
**A stakeholder submission for the Universal Periodic
Review (UPR) - Russian Federation**

**A submission by The Reckoning Project (TRP)
April 2023**

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**The Reckoning
Project**

Introduction and Methodology

1. This report is submitted by The Reckoning Project (TRP). All cases and patterns highlighted below were documented by TRP Ukrainian personnel operating in different parts of Ukraine and trained by international qualified legal professionals to contribute to the preservation of the legal integrity of collected evidence. Reference and recommendations are made in the context of the current and previous UPR of the Russian Federation.
2. TRP focuses its documentation of incidents on witness testimonies taken in person through a strict methodology of preservation. TRP has been documenting cases since March 2022 and continues to do so.
3. To date, TRP researchers on the ground have documented 266 testimonies detailing 161 incidents from different regions of Ukraine including towns, cities, and villages of Kherson, Donetsk, Luhansk, Sumy, Zaporizhia, Kyiv, Chernihiv, Khakiv, Mykolaiv and Nizhyn Raion.
4. This submission aims to highlight the repeated human rights violations to which Ukrainians have been subjected by invading Russian Federation forces, including arbitrary detention, torture, and extrajudicial killing. This submission does not highlight every case documented. Instead, it provides as outline of identified patterns in summary form supported by examples where relevant. It then makes several recommendations.

Arbitrary detention and enforced disappearance

5. The Russian Federation is a party to the International Covenant on Civil and Political Rights (1966) (ICCPR) and the Convention against Torture (1984). During the previous UPR cycle in 2018, the Russian Federation also partially supported a recommendation to strengthen measures aimed at investigating allegations of enforced disappearances and to ratify the International Convention for the Protection of All Persons from Enforced Disappearance.¹
6. The vast majority of TRP's 161 documented incidents involve instances of arbitrary detention, typically also involving torture, and enforced disappearances, in direct breaches of the above conventions and UPR commitments of the Russian Federation.
7. According to testimony collected by TRP, since the previous UPR cycle, Ukrainian men and women have been repeatedly subjected to arbitrary arrest by Russian forces. Detainees were not informed of the reasons for their arrest and were not subjected to due process; many were also physically assaulted during interrogation and detention. While in some instances Russian law or the law of self-proclaimed republics were cited, the Human Rights Committee has made it clear in its General Comment no. 35 on Article 9 that "an arrest or detention may be authorized by domestic law and nonetheless be arbitrary".²

8. In one documented case, Russian forces detained a civilian for close to a month.³ The civilian was detained without legal basis, beaten and intimidated during interrogation, and denied legal assistance and the ability to contact his relatives, who were not informed of his whereabouts. Other witnesses interviewed reported electrocution under interrogation after unexplained detention. TRP has documented other examples of arbitrary detention, deprivation of judicial remedy, and treatment amounting to torture in detention.⁴
9. The violations perpetrated on civilians include torture and to extra-judicial killing. As only one example, the Reckoning Project documented the testimony of a widow whose husband, a civilian, was arrested by Russian soldiers without explanation in March 2022. She never heard from him again. At a later date, law enforcement officers found the man's body: he had been executed and his body showed signs of torture.⁵
10. Many of those arrested however, according to TRP interviews, have not yet been found, a fact that could amount to enforced disappearance.
11. Ukrainian civilians whose testimonies were documented by TRP relayed experiences of security screening that included having biometric data seized (including having photographs and fingerprints taken) and being subjected to invasive searches and questioning regarding political views and opinions regarding the Ukrainian armed forces and government agencies, a process referred to as 'filtration.' The length of time detainees endured this process varied. TRP has documented how those who 'fail' this process are then forcibly detained, interrogated, and tortured.⁶
12. General Comment 16 to Article 17 of the ICCPR, adopted by the Human Rights Committee in 1988, extends the definition of a breach of privacy to 'the gathering and holding of personal information on computer, data banks, and other devices, whether by public authorities or bodies.' This provision demonstrates how the practice of harvesting data and biometric information – the essence of the practice of filtration – constitutes a breach of Russia's obligations under the ICCPR.

Torture and inhumane and degrading treatment of detainees

13. In 2018, the Russian Federation supported recommendations 147.110 and 147.113, the main thrust of which is to investigate allegations of torture and bring those responsible to justice.⁷ The Russian Federation has also noted several recommendations to ratify the Optional Protocols to the Convention against Torture and to the International Covenant on Economic, Social, and Cultural Rights.⁸
14. Despite this, the Russian Federation has adopted a bill to grant effective immunity from criminal liability for crimes committed by Russian soldiers in occupied Ukraine.⁹ The adoption of this bill comes in the context of, and effectively institutionalizes impunity for, widespread allegations of torture by Russian Forces.⁹

15. Detainees whose testimony TRP has collected have disclosed experiences of mistreatment amounting to torture during periods of unexplained detention, ranging from beatings to electrocution, once again, in blatant contravention of the above recommendations.
16. A recurring feature of detention is both physical and psychological torture. TRP has documented instances of detainees suffering severe beatings by Russian soldiers while also being denied food and water during incarceration in wet, cold, and severely overcrowded conditions: for example, 20 individuals detained in a 3x2 meter cellar at sub-zero temperature for days at a time while forced to subsist on meager amounts of food and water. Incidents of mass groups in basements were documented several times by TRP. TRP has also documented examples of detainees being subject to faked executions: being escorted outside against a wall, bound and blindfolded, and made to stand before armed guards who then fired above their heads.¹⁰
17. In several TRP documented cases, survivors have indicated that they were forced by Russian Forces to record videos asserting that they were not subject to any torture or ill-treatment, contrary to their lived experiences. In other cases, they were forced to record videos confessing to alleged violations that justified their detention. In both types of cases, there was no genuine consent.
18. Civilians have also endured more widespread and systematic torture designed to subdue occupied areas through the targeting of relief activists, religious, figures, and notable locals. Village 'headmen' were, for example, targeted for arrest and consequent mistreatment, indicative of a methodology aiming to subdue occupied areas.¹¹ TRP has also recorded cases of religious leaders being subject to torture upon arrest and detention.

