



DEPORTATION OF RESIDENTS OF KHERSON REGION

organized and independent
departure under coercion

Analytical report

KYIV 2023

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INTRODUCTION

On February 24, 2022, large-scale armed aggression of the Russian Federation (RF) against Ukraine began. Since the beginning of the invasion, humanitarian corridors from certain occupied territories to evacuate Ukrainian citizens from the combat zone were created. Ukrainian citizens who found themselves under occupation also tried to leave for Ukraine-controlled territory on their own. In March 2022, the reports of the organized transfer of Ukrainian citizens by the Russian side from the territories occupied after February 24, 2022 to other occupied territories and RF began to arrive.

Due to its proximity to the Autonomous Republic of Crimea, which was occupied back in 2014, RF occupied Kherson region within the first week after the invasion. The information about the forcible transfer of Ukrainian citizens to the territories that were occupied until February 24, 2022 and deportation to the territory of RF and the Republic of Belarus (RB) began to appear as early as March 2022, however, these processes in Kherson region had their own peculiarities, determined by several factors.

In particular, Kherson region was the only region whose administrative center was occupied from the beginning of the full-scale invasion. The occupation took place in the first days of the invasion, but the local population in the city of Kherson and other settlements organized civil resistance – people went out to protest. This led to harsh crackdown on rallies with the use of weapons and the persecution of activists in this territory.

In addition, during the entire period of occupation, the Russian side never agreed to open a humanitarian corridor from Kherson region and systematically did not allow humanitarian aid from Ukraine-controlled territories to enter the occupied territories of Kherson region.

According to available information, already in the spring, Kherson region residents began to leave the occupied territory, at their own peril and risk, going to Ukraine or third countries through the temporarily occupied territory of Crimea and RF. However, with the approach of the Ukrainian offensive to liberate the territory of Kherson region in the autumn of 2022, the Russian side began an organized process of population displacement. The residents of the right bank of the Dnipro River were

first taken to the left bank, on which defense lines were built, from there – to Crimea, and then – to the subjects of RF. This process was preceded by a campaign of intimidation.

The **purpose** of this report is to trace the means of pressure and coercion used by the Russian side to forcibly transfer and deport protected persons from the territory where they are legally present, based on information about the events that have taken place in the territory of the temporarily occupied Kherson region. The report also examines means of encouraging population displacement, which cannot be considered coercion but influence the choice of individuals in the context of the use of other means of coercion.

The analytical report covers the **period** from the beginning of the occupation of Kherson region by the Russian side (February 24, 2022) to February 24, 2023.

This analytical report is based on information collected both from open sources and documented testimony of persons who suffered or witnessed the crime of deportation and forcible transfer, as well as on the analysis of the regulatory and legal framework and statements by the government agencies of RF on accommodation and implementation of rights of Ukrainian citizens deported to the territory of RF.



SUMMARY

1. The scale and organization of the transfer of population in the occupied Kherson region indicate that the process was **planned**. The RF authorities prepared a communication strategy in advance, printed leaflets, and made recordings of announcements, spread disinformation about the explosion at the Kakhovka HPP, the large-scale offensive of the Armed Forces of Ukraine and planned shelling, organized buses and trains, launched programs for issuing certificates for the purchase of housing, mobilized resources to create and maintain temporary accommodation centers. All this was carried out also under conditions of **psychological pressure** on the local population for any manifestation of a pro-Ukrainian position and the threat of physical violence against those who disagree with the actions of the occupying power.
2. In Kherson city and Kherson region, conditions that can be described as **conditions of coercion** were created. Due to restrictions on access to information, restrictions on the right to freedom of speech and opinion, threats to life and health, known cases of unlawful detentions, torture and murders, the spread of rumors about the flooding of villages and cities due to the destruction of the Kakhovka HPP, we can talk about the creation of the atmosphere of fear. In such atmosphere, it is difficult to call the decision to leave voluntary.
3. The direction in which displacement took place and the support programs implemented by RF in its territory, as well as the restriction on the return route to the occupied right bank of the Dnipro River, testify to the **plans of RF to immediately transfer the population of Kherson region to its territory**, not to other occupied territories of Ukraine. Such an intention is not consistent with the norms of international humanitarian law, according to which the population shall be displaced within the bounds of their country except for exceptional cases of material reasons (for example, displacement within a territory does not eliminate the threat that causes such a displacement) when the population may be displaced to the territory of another state. This process also violates the requirement to transfer the displaced population back to the territory of their settlement as soon as possible.
4. The reasons given by the occupying power also do not meet the requirements for evacuation since there was neither threat, information about which was disseminated by representatives of the occupying power, nor overriding military reasons (“especially important/imperative military reasons” are also in-

terpreted as “primary” or “ more important than any other”¹). No alternative to the displacement of people from the territory in which they lawfully lived was considered, and the decision to establish a defense line in the territory where the protected persons reside is not an overriding reason.

5. Given the above, it can be asserted that there are ***signs of the crime*** of forcible transfer and deportation of the population from the territory of the occupied Kherson region, and RF’s state policy and displacement plan, as well as the number of displaced persons, indicate the scale and systematic nature of these actions.

1 Prosecutor v Blagojević & Jokić (Trial Chamber Judgment), para. 598, the term "overriding" is used for interpretation in the original language

1.

OVERVIEW OF THE SITUATION IN THE TEMPORARILY OCCUPIED TERRITORY OF KHERSON REGION



<http://surl.li/gjsza>

Kherson region, in which almost a million people had lived before the full-scale invasion, was occupied by RF over the first week of the invasion. Until the liberation of the right-bank part of Kherson region and Kherson city on November 11, 2022, it was the only regional center that RF managed to capture.

According to Russian military group commander Sergey Surovikin, 115,000 residents were displaced from Kherson city and neighboring districts as of November 9, 2022². The data provided by head of the occupation administration of Kherson region, Volodymyr Saldo, differ and are significantly bigger: since mid-October 2022, almost 150,000 residents left Kherson city alone for the territory of occupied Crimea and RF³.

