him to 10 years in a strict regime penal colony. His appeals were rejected in April and November 2024, and at the time of writing he is serving his sentence in a prison in Minusinsk in Krasnoyarsk Krai, over 5,000 kilometers east of his native region of Dnipro.¹⁰⁶ Russia's

¹⁰⁰ Amnesty International, “Ukraine: “Like A Prison Convoy”: Russia's Unlawful Transfer And Abuse of Civilians In Ukraine During ‘Filtration’”, EUR 50/6136/2022, 10 November 2022, <https://www.amnesty.org/en/documents/eur50/6136/2022/en/>; Amnesty International, “Ukraine: Abductions and torture in Eastern Ukraine”, EUR 50/034/2014, 11 July 2014, <https://www.amnesty.org/en/documents/eur50/034/2014/en/>

¹⁰¹ Amnesty International, “Confronting the circle of injustice: Threats and pressure faced by lawyers in the North Caucasus”, EUR 46/003/2013, 21 March 2013, [amnesty.org/en/documents/eur46/003/2013/en/](https://www.amnesty.org/en/documents/eur46/003/2013/en/)

¹⁰² Fourth Geneva Convention 1949, Article 4

¹⁰³ Fourth Geneva Convention 1949, Article 42

¹⁰⁴ Fourth Geneva Convention 1949, Article 43

¹⁰⁵ The information below is based on Oleksandr Marchenko's statement as documented by his lawyer in March 2021, some of the case materials which Amnesty International was able to see, and cross-checked during several interviews with his partner in 2021-2024.

¹⁰⁶ For more details, see <https://amnesty.org/en/documents/eur46/7725/2024/en/>.

treatment of Marchenko violates the Fourth Geneva Convention and amounts to war crimes, including unlawful deportation and torture. It may also amount to the war crimes of unlawful confinement and denying a fair trial.

Since the full-scale invasion, Amnesty International has documented the use of “filtration”, an abusive practice intended to identify and detain specific categories of people among the population, including members of local administrations, political and civil activists, any other persons of interest to the occupying authorities, in addition to any suspected current and former members of the Ukrainian military and law enforcement services.¹⁰⁷ These arrests go far beyond what is permitted by international humanitarian law, amounting to a campaign of harassment and intimidation designed to ensure compliance with the occupying regime.

6.2 ENFORCED DISAPPEARANCE

Enforced disappearance of civilians has long been a strategy employed by Russia in Ukraine. Amnesty International documented numerous examples of enforced disappearance by Russian forces and their proxies in 2014, particularly in Crimea.¹⁰⁸ Incidence of enforced disappearances increased dramatically with the full-scale invasion. Ukrainian human rights organization ZMINA documented at least 562 cases of enforced disappearance between February 2022 to June 2023. The majority of victims were civic activists and their relatives, but also representatives of local self-government, as well as teachers, journalists and others.¹⁰⁹

In March 2024, “Polina”, told Amnesty International the story of her missing husband’s abduction.¹¹⁰ She left Russian-occupied territory on 15 August 2022. This was the last time she ever saw her husband, who stayed behind to care for his older father. He had stopped answering his phone or replying to text messages the evening that she left. In the absence of any information about his fate and whereabouts at the end of August she asked an acquaintance to try and bring a parcel for him to the building which was known by locals to be used by the Russian forces as an improvised, unofficial detention centre. Passing a parcel for a named incommunicado detainee is a common practice in Russia through which the presence of a particular detainee at a particular detention centre can be unofficially confirmed. The guards accepted the parcel in his name, which indicated, however tenuously, that Polina’s husband was alive and held there. Further parcels were accepted by the guards until one day, in October 2022, they declined. Under the existing unofficial practice this signified that Polina’s husband was either no longer there or no longer alive.

Soon after, Polina began receiving calls and texts from different men claiming to have recently been released from the same place of detention and seen her husband there. Then, between March and July 2023, Polina received texts and calls she believed were from her husband, who had apparently access to a clandestine mobile phone at the time. All communication then stopped.

Polina is now living in government-controlled Ukraine. She cannot travel to the occupied territories, where de facto police have accepted the family’s report about Polina’s husband’s disappearance but have not provided the family with any information on his fate and whereabouts.

Reports by ZMINA and other human rights groups suggest that hundreds of similar cases have occurred in the occupied territories.¹¹¹ These practices of deprivation of liberty of civilians by members of Russian forces or occupying authorities, followed by the failure to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, amount to enforced disappearances.

