



HUMAN RIGHTS CENTRE

«TORTURE CHAMBER AT SCHOOL»:

an analysis of the testimonies of detainees
in the village of Bilyayivka, Kherson region



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«Torture chamber at school: an analysis of the testimonies of detainees in the village of Bilyayivka, Kherson region» / O. Syniuk, Ye. Sokurenko; Human Rights Centre ZMINA. – Kyiv, 2023. – 33 p.

The report «Torture chamber at school: an analysis of the testimonies of detainees in the village of Bilyayivka, Kherson region», prepared by Human Rights Centre ZMINA as part of the organization's work on documenting war crimes.

The purpose of this analysis is a detailed study of the illegal detention of civilians in the premises of the Biliaivsky educational complex «Secondary school – preschool educational institution (nursery–kindergarten) of I–III degrees” during the occupation of the village of Bilyayivka by the Russian Armed Forces of the Novooleksandrivka rural community of the Beryslav district of the Kherson region. In particular, the grounds and methods of detention, conditions of stay in an illegal place of detention, as well as serious violations of international humanitarian law committed against victims, namely torture and other cruel, inhuman or degrading treatment and punishments, which in two cases led to the death of detainees.



Kingdom of the Netherlands

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Cover photo: Picture on the wall in the illegal place of detention arranged by representatives of the Russian Federation in the premises of a school in the village of Bilyayivka, Kherson region / Photo author: Sergiy Kochmarskiy, Human Rights Centre ZMINA.



This publication contains naturalistic descriptions of incidents or victims that may shock, appal or dismay some readers.

Human Rights Centre ZMINA works in the area of protection of freedom of speech, freedom of movement, combating discrimination, preventing torture and ill-treatment, combating impunity, protecting human rights defenders and civil society activists in the territory of Ukraine, including the occupied Crimea, as well as protecting the rights of people who suffered as a result of armed conflict.

The organisation conducts information campaigns and awareness raising programs, monitors and documents cases of human rights violations, prepares researches, analyses, and seeks change through national and international advocacy.

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INTRODUCTION

On February 24, 2022, the Russian Federation launched a full-scale invasion of Ukraine and during March occupied a large part of the Kherson region, in particular the administrative centre – the city of Kherson.

After the deoccupation of the right-bank part of the Kherson region, law enforcement officers discovered 11 torture chambers and 13 places of imprisonment¹, in which representatives of the Russian Federation held and tortured people².

One of these torture chambers was discovered in the premises on the second floor of the

«Secondary school – preschool educational institution (nursery-kindergarten) of I–III degrees” during the occupation of the village of Bilyayivka by the Russian Armed Forces of the Novooleksandrivka rural community of the Beryslav district of the Kherson region.

Bilyayivka was occupied in early March 2022 (the first to enter were illegal armed groups of the so-called «L/DPR», controlled by Russia)³, and on April 3, 2022 – entered units of the armed forces of the Russian Federation. In the first days of the occupation, the village lost electricity and mobile communication. The military immediately forbade residents to leave and bring humanitarian aid to the settlement⁴, conducted searches in the houses of local residents: entered with dogs, took phones and checked documents⁵.

The Russian military, as well as Russian-controlled militants of illegal armed formations of the so-called «LPR» and «DPR» brought people from the surrounding villages to the illegal place of detention at the school in Bilyayivka.

Thus, ZMINA is aware of at least 20 people who were detained in the Bilyayivka prison during the period from April 5 to the end of September 2022: four resi-

1 Others will not be able to hide even in the Russian swamps / Official website of the Office of the Prosecutor General of Ukraine, May 11, 2023: <http://surl.li/iylq>

2 In Kherson, prosecutors continue to record the crimes of the Russian Federation – places of torture have been discovered in four buildings / Official website of the Office of the Prosecutor General of Ukraine, November 21, 2022: <http://surl.li/kmsjz>

3 How did people live in the Kherson village of Bilyayivka during half a year of occupation? / First City TV channel. Kryvyi Rih, December 11, 2022: <https://www.youtube.com/watch?v=xyTCHYn9fiQ>