The Ukrainian authorities of the city talked about a significant decrease in the number of the population back in May 2022, when even in the absence of humanitarian corridors, almost a third⁴ of the residents left the city on their own, and at the end of October 2022, less than half of the population⁵ remained in the occupied territory of the region. Instead, the occupying power claimed that only 50,000⁶ Ukrainian citizens remained in Kherson city.

It is impossible to establish the exact number as the Government of Ukraine does not have access to the occupied territories, and the Russian side violates its obligations regarding the notification of such “evacuations”. International organizations also do not have the opportunity to conduct an independent calculation in the occupied territories, instead, they refer to the numbers submitted by RF. In particular, according to these numbers, 2.85 million people⁷ crossed the border with RF going from the occupied territories of Ukraine since February 2022. It is not known how many Ukrainian citizens were deported and how many agreed to leave voluntarily out of the indicated numbers. There are also no data on the number of displaced Ukrainians who left the territory of RF for the territory of third countries or returned to Ukraine. According to the Ukrainian authorities, about hundreds of thousands of children⁸ and more than 1.5 million Ukrainians⁹ in total, mostly women, children,

2 Military operation in Ukraine. Map / RBC, March 10, 2023 <https://www.rbc.ru/politics/10/03/2023/621a39ba9a79472784f029d4>

3 Saldo: More than 150,000 residents have left Kherson since evacuation started / Argumenty I fakty, December 21, 2022 https://aif.ru/society/saldo_bolee_150_tysyach_zhiteley_vyehali_iz_hersona_s_nachala_evakuacii

4 Ihor Kolykhayev: Kherson residents waiting for liberation: RBC / RBC Ukraine, May 23, 2022 <https://www.rbc.ua/ukr/news/igor-kolyhaev-hersontsy-nahodyatsya-sostoyanii-1653238869.html>

5 Forty percent of region's residents remain in occupied Kherson region / Livyi Bereh, October 20, 2022 https://lb.ua/society/2022/10/20/533194_okupovaniy_hersonshchini_zalishilosya.html

6 Kherson authorities report that up to 50,000 people remain in city / Vedomosti, November 14, 2022 <https://www.vedomosti.ru/politics/news/2022/11/14/950176-vlasti-hersona-soobschili-cto-v-gorode-ostalos>

7 Ukrainian refugee situation. Operational data portal / UNHCR <https://data.unhcr.org/en/situations/ukraine>

8 Ombudsman: Hundreds of thousands of Ukrainian children could be deported to Russia / Ukrinform, December 22, 2022 <https://www.ukrinform.ua/rubric-ato/3638994-do-rosii-mogli-deportuvati-sotni-tisac-ukrainskih-ditej-ombudsmen.html>

9 We need your support to bring back peace faster – address by the President to the participants of the session of the General Assembly of the Organization of American States, which is ongoing in Lima/ Official website of President of Ukraine Volodymyr Zelensky, October 6, 2022 <https://www.president.gov.ua/news/nam-potribna-vasha-pidtrimka-shob-priskoriti-nastannya-miru-78305>

and the elderly¹⁰, could be deported. As of December 2022, the National Information Bureau of Ukraine recorded 20,000 cases of deportation¹¹.

As of February 2023, the left-bank area of Kherson region is still under occupation and RF continues to forcibly transfer the population from there to the territory of occupied Crimea and deport them to RF. In particular, the occupation administration of the town of Oleshky, Kherson region, scheduled a massive displacement of the population to the territory of RF under the guise of “evacuation” for December 28, 2022¹².

10 President: Russia deported about two million Ukrainians, including many children / Ukrinform, December 18, 2022 <https://www.ukrinform.ua/rubric-ato/3636642-prezident-rosia-deportuvala-blizko-dvoh-miljoniv-ukrainsiv-sered-nih-bagato-ditej.html>

11 Ministry of Internal Affairs outlines number of Ukrainians deported by Russia / Slovo I Dilo, December 2, 2022 <https://www.slovoidilo.ua/2022/12/02/novyna/suspilstvo/skilky-ukrayincziv-deportuvala-rosiya-mvs-nazvaly-cyfru>

12 Telegram channel of occupation administration of Oleshky town (Kherson region) https://t.me/VGA_Alyoshki/1981

2.

ATMOSPHERE OF INTIMIDATION AND COERCION IN THE TEMPORARILY OCCUPIED TERRITORY OF KHERSON REGION



In the context of distinguishing between evacuation and forcible transfer/deportation, as well as the classification of a certain situation as having signs of the crime of deportation, it is necessary to assess the living conditions and atmosphere in the territory from which the transfer takes place. Forcible transfer and deportation are characterized by the absence of a person's free choice to move from the territory where he/she is lawfully present, or the factors that devalue the consent to displacement. Coercion and the creation of an atmosphere of terror and violence are factors that need to be assessed.

At the same time, coercion is understood not only as a physical influence, but also as a threat of violence, persecution, detention, psychological oppression, abuse of power, and deliberate creation of an environment of danger by a party to an armed conflict¹³.

In the territory of the occupied Kherson region, the Russian side created the atmosphere that left no other choice but to leave the place of residence or temporary stay, which has signs of forcible transfer and deportation¹⁴.

On March 2, 2022, a week after the start of the large-scale armed aggression against Ukraine, Kherson, a city with a population of up to 300,000 people¹⁵, and part of Kherson region were occupied¹⁶, a curfew and restrictions on movement were imposed.

Three days later, a protest rally¹⁷ of 2,000 people against the occupation took place in the city. In March-May 2022, rallies became massive and regular¹⁸. The Russian military used weapons for crackdown¹⁹ and injured the protesters²⁰.