Russia must immediately release all civilian detainees and prisoners held in contravention of the Geneva Conventions.

¹⁰⁷ Amnesty International, “Ukraine: “Like A Prison Convoy”: Russia’s Unlawful Transfer And Abuse of Civilians In Ukraine During ‘Filtration’”, EUR 50/6136/2022, 10 November 2022, <https://www.amnesty.org/en/documents/eur50/6136/2022/en/>

¹⁰⁸ Amnesty International, “Crimea: three activists disappear after their car is reportedly shot at”, 14 March 2014, [amnesty.org.uk/press-releases/crimea-three-activists-disappear-after-their-car-reportedly-shot](https://www.amnesty.org.uk/press-releases/crimea-three-activists-disappear-after-their-car-reportedly-shot)

¹⁰⁹ ZMINA, “Enforced disappearances and arbitrary detentions of active citizens during the full-scale armed aggression by Russia against Ukraine (February 2022 – June 2023)”, July 2023, https://zmina.ua/wp-content/uploads/sites/2/2023/07/lost_people_eng_web_03.pdf

¹¹⁰ Interviewed via a phone call, March 2024

¹¹¹ See also: Kharkiv Human Rights Protection Group, “Submission to the Office of the Prosecutor of the International Criminal Court concerning the crime against humanity (Enforced disappearance of persons)”, 4 August 2024, library.khpg.org/index.php?id=1710176121

6.3 TORTURE AND OTHER ILL-TREATMENT

The ICIU reported in 2024 that the torture in detention in Russia and occupied Ukraine was widespread and systematic, and that the majority of victims were civilian.¹¹² Its findings with regard to the means and methods of torture were consistent with what Amnesty International and other organizations have found with regard to torture and other ill-treatment of POWs and civilians held by Russia, including the use of electrocution and sexual violence.¹¹³

All of the civilian detainees or their relatives interviewed by Amnesty International have reported treatment and conditions of detention that amounted to torture or to inhuman or degrading treatment or punishment, during their captivity. Serhii Barchuk was Deputy Head of Kherson Pension Fund when Russian forces took control of the city in early March 2022.¹¹⁴ Accused of stealing the property “of the Russian Pension Fund” in Kherson (he acknowledges that he removed the Fund’s property to prevent it from falling into Russian hands), he was held incommunicado, interrogated, and subjected to torture and other ill-treatment. The interrogators made threats that he would face more violence and so would his mother if he refused to cooperate. During the first interrogation by several men, on the night from 17 to 18 July, a man with a masked face wearing military uniform pulled out the lace from one of Serhii’s shoes and used it to strangle him.

“The lace broke quite quickly and then he strangled me with his hand from behind. They were hitting me on the legs, arms or torso, then asked me a question. If they liked the answer, they hit me a few more times and asked the next one. If they didn’t like the answer, they hit me harder and asked the same question again. This went on for about half an hour, but I can’t say for sure. I completely lost sense of time at that moment.”

Serhii Barchuk¹¹⁵

Consistent accounts of torture and other ill-treatment of civilians documented by Amnesty International, particularly those groups also at risk of arrest and enforced disappearance, and the apparent sense of impunity among those reported to have committed it, point to a state policy and sanction of such treatment. This conclusion is consistent with Amnesty International’s findings on the use of torture in Russia in numerous previous instances. This is supported by evidence gathered by the ICIU, who not only concluded that torture was systematic and widespread, but that, “

“Victims and witnesses made multiple references to the involvement of high-ranking detention facility officials, as well as to orders received by lower ranking personnel. Torture was committed openly, with an apparent sense of impunity. These elements combined lead the Commission to consider that it has sufficient evidence to determine that the Russian authorities have acted pursuant to a coordinated state policy to torture Ukrainian civilians and prisoners of war. The Commission therefore concludes that Russian

¹¹² ICIU, “ICIU, “Report of the Independent International Commission of Inquiry on Ukraine”, A/HRC/52/62549, 25 October 2024, (previously cited) para. 33

¹¹³ ICIU, “ICIU, “Report of the Independent International Commission of Inquiry on Ukraine”, A/HRC/52/62549, 25 October 2024, (previously cited) para. 46

¹¹⁴ Remotely interviewed by Amnesty International, January 2024

¹¹⁵ Interview with Amnesty International in Pokrovsk, May 2024

*authorities have committed crimes against humanity of torture in the context of their full-scale invasion of Ukraine.*¹¹⁶

6.4 CRIMES AGAINST HUMANITY

Amnesty International considers that the aforementioned acts, enforced disappearance and torture, as well as crimes of sexual violence and imprisonment in violation of fundamental rules of international law, amount to crimes against humanity. As explained above, these crimes have been committed as part of a widespread or systematic attack against a civilian population, pursuant to or in furtherance of a state or organizational policy to commit such attacks.¹¹⁷ Russia's enforced disappearance and torture of Ukrainian nationals is part of a systematic as well as widespread attack against the civilian population.