Targeting of civilians and extra judicial killing

19. Recognizing the existence of an ongoing armed conflict, civilians remain protected under international humanitarian law (IHL). TRP has documented several cases where civilians were executed by Russian forces on the street; according to several TRP interviews, this practice has also occurred in occupied areas.
20. The targeting of heavily populated areas that do not appear to offer any military advantage to Russian forces, and cause disproportionate impact on civilian and civilian objects, have also been documented by TRP. This included the targeting of protected medical personnel and objects, including ambulances. However, as these have been heavily documented by other groups, they do not form the bulk of this submission.

Other Occupation obligations

21. Articles 55, 56 and 59 of the Fourth Geneva Convention all make it clear that the Occupying Power has a duty to ensure the availability of medical supplies. TRP has documented several

cases in occupied areas of Ukraine where individuals have died to lack of reliable medical care and the refusal of Russian Forces to provide evacuation assistance.¹²

Prevailing Impunity

22. It has not come to attention from anyone interviewed by TRP, nor readily publicly available data, that the Russian Federation has taken effective and active steps to hold perpetrators to account, despite mounting public evidence. Evidence of the opposite is the case.
23. It was noted by a number of TRP interviewees that Russian soldiers attempt to conceal their identity, including insignia and chevrons.
24. Combined with the fact above, including the bill mentioned in Paragraph 14, this can be amount as support for such violation at worst or indifference at best. In either case, Russian leadership have a duty to investigate and to hold perpetrators to account under their obligations under IHL, international human rights law (IHRL), and international criminal law.

Recommendations

1. Allow Russian human rights groups and concerned citizen to advocate freely for the ending of breaches by Russian Forces.
2. Immediately cease all IHRL and IHL violation, investigate alleged breaches, and hold perpetrators to account for acts or omission, regardless of seniority or rank.
3. Ratify and uphold in practice the Optional Protocol of the Convention against Torture.
4. Ratify and uphold in practice the International Convention for the Protection of All Persons from Enforced Disappearance.
5. Allow the UN human rights bodies to conduct impartial investigations into all breaches.
6. Disclose the locations of all official and unofficial places of detention, and provide and maintain records of detainees, their status, and the grounds of their detention as well as any judgements made against them.
7. Ensure detainees are allowed access to legal advice as well as contact with their families.
8. Immediately release those arbitrarily detained.
9. End State Sponsored impunity for perpetrators of crimes against civilians and thoroughly investigate and prosecute those responsible.

Endnotes

1. This information refers to recommendation 147.109 made by France, (“Investigate cases of enforced disappearance, particularly in the North Caucasus, and ratify the International Convention for the Protection of All Persons from Enforced Disappearance”). Russia similarly partially supported recommendation 147.112 by Algeria, (“Strengthen measures aimed at investigating allegations of enforced disappearances in the North Caucasus and ratify the International Convention for the Protection of All Persons from Enforced Disappearance”). The Russian Federation noted Japan and Togo’s recommendation 147.1 (“Ratify the International Convention for the Protection of All Persons from Enforced Disappearance”). See Human Rights Council, Universal Periodic Review - Russian Federation, Third Cycle, Matrix of Recommendation. <https://www.ohchr.org/en/hr-bodies/upr/ru-index>.
2. UN Human Rights Committee (HRC), General comment no. 35, Article 9 (Liberty and security of person), 16 December 2014, CCPR/C/GC/35, <https://www.refworld.org/docid/553e0f984.html>
3. This information is extracted from confidential testimonials documented by The Reckoning Project’s Ukrainian researchers with victims following their release from detention.
4. Ibid.
5. Ibid.
6. Ibid. For more information on filtration, see “*We Had No Choice*” : ‘Filtration’ and the Crime of Forcibly Transferring Ukrainian Civilians to Russia, September 2022, available at: https://www.hrw.org/report/2022/09/01/we-had-no-choice/filtration-and-crime-forcibly-transferring-ukrainian-civilians#_ftn106.
7. 147.110 was a recommendation made by Austria to ensure all investigations into cases of abductions, unlawful detentions, torture and other ill-treatment as well as killings, are conducted thoroughly and effectively. 147.113 is a similar recommendation by Germany urging the investigation of torture.
8. This information refers to recommendation 147.11 by Lichtenstein, Portugal, and Togo: (“Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty”). See Human Rights Council, Universal Periodic Review - Russian Federation, Third Cycle, Matrix of Recommendation. <https://www.ohchr.org/en/hr-bodies/upr/ru-index>.

9. This is in reference to Russia's lower house of Parliament adopting a bill that would provide effective immunity for certain crimes committed in occupied areas of Ukraine on December 13, 2022. The bill will become law following second and third readings in the Duma. Further information is available at <https://www.hrw.org/news/2022/12/20/russia-immunity-law-set-crimes-ukraine>; "Russia: 'Immunity Law' Set for Crimes in Ukraine, December 20, 2022. See also <http://vote.duma.gov.ru/vote/120337>.
10. This information is extracted from confidential testimonials documented by The Reckoning Project's Ukrainian researchers with victims following their release from detention.
11. Ibid.
12. Ibid.