13 Krstić Trial Judgement 02 August 2001 <https://www.icty.org/x/cases/krstic/tjug/en/krs-tj010802e.pdf>

14 ICTY, Prosecutor v. Jovica Stanišić and Franko Simatović, Case No. IT-03-69-T, Judgement (TC), 30 May 2013, paras. 992-993

15 Size of population of Kherson city / Finance Ministry <https://index.minfin.com.ua/ua/reference/people/town/herson/>

16 F. W. Kagan, G. Barros, and K. Stepanenko. Russian Offensive Campaign Assessment, March 1, 2022 <https://www.understandingwar.org/backgroundunder/russian-offensive-campaign-assessment-march-1>; Russia takes city of Kherson as UN estimates 750+ civilians dead / Jerusalem Post, March 2, 2022 <https://www.jpost.com/international/article-699106>; Russia claims it has seized Kherson as mayor agrees to conditions to keep city running / Independent, March 3, 2022 <https://www.independent.co.uk/news/world/europe/russia-ukraine-kherson-take-fall-b2027325.html>

17 War in Ukraine: Thousands march in Kherson against occupiers / BBC, March 5, 2022 <https://www.bbc.com/news/world-europe-60632587>

18 Berdiansk, Kherson, Kakhovka. Pro-Ukrainian rallies on March 20 / BBC Russian Service, March 20, 2022 <https://www.bbc.com/russian/media-60814719.amp>

19 Ukraine says Russian troops violently dispersed Kherson anti-occupation rally / Reuters, March 21, 2022 <https://www.reuters.com/world/europe/ukraine-says-russian-troops-violently-dispersed-kherson-anti-occupation-rally-2022-03-21/>

20 Ukraine war: Russian soldiers fire on Kherson protesters / BBC, March 21, 2022 <https://www.bbc.com/news/av/world-europe-60827106>

In April, Kherson mayor Ihor Kolykhayev said that the protests subsided due to numerous disappearances of activists²¹, interrogations²², searches and detentions²³. Detentions, tortures, and interrogations, according to the testimony of local residents, continued throughout the occupation²⁴ and were systematic. In particular, more than 30 residents²⁵ of Ivanivka community alone were abducted and taken to an unknown destination. Already on December 15, 2022, after gaining access to the territory, the Office of the Ukrainian Parliament Commissioner for Human Rights reported that 10 torture chambers were discovered in the de-occupied territories of Kherson region, four in Kherson city, and a special cell was discovered in one of them, where children were held in terrible conditions and tortured²⁶.

The atmosphere of fear for life is also evidenced by the number of killed civilians discovered after the de-occupation. In the village of Pravdyne, Kherson district, seven people were shot in a house²⁷, their bodies were found with their hands tied and blindfolded, all shot from close range in the back of the head²⁸. The house with the shot people was blown up. In the village of Arkhanhelske, a couple of farmers killed by the Russian military were found in the cellar of their house²⁹.

Therefore, people's rights and freedoms (the right to assembly, the right to freedom of speech and opinion, etc.) were restricted in the city during the occupation. According to the testimonies collected by ZMINA, in particular, the atmosphere of fear prevailed in the city, when before going out, citizens left their phones at home,

21 Mayor Kolykhayev: Pro-Ukrainian rallies subsiding in Kherson due to work of FSB and Russian Guard / Radio Liberty, April 6, 2022 <https://www.radiosvoboda.org/a/news-herson-fsb-roshvardiamitynhy/31789009.html>

22 President's Representative in Crimea: Russians could torture about 500 people in basements of occupied Kherson region/ Hromadske, May 6, 2022 <https://hromadske.ua/ru/posts/v-podvalah-okkupirovanoj-hersonskoj-oblasti-rossiyane-mogut-pytat-okolo-500-chelovek-predstavitel-prezidenta-v-krymu>

23 Russian military held a former council member and farmer from Kherson region captive for two weeks / ZMINA, May 25, 2022 <https://zmina.info/news/rosijski-vijskovi-dva-tyzhni-trymaly-upoloni-kolyshnogo-deputata-ta-fermera-z-hersonshhyny/>

24 M. E. Miller, A. Galouchka. Witnesses recount detentions, torture, disappearances in occupied Kherson / Washington Post, November 14, 2022 <https://www.washingtonpost.com/world/2022/11/14/kherson-disappearances-detentions-torture-occupation/>

25 O. Baturin. "Terror, chaos and much grief." Residents of Ivanivka community in Kherson region speak about life under Russian occupation / Center for journalistic investigations, August 23, 2022 <https://investigator.org.ua/ua/topnews/245970/>

26 Ombudsman: Occupiers detained and tortured children in Kherson / ZMINA, December 15, 2022 <https://zmina.info/news/v-hersoni-piddavaly-torturam-ditej-ombudsman-lubinecz/>

27 Shooting of seven civilians, including a minor girl – Kherson region prosecutors record yet another Russian war crime / Prosecutor General's Office, November 18, 2022 <https://www.gp.gov.ua/ua/posts/rozstril-semi-civilnix-sered-yakix-nepovnolitnya-divcina-prokurori-xersonshhini-fiksuyut-cergovii-vojennii-zlocin-rf>

28 Gettleman. Russian Retreat Reveals Signs of an Atrocity in a Ukrainian Village / New York Times, November 29, 2022 <https://www.nytimes.com/2022/11/29/world/europe/ukraine-russia-pravdyne-grave.html>

29 Prosecutors continue documenting Russian army crimes in Kherson region – bodies of couple of farmers killed during occupation discovered / Prosecutor General's Office, November 14, 2022 <https://www.gp.gov.ua/ua/posts/prokurori-prodovzuyut-dokumentuvati-zlocini-zs-rf-na-xersonshhini-viyavleno-tila-podruzzya-fermeriv-yaki-zaginuli-pid-cas-okupaciyi>

deleted apps, stopped communicating with relatives who lived in the Ukraine-controlled territory – did everything possible to protect themselves from sudden checks in the street, detentions, and interrogations.