It is noteworthy that the term attack involves multiple acts from a state or organizational policy and does not necessarily equate with 'military attack' as defined by international humanitarian law. It refers more generally to a campaign or operation against any civilian population.¹¹⁸ The term "widespread" is determined by the large scale nature of the attack, or the number of victims or the magnitude of the acts,¹¹⁹ whereas courts have held the "systematic" threshold to be met when there are "patterns of crimes – that is the nonaccidental repetition of similar criminal conduct on a regular basis."¹²⁰ While it is only necessary to satisfy one of the "widespread" or "systematic" criteria, Amnesty International believes that the litany of prohibited acts committed by Russia during its aggression against Ukraine evidently satisfy both.

Amnesty International's research for this report strongly suggests that enforced disappearance and torture are part of a multi-faceted state policy to intimidate the civilian population into acquiescence with the occupying authorities. The existence of such a policy may be inferred from a variety of factors including "the existence of a political objective, a plan pursuant to which the attack is perpetrated or an ideology...to destroy, persecute or weaken a community."¹²¹ The repeated targeting of civic activists and local authorities for enforced disappearance and torture is strong evidence that this practice is designed to further Russia's objective of subjugating and annexing Ukraine's territory, and is part of Russia's objective of seeking to effect demographic change in these territories while suppressing Ukrainian and other non-Russian identities and culture.¹²²

In sum, enforced disappearances and torture committed by the Russian forces and the occupying authorities amount to crimes against humanity.

¹¹⁶ IICIU, "Report of the Independent International Commission of Inquiry on Ukraine", A/HRC/52/62549, 25 October 2024, (previously cited), paras. 77-78

¹¹⁷ Rome Statute, 1998, Article 7; International Criminal Court, "Elements of Crimes" 9 September 2002, [icc-cpi.int/sites/default/files/Publications/Elements-of-Crimes.pdf](https://www.ictj.org/sites/default/files/Publications/Elements-of-Crimes.pdf), pp.7-8

¹¹⁸ Dixon, R. and Hall, C. K. "Article 7" (margin 8), Triffterer, Otto (ed.), Commentary on the Rome Statute of the International Criminal Court, London: C.H. Beck, Hart, Nomos, 2008

Amnesty International, "Ukraine: 'Like A Prison Convoy': Russia's Unlawful Transfer and Abuse of Civilians in Ukraine During 'Filtration'", 10 November 2022, EUR 50/6136/2022, (previously cited)

¹¹⁹ *Prosecutor v Akayesu*, ICTR Trial Chamber, Judgment, 2 September 1998, para. 579

¹²⁰ *Prosecutor v Kunarac et al.*, ICTY Trial Chamber, Judgment, 22 February 2001, para. 429

¹²¹ *Prosecutor v. Tihomir Blaskic*, ICTY Trial Chamber, Judgment, 3 March 2000, para. 203

¹²² See for example, Amnesty International, "Russia/Ukraine: A decade of suppressing non-Russian identities in occupied Crimea", 18 March 2024, EUR 50/7805/2024, [amnesty.org/en/documents/eur50/7805/2024/en/](https://www.amnesty.org/en/documents/eur50/7805/2024/en/)

7. CONCLUSION

Russia's treatment of Ukrainian military and civilians in its custody violates every form of international law. Torture and other ill-treatment and enforced disappearances are crimes under international law and a violation of one of the most important human rights charters, the ICCPR. The Geneva Conventions, the cornerstone of international humanitarian law, unambiguously set out the rights of PoWs and civilian detainees and the obligations of the detaining power. Russia has violated its most basic tenets, including by refusing to allow correspondence, adequate medical treatment and access for humanitarian organizations.

The killing, torture, and denial of other rights of persons deprived of liberty gives rise to individual criminal responsibility under international criminal law. Amnesty International urges the international community to pursue every option for accountability for these crimes, including through the International Criminal Court and the use of universal jurisdiction. Impunity serves only to encourage the commission of future war crimes and crimes against humanity. Accountability is the primary means by which to end them.