4 Passed on information about enemy positions and revived the village after the deoccupation of Kherson region / Expert-K, July 07, 2023: <https://www.youtube.com/watch?v=0Qv5JcuNFUU>

5 "We drank urine because we were fainting". Torture chamber – school in Bilyayivka, Kherson Region / Hromadske, October 21, 2022: <https://hromadske.ua/posts/mi-pili-sechu-bo-nepritomnili-shkola-kativnya-u-bilyayivci-na-hersonshini>



dents of Bilyayivka, three from the village of Liubymivka, two each from the villages of Shevchenkivka, Petrivka, Khreshchenivka and Trudoliubivka, as well as one each from the villages of Novovoznesenske, Osokorivka, Mykhailivka, Zolota Balka and Myroliubivka.

The purpose of this analysis is a detailed study of the illegal detention of civilians in the premises of the school in the village of Bilyayivka. In particular, the grounds and methods of detention, conditions of stay in an illegal place of detention, as well as serious violations of international humanitarian law committed against victims, namely torture and other cruel, inhuman or degrading treatment and punishments, which in two cases led to the death of detainees. Particular attention is also paid to the consequences of such illegal detention for the physical and mental health of the victims and to the presentation of recommendations to the responsible authorities regarding further steps to bring the perpetrators to justice.

The analysis was carried out on the basis of testimonies collected by means of in-depth interviews with victims (12), relatives and witnesses (5) during the field missions of the Human Rights Centre ZMINA. Three victims refused to be interviewed, the testimony of another was documented from open sources according to the standards of the Berkeley protocol.

ZMINA was unable to make contact with one of the victims, a resident of Zolota Balka.

Four of the illegally detained are no longer alive: two died directly during detention, according to the testimony of other prisoners, as a result of torture by representatives of the Russian Federation. Two more died after their release: one committed suicide, the other, an elderly man, died of natural causes, which in both cases may have been the result of torture and ill-treatment.

1.

CIRCUMSTANCES OF ILLEGAL DETENTIONS AND TRANSIT PLACES OF ILLEGAL DETENTION

No one may be deprived of his or her liberty except on the grounds and in accordance with such procedure as are established by law, which provides for the notification of the reasons for the detention, as well as the indictment⁶. An analysis of the circumstances of the detention of the victims interviewed by ZMINA, who were later held in a torture chamber set up in the premises of a school in the village of Bilyayivka, allows us to conclude that all of them were detained illegally.



■ The entrance to the school where civilians were illegally detained
/ Photo: ZMINA

The detentions themselves took place during March–July 2022. In none of the recorded cases did the representatives of the Russian Federation follow the procedure established by law, the detentions took place without proper grounds.

“ It seems that they were gathering some kind of collection – they were bringing people, bringing them... In general, everyone who was held was held for nothing? ”

6 Article 9 of the Covenant on Civil and Political Rights, Article 5 of the European Convention for the Protection of Human Rights and Fundamental Freedoms

7 Testimony of Serhii Urodlivchenko, documented by Human Rights Centre ZMINA in the village of Bilyayivka, Beryslav district, Kherson region, in November 2022

According to the testimonies of the victims, the main reason they were detained was that they were accused of «correcting the fire» and cooperating with the Armed Forces of Ukraine. At the same time, in only one of the cases, the representatives of the Russian Federation told the victim during the detention that he or she was suspected of this⁸. Such accusations were brought to others directly during the interrogations. However, the justification for such suspicion was arbitrary in all cases.

Thus, one of the victims was detained after checking the phone due to an SMS message which seemed suspicious to the Russian military. Another man, his neighbour standing next to him, was also detained, although nothing was found in the phone⁹.

“ The neighbour didn’t have anything, but I have a text message on my phone from a friend from Novovorontsovka: «They are shooting at us, and you have just hail». That’s why they took us away. They contacted someone on the walkie-talkie, said that there are two people here, one of them has a suspicious text message, they answered him on the walkie-talkie: «Take him and the one next to him, too». At the same time, we were beaten. They said: «You are Nazis, who do you give the coordinates to? Where are the roadblocks?»¹⁰.

In another case, the victim was taken from his home allegedly for a conversation, as his wife’s brother participated in the war in Afghanistan, so he allegedly has contacts with the Armed Forces of Ukraine¹¹.