Since the beginning of the occupation, the Russian military seized the Kherson TV tower, blocked the broadcast of Ukrainian TV channels, and began broadcasting Russian channels, limiting the local population's access to alternative sources of information. Later, in May 2022, the occupiers switched off mobile communication and the Internet³⁰, bringing Russian telecom operators³¹. After fiber networks were laid from occupied Crimea, local Internet providers were forced to reroute to the Russian infrastructure³², and the local population began to install VPN services, leave phones at home, and limit communication in case of checks (self-censorship)³³. Residents of the city and region lost access to Ukrainian information resources and, accordingly, information from Ukraine.

In the first month, the city was cut off from the food and medicine supply³⁴, and the Russian occupation authorities did not allow³⁵ to launch humanitarian corridors for transporting essentials to the city. Even in May, according to evidence documented by the Human Rights Centre ZMINA, food supplies were minimal, local residents had to go to Crimea to buy food, but not everyone could afford to buy food given the significant increase in food prices.

In May, the Russian authorities started hiring teachers from RF and occupied Crimea³⁶ for educational institutions in Kherson³⁷ region and planned to implement a policy of Russification of Ukrainian children in schools³⁸. According to the Wash-

30 Occupiers turn off Internet and mobile communications in Kherson region and part of Zaporizhzhia region / ZMINA, May 1, 2022 <https://zmina.info/news/na-hersonshhyni-ta-chastyni-zaporizhzhya-okupanty-vidimknuly-internet-ta-mobilnyj-zvyazok/>

31 M. Burgess. Russia Is Taking Over Ukraine's Internet / Wired, June 15, 2022 <https://www.wired.com/story/ukraine-russia-internet-takeover/>

Digital Russification. How and why Russia captures Internet in Kherson region. Main from Wired article / Forbes, July 22, 2022 <https://forbes.ua/ru/inside/rosiya-zakhoplyue-ukrainskiy-internet-17062022-6661>

32 Occupiers use blackmail and threats to force Ukrainian providers to reroute to Russian networks / State Service for Special Communications and Information Protection of Ukraine, May 13, 2022 <https://cip.gov.ua/ua/news/okupanti-shantazhem-i-pogrozami-zmushuyut-ukrayinskikh-provaiderv-pidklyuchatisya-do-rosiiskikh-merezh>

33 'I got out of hell'. A woman from Kherson, who lived in occupied city for seven months, speaks about getting out of occupation / Suspilne, October 22, 2022 <https://suspilne.media/300590-a-vibralas-z-pekla-hersonka-aka-prozila-sim-misaciv-v-okupovanomu-misti-rozpovila-ak-vibralas-z-okupacii/>

34 Kherson diary: 'We have more deaths from lack of medication than from bullets' / The Guardian, March 26, 2022 <https://www.theguardian.com/world/2022/mar/26/kherson-diary-we-have-deaths-from-lack-of-medication-more-than-from-bullets>

35 O. Herasymenko, A. Soroka 'A weird life under occupation'. Life of Kherson captured by Russian military / BBC, March 22, 2022 <https://www.bbc.com/russian/features-60825476>

36 Teachers from Crimea to go to Kherson to prepare local staff / Lenta Novostey Kryma, May 11, 2022 <https://crimea-news.com/society/2022/05/11/921436.html>

37 Dixon R. Russia sending teachers to Ukraine to control what students learn / The Washington Post, July 18, 2022 <https://www.washingtonpost.com/world/2022/07/18/russia-teachers-ukraine-rewrite-history/>

38 Education in the schools of Kherson region will be conducted in Russian / RIA Novosti, August 23, 2022 <https://ria.ru/20220823/obuchenie-1811475666.html>

ington Post data, nearly 250 teachers, including 57 from the Republic of Dagestan in southern Russia, signed up to go to Ukraine, according to a list on the website of the Dagestan Ministry of Education, which is no longer available. Their destinations included the Moscow-occupied Luhansk, Donetsk, Zaporizhzhia, and Kherson regions. The Ministry announced a significant salary increase of RUB 8,000 a day, about \$137, on top of teachers' salaries.



Photo: media platform «Vgoru»

In the spring, the occupying power also tried to put the Russian ruble into circulation, closed Ukrainian banks, and withdrew the Ukrainian hryvnia from circulation³⁹, while UAH/RUB exchange in May was set at 1.2/1, which devalued the savings of local residents.

Taking into account all these circumstances, by the end of May 2022, according to the Kherson mayor Ihor Kolykhayev, almost 100,000⁴⁰ people left the city. Head of the Kherson Regional Military Administration Hennadiy Lahuta called the living conditions in the region unbearable and noted that the Russians did not allow the official humanitarian corridors to be opened, so people organized themselves into columns to leave for Ukraine-controlled territory through the zone of active military operations, risking their lives. According to him, most of Kherson region

39 Russian media: Hryvnia withdrawn from circulation in Kherson / Focus, July 25, 2022 <https://focus.ua/uk/voennye-novosti/523201-v-hersone-okkupanty-vyvodyat-grivnu-iz-oborota-ostanutsya-tolko-rubli-rossmi>

40 Ihor Kolykhayev: Kherson residents waiting for liberation / RBC, May 23, 2022 <https://www.rbc.ua/ukr/news/igor-kolyhaev-hersontsy-nahodyatsya-sostoyanii-1653238869.html>

residents, if possible, evacuated in the direction of Mykolaiv and Dnipropetrovsk regions. Sometimes they even walked on foot, rode bicycles, and swam across the river to leave the occupation.

When, in October 2022, news began to appear about a possible offensive of the Armed Forces of Ukraine to liberate the occupied territories of Kherson region, the occupying power began talking widely about “evacuation”. The overall atmosphere of pressure and fear was supplemented by specific messages aimed at intimidating the population and forcing them to move.