Russia must immediately allow the ICRC unfettered access to places of detention in which Ukrainians are held. Russia must allow those deprived of liberty to communicate with their relatives. It must free those unlawfully confined, and repatriate all POWs it holds who are too sick or badly wounded to participate in hostilities. Russia must also provide full and adequate reparations to all persons whose human rights it has violated. In addition, states, international organizations, NGOs and individual persons must use all the diplomatic, political and legal means they can muster to pressure Russia to fulfil its obligations under the Geneva Conventions.

Since the beginning of the armed conflict in Ukraine over a decade ago, Russia's actions have torn apart tens of thousands of families. Those killed, detained, disappeared or tortured as a result of this conflict are undoubtedly those who have suffered most. Yet they do not suffer alone. The consequences of these unconscionable actions are felt by parents, children, siblings, friends and colleagues throughout Ukraine, Russia and beyond. Amnesty International will tirelessly campaign for accountability on their behalf, as well as demonstrating to those who are deprived of liberty – and their loved ones left behind – that they are not forgotten.

8. RECOMMENDATIONS

Amnesty International calls on the Russian authorities to:

- Immediately end the war of aggression against Ukraine;
- Immediately cease the practice and investigate all cases of torture and ill-treatment, summary executions and deaths in custody of all Ukrainians, military and civilian, and ensure accountability for all those suspected of criminal responsibility in fair trials and without recourse to the death penalty;
- Fully cooperate with all international judicial mechanisms including the International Criminal Court, as well as international humanitarian and monitoring organizations such as the ICRC and relevant bodies of the United Nations such as the Human Rights Monitoring Mechanism in Ukraine and the Independent Commission of Inquiry in Ukraine).
- Comply with obligations under the Geneva Convention relating to Prisoners of War by:
 - notifying the presence of all members of Ukrainian forces currently interned to the ICRC's Central Tracing Agency, as well as all future POWs;
 - allowing POWs to communicate regularly with their families;
 - ensuring adequate medical care is provided to all Ukrainians deprived of liberty;
 - directly repatriating seriously sick and wounded prisoners, and establishing mixed medical commissions to evaluate the suitability of individual prisoners for repatriation;
- End the practice of prosecuting members of Ukrainian forces for the fact of mere participation in hostilities, and ensure accountability for all persons responsible for this practice, without recourse to the death penalty;
- Repatriate the human remains of all Ukrainian military and civilians who have died in Russian custody, with sufficient information to identify the person concerned; investigate the circumstances and causes of their deaths, and bring all those responsible for their deaths or the conditions that caused it, to account in fair trial proceedings;
- End the practice of abduction, enforced disappearance, arbitrary arrest, prosecution and detention of Ukrainian civilians in areas under Russia's effective control;
- Immediately free all civilian detainees not being held for imperative security reasons, and ensure that those who are legitimately interned benefit from the guarantees enshrined in the Geneva Conventions including regular review of their status.

Amnesty International calls on the Ukrainian authorities to:

- Directly repatriate seriously sick and wounded prisoners;
- Launch a consultative process with families of the missing concerning how to address existing challenges in the system and identify solutions;
- Ensure that families of the missing play an active role in decisions concerning the structure and process of identification of missing persons;

Amnesty International calls on other states to:

- Ensure that the rights to truth, justice, and reparation are fully realised for all victims of Russian aggression;

- Comply with obligations under the Rome Statute of the ICC to arrest and surrender those subject to ICC arrest warrants falling within their jurisdiction;
- Commence investigations and prosecutions pursuant to the principle of universal jurisdiction, against those suspected of committing war crimes and other crimes under international law;
- Search for persons alleged to have committed, or to have ordered to be committed, war crimes amounting to grave breaches of the Geneva Conventions, and to bring such persons, regardless of their nationality, before its own courts.

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TO ONE PERSON, IT
MATTERS TO US ALL.**

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A DEAFENING SILENCE

UKRAINIANS HELD INCOMMUNICADO, FORCIBLY DISAPPEARED AND TORTURED IN RUSSIAN CAPTIVITY

Russia is holding the vast majority of Ukrainian prisoners of war incommunicado, isolating them from the world in order to facilitate further egregious abuses such as torture. Some cases amount to enforced disappearance, and this treatment also extends to civilians. In the context of Russia's war of aggression against Ukraine, Russia's actions amount to war crimes and crimes against humanity.