■ Consequences of hostilities in the village of Bilyayivka / Photo: ZMINA

8 Testimony of Yuri Sorochnytskyi, documented by Human Rights Centre ZMINA in the village of Novovorontsovka, Beryslav District, Kherson Region, in June 2023

9 The testimony is anonymized

10 The testimony is anonymized

11 Testimony of Valerii Dronov, documented by Human Rights Centre ZMINA in the village of Khreshchenivka, Beryslav District, Kherson Region, in June 2023

One of the residents of Bilyayivka, a civilian, was detained because of military training medals found during the search of his house¹². Two other residents of Bilyayivka were detained in one case due to the denunciation of neighbours – they allegedly saw a man climbing onto the roof of his house and calling from there¹³ – and photos of the consequences of shelling on another phone¹⁴.

In another case, representatives of the Russian Federation visited the territory of the «Pioner» experimental farm in the village of Liubymivka, where two victims worked, and detained both «until identification» and «clarification of the circumstances», since the men did not have documents with them. The men were brought to a local poultry farm on the outskirts of the village, where the Russian military equipment was located, taken to a closed room and told that they would be left here, because they had already «seen too much» [the location of the Russian military and their equipment], and that «it will be safer for them to be here»¹⁵.

The men stayed on the territory of the poultry farm for three weeks – from March 11 to April 4. First, in one room, the windows of which were covered with a film, because the glass was shattered, and later, after the shelling of the poultry farm, they were transferred to another. Four other men, unknown to others, were also held here, one of whom, according to the victims, had a shot in the knee.

As one of the Russian soldiers told the detainees, and what they heard from the conversations, later three of these men were transported to Nova Kakhovka, Kherson region.

During detention at the poultry farm, threats and threats combined with beatings were recorded against the two interviewed victims. In the first case, it is due to an army tattoo with a blood group. In the second case, during interrogation, a resident of Osokorivka was threatened with cutting off his ear and shooting his knee if he refused to provide information about «collaboration with the Nazis»¹⁶. The interrogation was conducted, in particular, by a Russian military officer with the call sign «Elbrus»:

💬 *Something was on my knee, but I couldn't see what it was with my blindfolded. They said: «We'll shoot the kneecap, then you won't walk for ten years».*

On the night of April 4–5, after the shelling of the location of the Russian military on the poultry farm, four detainees – three residents of Liubymivka and a resident of Osokorivka – were blindfolded and transported to Bilyayivka. The aforemen-

12 The testimony is anonymized

13 Testimony of Hennadii Shapor, documented by Human Rights Centre ZMINA in the village of Bilyayivka, Beryslav District, Kherson Region, in November 2022

14 “How the Russians detained and tortured civilians in the Kherson region”/Expert-KR – expert video about Kryvyi Rih, May 22, 2023: https://fb.watch/mBHyDcar_z/?mibextid=2Rb1fB

15 Testimony of Taras Syliutin, documented by Human Rights Centre ZMINA in the village of Liubymivka, Beryslav District, Kherson Region, in June 2023

16 Testimony of Andrii Kelo, documented by Human Rights Centre ZMINA in the village of Novovorontsovka, Beryslav District, Kherson Region, in June 2023

tioned Russian soldier with the call sign «Elbrus» accompanied the forced transfer. The reason for the transfer was that the men were «transported to a safer place»¹⁷.

Two more victims, brothers from the village of Trudolyubivka, were detained due to the blocking of the phone of one of them and the presence of a lapel microphone, which the representatives of the Russian Federation considered to be a means of eavesdropping by the SBU. The phone was automatically locked due to the installed «Anti-theft» application, it was impossible to enter the password due to the lack of internet¹⁸, and the lapel microphone was used by the detainee to record videos about agriculture and animal husbandry.

The reason why the military came to the brothers' home, according to the latter, was that the light was allegedly on in the house. In addition, local residents came to the brothers to charge their mobile phones from the generator.