By October 18, when the occupying power announced the so-called “evacuation”, the Russian mass media spread the statement by Russian forces’ commander in Ukraine Sergey Surovikin, in which he theorized “difficult decisions” on Kherson and claimed the alleged preparation of a missile strike by the Armed Forces of Ukraine to destroy the Kakhovka HPP⁴¹. The Ukrainian authorities, in turn, denied the information about the possible destruction of the Kakhovka HPP⁴².

On October 19, the day after the occupying power announced the evacuation of the population, Russian president Vladimir Putin imposed martial law in Kherson city and region, so it became impossible to leave the occupied territory independently through Vasylivka.

Information about the explosion of the Kakhovka HPP is important in the context of the displacement of the population of Kherson region because the information about the destruction of the HPP and potential flooding created additional pressure on the local population needed to displace them⁴³.

On November 6, Russian troops blew up high-voltage power lines in temporarily occupied Beryslav town. As a result of the destruction of about 1.5 km of poles and lines, the town was left without electricity, and it was impossible to eliminate the consequences quickly⁴⁴.

Until November 11, when Russian troops left the right bank of the Dnipro River in Kherson region, where the city of Kherson is located, residents of Kherson received calls and messages urging residents to pack up and move to the left bank of Kherson region. Messages that arrived every half an hour contained information about the destruction of the Kakhovka HPP, shelling by the Armed Forces of Ukraine. Leaflets

41 General Surovikin warns that Armed Forces of Ukraine prepare strike on Kakhovka HPP / Kommersant, October 18, 2022 <https://www.kommersant.ru/doc/5620635>

42 Zelensky warns RF: Attempt to blow up Kakhovka HPP will declare war on whole world / Ukrayinska Pravda, November 9, 2022 <https://www.pravda.com.ua/news/2022/11/9/7375690/>

43 Testimony documented by Human Rights Centre ZMINA

44 Russian troops blow up high-voltage power lines in temporarily occupied Beryslav / Telegram channel of Kherson Regional Military Administration, November 6, 2022 <https://t.me/khersonskaODA/1539>

were distributed throughout the city with an appeal to move to the left bank “to save the family”⁴⁵, the information was repeated on radio and television.

In addition, the Russian military threaten the local population that they would be recognized as collaborators after Ukraine takes control of the city. The lack of understanding in which cases the population can be recognized as collaborators stimulated some residents of Kherson region to move further to the occupied territory of Crimea and left-bank Kherson region.

The intimidation and creation of conditions in which it is impossible to stay in the territory of Kherson region continue even after the liberation of the right bank of the Dnipro River. According to the reports by the General Staff of the Armed Forces of Ukraine, the Russians shell the territories occupied by them⁴⁶ to discredit the Armed Forces of Ukraine and force local residents to leave their places of residence. In particular, on February 2, 2023, a car with three people inside caught fire as a result of Russian artillery shelling of Hola Prystan town. An 8-year-old boy was killed in the shelling⁴⁷.

In the town of Hola Prystan, the occupation administration also puts pressure on the local population, urging them to register their property rights under Russian law by spreading information that Ukrainian citizens who do not comply with this requirement by May 2023 will be deported to RF⁴⁸.

45 ‘Threaten’ and ‘intimidate’. How evacuation in Kherson goes on / The Insider, November 1, 2022 <https://www.youtube.com/watch?v=eE4ybp62ztw>

46 Update on Russian invasion as of 18:00, February 18, 2023 / Facebook account of the General Staff of the Armed Forces of Ukraine, February 18, 2023 <https://www.facebook.com/GeneralStaff.ua/posts/pfbid032FQ4TMNPDmT9iL9r68Qbtg3dqZZpM3Nt7cM3yaer6NYFUA4mPZwLNESPSLPPFVEel>

47 Juvenile prosecutors: 461 children killed due to Russian armed aggression in Ukraine / Telegram Channel of the Prosecutor General’s Office, February 6, 2023 https://t.me/pgo_gov_ua/9351

48 Update on Russian invasion as of 18:00, February 16, 2023 released by the General Staff of the Armed Forces of Ukraine, Government portal, February 16, 2023 <https://www.kmu.gov.ua/news/operatyvna-informatsiia-heneralnoho-shtabu-zbroinykh-syl-ukrainy-stanom-na-1800-16022023-shchodo-rosiiskoho-vtorhnennia>

FORCIBLE TRANSFER AND DEPORTATION FROM THE TEMPORARILY OCCUPIED TERRITORY OF KHERSON REGION

3.1. ORGANIZED TRANSFER AND STATE POLICY TO ENSURE IT

On November 4, 2022, President of RF Vladimir Putin declared the need to “remove from combat zone” Kherson residents⁴⁹. On November 8, the road from the left bank to the right was blocked and the occupation administration “did not recommend” returning to their homes. The “evacuation” did not end with the removal to the left bank of Kherson region as buses were waiting for people on the left bank, taking them first to occupied Crimea, and then to various regions of RF⁵⁰.

In general, it was planned to deport up to 60,000 people⁵¹ from right-bank Kherson region, and on November 9, the Russian side announced that “more than 115,000 people were taken from Kherson”⁵². The Ministry of Labor and Social Development of the Krasnodar Krai of RF reported that more than 14,000 “evacuees” from Kherson and Zaporizhia regions are accommodated in local hotels and health resorts. The press service of the occupation administration of Crimea reported that

49 Putin urges to evacuate Kherson residents / News.Ru, November 4, 2022 <https://news.ru/vlast/putin-prizval-evakuirovat-zhitelej-hersona-iz-zony-boevyh-dejstvij/>

50 Today is the last day of organized evacuation from right-bank Kherson region / Telegram channel of K. Stremousov, November 7, 2022 https://t.me/Stremousov_Kirill/692

51 Said in Senate. Kirill Stremousov. Situation in Kherson region / Vmeste RF, October 20, 2022 <https://vmeste-rf.tv/programs/skazano-v-senate/skazano-v-senate-kirill-stremousov-situatsiya-v-khersonskoy-oblasti-/>

52 Russian troops to leave Kherson city / November 9, 2022 <https://www.gazeta.uz/ru/2022/11/09/kherson/>

more than 500 people⁵³ were accommodated in four health resorts on the peninsula. According to a statement on the website of the municipal education administration of Tuapse district of Krasnodar Krai of RF, on November 14, 2022, the district accepted more than 1,300 residents of Kherson region, and at the time of publication, almost 4,400 residents of Kherson region, including 980 children⁵⁴, were registered. The newly arrived were accommodated in hotels and health resorts in the villages of Dzhubga, Novomikhaylovskoye, Olgintsy, Nebug, Agoy, Lermontovo, Tenginka, Shepsi, and Dederkoi. Newly arrived 520 schoolchildren were immediately sent to local schools⁵⁵. Deported people began to be granted Russian citizenship⁵⁶.