In another case, the victim, as the representatives of the Russian Federation informed him, «hit their eyes» too often: he and several other local residents brought humanitarian aid to the village, and also took care of an elderly relative who lived in another part of the village, so he often passed by military checkpoints¹⁹. For a similar reason, the previously mentioned resident of Osokorivka was detained. He was also involved in the importation of humanitarian aid and crossed the checkpoint towards the village of Novovorontsovka – the administrative centre of the community of the same name, which at that time was in the «grey zone».

“The reason for the detention is what they already told me during the interrogation, they say, I drove there, and then their checkpoint was bombed”²⁰.

During the detention, the eyes of all victims were covered with a hat or a cloth and wrapped with tape, in most cases their hands were tied.

In seven cases, illegal detentions were accompanied by physical violence and threats. So, in one of the cases, the victim was threatened with shooting his legs because he was «walking cheerfully»²¹.

In another case, the brothers were taken out of the house to the territory of a rural kindergarten occupied by the Russian military. Here they were knocked off their feet, tied up and began to be beaten on the head and chest. Then they were interrogated for about an hour, while they again used beatings. In addition, the victims were

17 Testimony of Serhii Urodlivchenko, documented by Human Rights Centre ZMINA in the village of Bilyayivka, Beryslav district, Kherson region, in November 2022

18 Testimony of Vladyslav Koshur, documented by Human Rights Centre ZMINA in the village of Trudolyubivka, Beryslav District, Kherson Region, in July 2023

19 Testimony of Dato Dvalishvili, documented by Human Rights Centre ZMINA in the village of Novovoznesenske, Beryslav District, Kherson Region, in June 2023

20 Testimony of Andrii Kelo, documented by Human Rights Centre ZMINA in the village of Novovorontsovka, Beryslav District, Kherson Region, in June 2023

21 Testimony of Andrii Kelo, documented by Human Rights Centre ZMINA in the village of Novovorontsovka, Beryslav District, Kherson Region, in June 2023

shot in the head, simulated execution. The Russians first took one of the brothers out into the street, and threatened the other with shooting his brother. At the same time, the first one was put face down on the ground and a weapon was put to the back of his head, and they threatened to douse him with gasoline and burn him²². After the interrogation, before transporting the victims to the torture chamber in Bilyayivka, they were forced to lie on the floor in the kindergarten, put their feet up, covered with a closet and left like that until morning²³.

During the detention, two victims from Petrivka were beaten with hands and feet on different parts of their bodies. In addition, they put a knife to the first person's ear and threatened to cut it off. When the men were brought to the place of detention, they were thrown from the car tied to the ground, beaten again with their feet. While being escorted to one of the offices of the school in Bilyayivka, where the interrogation was conducted, they were constantly knocked down. In the office, they were again knocked down and brutally beaten once more²⁴.

Another victim, a resident of Shevchenkivka, was beaten by a Russian soldier all the way from one settlement to another²⁵. Before taking him and another resident of the village to the illegal detention centre in Bilyayivka, they were brought to the nearby Khreshchenivka, where together with two locals, they were held for a day in the premises of the school, which also housed Russian military²⁶. Here the detainees continued to be beaten.

In general, the typical reasons for illegal detentions can be conditionally classified according to the level of subjectively perceived «threat» that the victims could allegedly pose to the occupying forces.

Thus, any «confirmation» arbitrarily determined by the Russian soldiers of the involvement of civilians in assisting the Ukrainian military worsened the situation of the detainees. A number of people were detained either because of information about the experience of military service or training, or because of family ties to active Ukrainian military personnel. It also increased the risks of violence against them.

The circumstances described above allow us to conclude that such detentions are arbitrary and illegal, given that they were carried out without a legal basis for such

22 Testimony of Vladyslav Koshur, documented by Human Rights Centre ZMINA in the village of Trudolyubivka, Beryslav District, Kherson Region, in July 2023

23 Testimony of Vladyslav Koshur, documented by Human Rights Centre ZMINA in the village of Trudolyubivka, Beryslav District, Kherson Region, in July 2023

24 The testimony is anonymized

25 Testimony of Yurii Pylypenko, documented by Human Rights Centre ZMINA in the village of Shevchenkivka, Beryslav District, Kherson Region, in June 2023

26 Testimony of Yurii Pylypenko, documented by Human Rights Centre ZMINA in the village of Shevchenkivka, Beryslav District, Kherson Region, in June 2023, and Yurii Sorochnyskyi, documented by Human Rights Centre ZMINA, in the village of Novovorontsovka, Beryslav District, Kherson Region, in June 2023

detention and without due process. In addition, during such detentions, representatives of the Russian Federation used threats and physical violence.