There is also organized relocation of custodial facilities, in particular, penal facilities and children's institutions⁵⁷, from Kherson region – first to Crimea, and then to RF. This became possible, taking into account the speed of the occupation of Kherson region and the impossibility to evacuate these facilities by the Ukrainian side.

At the same time, the displacement of residents of Kherson region is still ongoing. Thus, on February 22, 2023, there was an “organized evacuation” of the residents of Oleshky and Hola Prystan to RF⁵⁸, such “evacuation” is carried out daily⁵⁹ also from other settlements of the occupied Kherson region⁶⁰.

According to the statements by the occupying power, “displacement is voluntary” because there is no “critical situation”. The “evacuation” is being carried out “to protect civilian population” and “to give the military the opportunity to fulfill its task”⁶¹ – a 15 km zone along the left bank of the Dnipro River was vacated to build a Russian defense line there⁶².

53 'It's impossible to pack life up in three bags'. How people who left Kherson live / RBC, December 10, 2022 <https://www.rbc.ru/society/10/12/2022/6384ec5c9a79475b3a077334>

54 Tuapse district accepts about 4,400 residents of Kherson region / Municipal education administration of Tuapse district, November 14, 2022 <https://tuapseregion.ru/region/aktualnaya-informatsiya/novosti/39852/>

55 Children from Kherson region, who arrived in Tuapse district, start going to schools / Municipal education administration of Tuapse district, November 15, 2022 <https://tuapseregion.ru/region/aktualnaya-informatsiya/novosti/39882/>

56 Another 130 residents of Kherson region granted Russian passports / Municipal education administration of Tuapse district, January 12, 2023 <https://tuapseregion.ru/region/aktualnaya-informatsiya/novosti/40611/>

57 O. Yankovsyi 'Forced displacement' from occupation. Why does Russia need Ukrainian children? / Radio Liberty, October 28, 2022 <https://www.radiosvoboda.org/a/novyny-pryazovya-deportatsiyaditey-rosiya/32104386.html>

58 https://vk.com/khersonoblast_admin

59 Evacuation from Aleshki and Novaya Kakhovka is daily / Hersonka.ru, December 20, 2022 <https://hersonka.ru/news/125605>

60 Evacuation of residents of Gornostayevka and Velikaya Lepetikha towns ongoing / Hersonka.ru, February 17, 2023 <https://hersonka.ru/news/132810>

61 Said in Senate. Kirill Stremousov. Situation in Kherson region / Vmeste RF, October 20, 2022 <https://vmeste-rf.tv/programs/skazano-v-senate/skazano-v-senate-kirill-stremousov-situatsiya-v-khersonskoy-oblasti-/>

62 K. Kochkina 'There's almost anarchy here' Kherson resident tells about 'evacuation' of neighbors to Russia, return of hryvnias to shops, and removal of monuments / Nastoyashcheye Vremia, November 3, 2022 <https://www.currenttime.tv/a/u-nas-pochti-anarhiya-zhitel-hersona-ob-evakuatsii/32114063.html>

According to Article 49 of the Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, evacuation is total or partial displacement of population of a given area if the security of the population or imperative military reasons so demand. These reasons are exceptional and only their existence allows to consider evacuation lawful.

Given that the information disseminated by the occupying power about the destruction of the Kakhovka HPP and shelling did not correspond to reality, such a transfer was not necessary to ensure the safety of the population. And “to give the military the opportunity to fulfill its task” is not a valid imperative military reason.

Displacement of protected persons is an exceptional measure, and all possible alternatives that do not involve displacement must be considered before launching it. Displacement can be carried out only if there is no other alternative to this measure, even if there are legal grounds⁶³.

In addition, the displacement of protected persons carried out by the Russian side is organized. The planned nature of the process is evidenced by the adoption on October 21 of the Resolution of the Government of the Russian Federation on measures to displace the residents of Kherson region⁶⁴ which reflects state policy. In addition, the intention is confirmed by the campaign of intimidation with reports of threats of various types, official reports of the occupying power, statements about the need for transfer made by the president of RF.

Particular attention should be paid to the fact that the planned destination of displacement was the territory of RF. Article 49 of the Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War states that the population may be evacuated only **within the occupied territory**, and the displacement of protected persons outside the bounds of the occupied territory except when for material reasons is forbidden. People who were evacuated in this way shall be transferred back to their homes as soon as hostilities in the area in question have ceased (the requirement does not refer to the end of the entire armed conflict but rather to the cessation of hostilities in the territory from which the population was displaced, which became the reason for such displacement), and the right of such persons to leave the territory, unless their departure is contrary to the national interests of the state, cannot be limited⁶⁵. That is, displacement must be **temporary**.