Threats and beatings were applied to detainees from different settlements, therefore, such actions were committed by different representatives of the same unit and/or representatives of different units of the Armed Forces of the Russian Federation. The repetition of such violations – illegal detentions of civilians, as well as the violations that accompanied them, indicate their systematic nature.

2.

CONDITIONS AT THE PLACE OF ILLEGAL DETENTION IN BILYAYIVKA

Four men, three illegally detained residents of Liubymivka and one resident of Osokorivka, became the first to be detained in the torture chamber in Bilyayivka. After they were transported to Bilyayivka on the night of April 4–5, 2022, the men were not taken out for questioning, and at the same time they were forbidden to remove the blindfolds until morning.

The torture chamber in Bilyayivka was set up in a technical room on the second floor of the school, unsuitable for keeping people there. The headquarters of the Russian military was located in the educational institution.

The approximate size of the room was 6 by 3 metres, there were no windows, lighting and a toilet. It was cold in the room – the victims tore off pieces of wallpaper from the walls to plug the cracks in the walls. In the summer, according to the prisoners, it was incredibly hot, and there was no air in the room. Almost the entire room was occupied by three-story bunks made of knocked down boards, there were 9 of them in total. When there were more people kept in the room, some of them slept on the floor²⁷.

“We counted the days – the birds sang every morning. The darkness is absolute, nothing can be seen. I sat under the door – there was a crack, the only light that came in and a little fresh air – I was sitting and breathing²⁸.”

On average, from 8 to 13 people were simultaneously in the room during the entire period of illegal deprivation of liberty. At the same time, the detainees did not know in which settlement they were located – the Russian military did not inform them when they were detained. Moreover, they limited the ability to navigate in space

27 Testimony of Taras Syliutin, documented by Human Rights Centre ZMINA in the village of Liubymivka, Beryslav District, Kherson Region, in June 2023

28 The testimony is anonymized

by blindfolding. The victims managed to find out that they were being held in Bilyayivka only when the first local resident was placed in the illegal place of detention.



■ The premises where civilians were illegally detained /
Photo: Sergiy Kochmarskiy, ZMINA

According to the detainees, they were almost not fed. They were given liquid soup, which they had to drink from a cut-off plastic bottle²⁹, or stew in cans, sometimes bread.

“ At first, we didn't eat anything for a month. It happened that once every four or five days, a 5-litre bottle, cut in half, was brought in. Some kind of soup was poured there. And this is for 11 people. We took a sip or two at a time³⁰.

The situation with drinking water was critical – once every 1–2 days, detainees were given a five-litre bottle for everyone³¹.

“ Some guys even tried to drink their own urine. This is a nightmare. It is possible without food, but without water it is absolutely impossible³².

29 Testimony of Taras Syliutin, documented by Human Rights Centre ZMINA in the village of Liubymivka, Beryslav District, Kherson Region, in June 2023

30 Testimony of Dato Dvalishvili, documented by Human Rights Centre ZMINA in the village of Novovoznesenske, Beryslav District, Kherson Region, in June 2023

31 Testimony of Yurii Pylypenko, documented by Human Rights Centre ZMINA in the village of Shevchenkivka, Beryslav District, Kherson Region, in June 2023

32 The testimony is anonymized

The interviewees, who were in the torture chamber at the time, noted that the only time they were able to eat more or less normally was on Easter (April 24). In the future, nutrition remained inadequate during the entire period of detention. The quality of food and the possibility of access to drinking water have also not changed.

The hygiene conditions in the illegal place of detention were also inadequate. Since the room was not adapted for keeping people in it, there was neither a toilet nor a sink in the room. The detainees had to arrange the toilet on their own – they had to defecate into bottles right in the room, without any privacy. It is likely that the room used to have a hand basin, as there is a sewage drain left in the floor.

During the entire time, the detainees were never taken to the shower. Shortly before some of the men were released, buckets of water were brought into the cell and they were ordered to clean the room and wash themselves:

“ Somewhere on June 10, they brought us two buckets of water, chlorine, and told us to clean them up. Then they gave me soap and told me to wash myself. It's like I washed, wiped with a T-shirt, and it's [dirty] again. Gave up on this idea³³.

Medical support was also absent – the doctor in the illegal place of detention did not provide the detainees with the necessary assistance. At the same time, a number of victims had chronic diseases, including gastritis, thyroid disease, hypertensive diseases, etc. The health condition of the detainees worsened during and after their stay in Bilyayivka. Two of the victims had broken ribs after the beating and could only bandage them with the underwear left by the other detainees³⁴.

During the detention of the four victims at the poultry farm in Liubymivka, the Russians allowed the relatives of the local residents to give them the necessary medicines. However, after the transfer to Bilyayivka, there was no such opportunity³⁵. The victims managed to take some of the medicines with them from the place of illegal detention in Liubymivka. However, they were obviously not enough to provide proper medical care.

“ They did not visit us at all. If someone was sick, we knocked, we had to speak with them in Russian, they had to contact the chief – he was also at school, but they could wait for him for two or three days³⁶.

Some of the detainees could not move on their own after being beaten, and could not eat for one to several days. All interviewees noted a significant loss of strength, some reported loss of consciousness due to hunger. Mostly the detainees were lying down to save energy.

33 The testimony is anonymized

34 The testimony is anonymized

35 Testimony of Taras Syliutin, documented by Human Rights Centre ZMINA in the village of Liubymivka, Beryslav District, Kherson Region, in June 2023

36 Testimony of Taras Syliutin, documented by Human Rights Centre ZMINA in the village of Liubymivka, Beryslav District, Kherson Region, in June 2023

The victims also emphasise the humiliating treatment they received during the entire period of detention. In particular, the guards, who, according to the testimony of the detainees, were fighters of the illegal armed formations of the so-called «L/DPR», systematically called them pigs and «zeks» («zek» is a convict in prison jargon).

In one of the cases, immediately after bringing the detainees into the room, the Russians ordered the others not to untie their hands and feet and «not to talk to these pigs»³⁷. Another time, during a conversation with a co-worker, one of the guards said: «Now I'm going to feed the pigs»³⁸. The victims also heard in conversations between representatives of the Russian Federation phrases like: «Let's pee» [into their food]³⁹.

💬 [They treated us] like we are not people. Just not people. They didn't care, we were alive there or dead. They just didn't care. We couldn't go to the toilet or go outside. We were sitting in the room all the time⁴⁰.



■ The sign «There are zeks here. Do not shoot» next to the premises where civilians were illegally detained / Photo: ZMINA

37 The testimony is anonymized

38 Testimony of Dato Dvalishvili, documented by Human Rights Centre ZMINA in the village of Novovoznesenske, Beryslav District, Kherson Region, in June 2023

39 The testimony is anonymized

40 Testimony of Dato Dvalishvili, documented by Human Rights Centre ZMINA in the village of Novovoznesenske, Beryslav District, Kherson Region, in June 2023

In addition, the victims note an aggressive reaction to communication in the Ukrainian language, as well as in a mixture of Ukrainian and Russian languages (surzhyk) – detainees were forced to address the guards in Russian⁴¹.

According to the testimony, one of the detainees found it difficult to communicate in Russian. Accordingly, the man faced constant aggression against him at those moments when he tried to speak to the Russian military in Ukrainian or Surzhyk. While documenting cases of torture of the civilian population in the previously occupied part of the Kharkiv region, ZMINA already recorded cases of ill-treatment (the use of electric shocks) because of the use of the Ukrainian language during interrogations. Such cases are a sign of national intolerance, which also describes the reasons for the inappropriate treatment of detained civilians.

3.

TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Psychological violence

Psychological violence was used against all those detained at the school in Bilyayivka. In particular, during interrogations. Their primary goal, as well as the goal of using torture and other cruel treatment, was to obtain information and data about the participants of the anti-terrorist operation, territorial defense, people who help the Armed Forces of Ukraine, the position of the Ukrainian military, in particular, about the location of checkpoints, weapons and equipment.