63 Transfer of the Civilian Population in International Law, UN OHCHR, 2017: https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/population_transfer_legal_note_-_final_-_en.pdf

64 Resolution of the Government of the Russian Federation of October 21, 2022 No. 1876 “On implementation of measures for displacement of residents of Kherson city and the right-bank area of Kherson region who were forced to leave the place of permanent residence and arrived urgently and massively in the territory of other constituent entities of the Russian Federation” / Government of Russia, October 21, 2022 <http://government.ru/docs/all/143757/>

65 Article 35 of the Convention relative to the Protection of Civilian Persons in Time of War https://zakon.rada.gov.ua/laws/show/995_154#Text

As of March 22, 2022, six temporary accommodation centers (hereinafter – TACs) were opened in the territory of Crimea “for evacuated residents of Donbas and Ukraine”, namely, at school No. 8 in Dzhankoy, the Fantaziya hotel in Krasnoperekopsk, the Kyiv and Slavutych health resorts, the Golden hotel in Alushta, the Prymorya health resort in Yevpatoria. At that time, there were 271 people stayed in TACs but it was planned to open 26 TACs to accommodate 2,528 people⁶⁶.

On May 26, 2022, the “Deputy Prime Minister of Crimea” announced the closure of some TACs in Crimea. Only TACs in border areas remained working to “receive and promptly send citizens to the mainland of RF”, and a limited period of possible stay of “evacuated” persons in the territory of Crimea was established⁶⁷.

Therefore, the system was built with the aim of transferring protected persons to the occupying state, and the transfer within the bounds of other occupied territories of Ukraine was assumed to be temporary.

The intention to displace the population to RF is also evidenced by Russian state programs aimed specifically at residents of Kherson region. In particular, simultaneously with the announcement of the so-called “evacuation”, Deputy Prime Minister of RF Marat Khusnullin announced on October 18 that the people displaced from Kherson region would receive one-time housing certificates⁶⁸ for the purchase of an apartment or a house in any region of Russia⁶⁹.

The Territories Development Fund, founded the Government of RF, is responsible for the program implementation. The housing committee of a region is responsible for approving the lists of citizens who have the right to receive a certificate, agreeing on the parameters of housing for purchase, and transferring money. To sign up for the program, one must submit a package of documents, including a passport (Ukrainian or Russian). In practice, the residents of Kherson region were denied the support program and were not issued a certificate without a Russian passport (issued in Kherson, with Kherson place of residence indicated)⁷⁰, evidence of children's registered place of residence or documents of the second spouse, even if one of the spouses does not live with the family⁷¹.

66 Six temporary accommodation centers open in Crimea / Regnum, March 23, 2022 <https://regnum.ru/news/society/3541052.html>

67 Where will temporary accommodation centers for refugees from Ukraine function in Crimea? / RIA Sevastopol, May 26, 2022 <https://ria82.ru/news/krym/gde-v-krymu-teper-budut-funkcionirovat-punktly-vremennogo-razmeshcheniya-dlya-bezhencev-s>

68 State Housing Certificate program is a state program of RF which, at the expense of federal budget, issues personal certificates to certain categories of benefit recipients in the territory of RF entitling them to a free subsidy for the purchase of apartment <https://спроси.дом.рф/instructions/chtotakoe-zhilishchnyy-sertifikat/>

69 Duma members support government proposals on displacement of residents of Kherson region / State Duma of the Federal Assembly of RF, October 18, 2022 <http://duma.gov.ru/news/55534/>

70 A. Fidel Evacuees from Kherson find themselves in limbo / Ukraina.ru, November 18, 2022 <https://ukraina.ru/20221118/1040956402.html>

71 It's impossible to pack life up in three bags'. How people who left Kherson live / RBC, December 10, 2022 <https://www.rbc.ru/society/10/12/2022/6384ec5c9a79475b3a077334>

The launch of this program, combined with other factors, may also indicate RF's attempts to displace the population from the occupied territory to the territory of the aggressor state. Such measures have a particular impact on persons who lost their property, means of subsistence, and housing due to the armed aggression of RF and are unable to earn a living.

3.2. FORCED INDEPENDENT DEPARTURE

Taking into account the overall atmosphere of violence and terror, limited access to food products, and the deliberate dissemination by the Russian side of information about threats of shelling and blowing up of Kakhovka HPP, residents of Kherson region were also forced to make a decision to leave the territory on their own.

Since the beginning of the occupation, residents of Kherson region created chats on Telegram social network in which they shared information about the availability of gasoline at gas stations in the city and region, possible routes for independent departure from the occupied territory of Kherson region, first through Beryslav, later through Oleksandrivka and Snihurivka, later Davydiv Brid and Vasylivka to Ukraine-controlled territory⁷².

In April-May 2022, with the crackdown on protests and the absence of humanitarian corridors⁷³, chats about independent departure to Ukraine-controlled territory through the combat zone gained even more popularity. The number of chat participants ranged from 2,000 to 15,000 people per chat. The exact number of Telegram chats about the possibility of leaving Kherson region to Ukraine-controlled territory is unknown, however, Human Rights Center ZMINA managed to identify 10 chats through a keyword search and recommendations from key informants. At the time of documenting these chats, after the liberation of Kherson, some of them were renamed and repurposed for evacuation from liberated Kherson to other regions, some were closed and put up for sale, some are still functioning.

In general, Internet chats became platforms for sharing experience among those residents who had already left the occupied territory and those who were just preparing to leave. As soon as the Russian military closed one exit route, chat users shared new routes. Active chat users were residents aged 18 to 60 who owned a car or had enough money to pay for a ride. In chats, they shared tips on preparing for

72 Almost half of residents have already left occupied Kherson — RMA / Hromadske, May 9, 2022 <https://hromadske.ua/posts/okupovaniy-herson-vzhe-pokinuli-majzhe-polovina-zhiteliv-ova>

73 A. Aleksandrov 'Now Kherson is at stage of 1990-1992'. City mayor tells about unsafe 'green corridors' and humanitarian situation / Nastoyashcheye Vremia, April 14, 2022 <https://www.currenttime.tv/a/31803036.html>

independent departure, planning routes if there is no Internet and mobile connection, looking for fellow travelers, learning about changes on the routes (the number of Russian checkpoints, documents, inspections, rules of conduct and conversations with occupants, issuance of passes to the gray zone, the nearest villages for overnight stays), about the conditions for entering the occupied territory, filtration measures, checks, inspections of cars and telephones, examples of further movement denial, waiting time (in Vasylivka, people were standing in line for dozens of days) and, in general, the risks to life that related to driving through the contact line. For example, on May 17, 2022, near the village of Davydiv Brid in Kherson region, the Russian invaders fired Grad MLRS at a convoy of civilian cars, killing at least three people⁷⁴.