During interrogations, detainees were threatened and psychologically pressured. Particularly, they intimidated them with propaganda statements. Like the fact that “[After the de-occupation] in your village, the Nazis will cut the throats of your people, your parents. That’s all, you won’t see your parents»⁴².

They also threatened to worsen the situation, in particular they said:

“If you don’t tell [required information], we will transfer you to another place. We are still soft [behaving] with you, it will be tougher there»⁴³.

41 Testimony of Taras Siliutin, documented by Human Rights Centre ZMINA in the village of Liubymivka, Beryslav District, Kherson Region, in June 2023

42 Testimony of Vladyslav Koshur, documented by Human Rights Centre ZMINA in the village of Trudolyubivka, Beryslav District, Kherson Region, in July 2023

43 Testimony of Vladyslav Koshur, documented by Human Rights Centre ZMINA in the village of Trudolyubivka, Beryslav District, Kherson Region, in July 2023

Threats were also used outside of interrogations in order to prevent detainees from helping each other. Thus, in one of the cases, when another detainee was literally thrown into the room, the men in the room were forbidden to untie him or communicate, threatening to shoot him and that in case of help, they would cut off their limbs⁴⁴.

Representatives of the Russian Federation, in particular, during interrogations accompanied by beatings, used personal connections between detainees for additional psychological pressure and inflicting suffering. In one of the cases, the Russian offered those detainees to choose each other's knee, which he would shoot, while pulling the breechblock⁴⁵.

In another case, the overseer, after forcing two brothers to undress, said:

“Now I'm going to cut your muscles and feed them to each other”⁴⁶.



■ One of the corridors of the school where the detained civilians were beaten / Photo: ZMINA

44 Testimony of Dato Dvalishvili about another detainee, Oleh Kovalyk, documented by Human Rights Centre ZMINA in the village of Novovoznesneske, Beryslav District, Kherson region, in June 2023

45 The testimony is anonymized

46 Testimony of Vladyslav Koshur, documented by Human Rights Centre ZMINA in the village of Trudolyubivka, Beryslav District, Kherson Region, in July 2023

The Russian military, taking advantage of the fact that they did not provide adequate food for the detainees, also psychologically pressured the victims, offering food in exchange for information and cooperation⁴⁷ or making the provision of information a condition for receiving food:

“ If you tell information – you will get water and food⁴⁸.

In the illegal place of detention in Bilyayivka, two cases of **simulated execution** were also recorded. During interrogation, one of the prisoners was taken outside and a machine gun was put to his head. The man was ordered not to scream and two shots were fired over his head. Another detainee, who was interrogated at the same time, was told that his neighbour had been killed, and if he didn't want to die too, he had to «tell everything»⁴⁹.

In the second case, the victim was taken outside, told that he was being taken «to be shot» and shot upwards, after which he was returned to the cell⁵⁰. Another detainee, while he was convinced that his friend was shot – he heard how he was taken out with the words: «Shoot this guy», and later shots and the sound of falling⁵¹.

Cases of torture, cruel and inhuman treatment

According to recorded evidence, 12 people were subjected to physical torture. Six victims recall the key role of the representative of the Russian Federation with the call sign «Shaman» in conducting interrogations combined with the torture of detainees.

“ Often there was this one with the call sign «Shaman», that's what everyone called him, and there was another one «Elbrus». They used to come in often. When «Shaman» came, everyone suffered. He doesn't like any answer – he hits. He doesn't like how people look at him – he hits»⁵².