At the beginning of October 2022, the road from Kherson to Zaporizhzhia through Vasylivka was the only way toward Ukraine-controlled territory from the temporarily occupied south. To drive through, it was necessary to get a pass from a commandant's office of the occupying power⁷⁵. At the end of September, a line of hundreds of cars formed near Vasylivka from Dniprorudne and Melitopol (residents of Kherson also stood in line to pass through Melitopol). According to Melitopol mayor Ivan Fedorov, there were about 4,000 people⁷⁶ in line at that time. The departure conditions in this direction were extremely difficult: spending the nights in tents, cars or in the nearest villages for several days, inspections at checkpoints, deaths in the line⁷⁷, most of the time the passage was blocked, new rules for inspection were constantly being introduced, the passage worked several hours a day allowing 200-300 cars to pass⁷⁸. Then the civilians continued driving through the grey zone under fire.

In parallel with the departure to Ukraine-controlled territory through the grey zone, there was an option to leave through occupied Crimea for Russia or third countries (for example, Georgia). To leave the occupied territory for a third country, the residents of Kherson region went by their own cars or used the services of Russian carrier "Sputnik".

Regardless of the destination of departure – either controlled or occupied territory – the people leaving Kherson region were subjected to "filtration measures" at checkpoints (in both directions there are dozens of checkpoints and inspections), through which people tried to leave the combat zone.

74 Russians fire Grad MLRS at evacuation convoy in Kherson region. Civilians killed / ZMINA, May 18, 2022 <https://zmina.info/news/na-hersonshhyni-rosiyany-obstrilyaly-evakuacijnu-kolonu-z-gradiv-ye-zagybli/>

75 O Yankovskyi. 'People die in lines' How residents of south get out of occupation / Radio Liberty, August 2, 2022 <https://www.radiosvoboda.org/a/novyny-pryazovya-evakuatsiya-okupatsiya-khersonshchyna-cherhy-smert/31969959.html>

76 O. Struk 'Where do you go? To ukrops? To Khokhliandiya?' What short phrase 'we got out of occupied south' implies / Livyi Bereh, October 18, 2022 https://lb.ua/society/2022/10/18/532726_kuda_edete_ukropam.html

77 Ibid.

78 O Yankovskyi. 'People die in lines' How residents of south get out of occupation / Radio Liberty, August 2, 2022 <https://www.radiosvoboda.org/a/novyny-pryazovya-evakuatsiya-okupatsiya-khersonshchyna-cherhy-smert/31969959.html>

During the inspections, Russian army representatives paid particular attention to people who were traveling to Ukraine-controlled territory⁷⁹. The filtration procedure, as in other filtration centers, included checking documents, searching cars, personal belongings, looking through data on telephones and computer equipment, taking fingerprints, photos of people, passing interrogations with Russian military personnel, undergoing personal examination (usually for men). After that, a person was allowed to go to the next checkpoint, where the procedure repeated, or already at the so-called crossing point they could be issued a “certificate” about passing the filtration, or they could be detained for a more detailed check.

ZMINA documented the testimony of a Kherson resident whose family underwent filtration. The man’s wife and daughter passed the check (documents, fingerprints, short interrogation, the Russian military received the contact details of the husband’s and the wife’s parents), the man was arrested without reason and kept waiting for 10 hours, repeatedly taken for questioning. According to this family, to receive an exit permit, they had to provide the contact details and addresses of their relatives in the occupied territory and abroad.

In general, not everyone passes the inspection procedure. In particular, two residents of Kherson region went missing while trying to leave for Ukraine-controlled territory in Zaporizhzhia direction⁸⁰.

According to a volunteer who helps Ukrainian citizens leave RF and Belarus to the territory of third countries or return to Ukraine, among those who left during the so-called Russian “evacuation” and those who asked for help from volunteers through Telegram channel “Deported to Russian Federation”, most used this as an opportunity to leave the combat zone, but there are also those whom the volunteer described as people with pro-Russian views.

During the displacement of the population, according to the testimony of the volunteer, Russian border guards mislead people, stating that crossing the border or access to medical care is possible only after they get a Russian passport⁸¹. According to the volunteer, people, especially those with serious diseases (for example, cancer), are powerless to resist, so they get passports to gain access to medical care.

79 S. Miroshnychenko Operation ‘filtration’. What Ukrainians under Russian occupation are subjected to / Media Initiative for Human Rights, May 23, 2022 <https://mipl.org.ua/operacziya-filtracziya-cherez-shho-prohodyat-ukrayinczi-yaki-opynylysya-pid-rosijskoyu-okupacziyeyu/>

80 In occupied Ivanivka, Kherson region, Russian soldiers killed local resident, Olena Pashko, and dozens of people have already become their victims / Center for Journalistic Investigations, 02/23/2023 <https://investigator.org.ua/ua/news-2/251830/>

81 Interview with administrator of Telegram channel "Deported to Russian Federation" of December 9, 2022, recorded by Human Rights Centre ZMINA

The stated facts indicate that the occupying power and the Russian military created the atmosphere of fear, threat to the safety and life of the local population, as well as conditions close to a humanitarian crisis as there are no medicines and the food supply chains are disrupted in the occupied territory of the Kherson region. The organized campaign of disseminating false reports on the intention to destroy the Kakhovka HPP, shelling, ensuring the transportation of residents of Kherson region to RF and official documents on measures to accommodate them in the territory of RF testify to the state policy of RF towards such displacement.