The so-called «professional beatings» were also the most common means of torture during interrogations and outside them for the purpose of obtaining information, intimidating both the victims themselves and witnesses among other

47 The testimony is anonymized

48 Testimony of Dato Dvalishvili, documented by Human Rights Centre ZMINA in the village of Novovoznesenske, Beryslav District, Kherson Region, in June 2023

49 Testimony of Valerii Dronov, documented by Human Rights Centre ZMINA in the village of Khreshchenivka, Beryslav District, Kherson Region, in June 2023

50 Testimony of Yurii Sorochnynskyi, documented by Human Rights Centre ZMINA in the village of Novovorontsovka, Beryslav District, Kherson Region, in June 2023

51 Testimony of Yurii Pylypenko, documented by Human Rights Centre ZMINA in the village of Shevchenkivka, Beryslav District, Kherson Region, in June 2023

52 Testimony of Dato Dvalishvili, documented by Human Rights Centre ZMINA in the village of Novovoznesenske, Beryslav District, Kherson Region, in June 2023

detainees. In particular, in one of the cases, the victim, who had already been beaten, was beaten on the back with a stock in the presence of other detainees⁵³.

Beatings were carried out both with hands and feet, and with the help of weapons (for example), a mallet (*a wooden hammer used for carpentry*). After the beatings, some detainees had blood in their urine.

They hit the kidneys with both stocks and feet. In one of these cases, the victim reported that he had kidney disease (pyelonephritis), to which «Shaman» stated that, depending on the blow, he could «lower the kidney by 13–14 centimetres»⁵⁴.

The use of existing health problems to inflict greater suffering was documented in another case of beatings. So, the victim informed the Russian military that he had a spinal fracture. To which he was told to show exactly where, and with a knee in a knee brace, they made a strong blow to this place⁵⁵.

They also beat them on the head – in one of the cases, a detainee was beaten on the head so hard that, as another victim describes, he had such a swelling as if a second head had grown⁵⁶.

According to another victim, his ribs and knee were broken during the beating, after which he was unable to move and turn over for about a month and was forced to go to the toilet with the help of other detainees⁵⁷.

Another victim had similar injuries as a result of the beating. According to his feelings, he had cracks in two ribs, because of which it was difficult to breathe for a month, the lower denture cracked, and the man could not walk for some time due to a blow to the thigh⁵⁸.

53 Testimony of Andrii Kelo regarding another detainee, Vladyslav Koshur, documented by Human Rights Centre ZMINA in the village of Novovorontsovka, Beryslav District, Kherson Region, in June 2023

54 Testimony of Valerii Dronov, documented by Human Rights Centre ZMINA in the village of Khreshchenivka, Beryslav District, Kherson Region, in June 2023

55 Testimony of Vladyslav Koshur, documented by Human Rights Centre ZMINA in the village of Trudolyubivka, Beryslav District, Kherson Region, in July 2023

56 Testimony of Andrii Kelo regarding another detainee, Dmytro Zhuravlov, documented by Human Rights Centre ZMINA in the village of Novovorontsovka, Beryslav District, Kherson Region, in June 2023

57 Testimony of Yurii Pylypenko, documented by Human Rights Centre ZMINA in the village of Shevchenkivka, Beryslav District, Kherson Region, in June 2023

58 Testimony of Hennadii Shapor, documented by Human Rights Centre ZMINA in the village of Bilyayivka, Beryslav District, Kherson Region, in November 2022



■ Hennadii Shapor, an illegally detained resident of the village of Bilyayivka /
Photo: Sergiy Kochmarskiy, ZMINA

As in other places of illegal detention⁵⁹, in Bilyayivka, victims were subjected to electric shock torture, in particular, two such cases were recorded. In both, the Russians used sexualized violence–torture, connected current to the genitals⁶⁰.

Sexualized violence was recorded in three more cases. According to one victim, immediately after being detained in the school corridor, his fingers and genitals were clamped with pliers⁶¹. At least two victims said they were threatened with castration during interrogation⁶².

In the illegal place of detention in Bilyayivka, prisoners were also given injections, in particular, according to the evidence, the introduction of unknown substances to two detainees was recorded. In the first case, according to the victim's description, the liquid was brown in colour and was collected from an ampoule. According to the representative of the Russian Federation, they injected him with «acid». After the injection, the victim felt his eyes darken, it became difficult for him to move and speak. He eventually lost consciousness, according to his observations, only briefly because he regained consciousness while being dragged to the room⁶³.

59 Torture and ill-treatment of the civilian population in the Ukrainian territories that were under Russian occupation (on the example of Kyiv, Kharkiv and Kherson regions): analytical report / B. Petruniok, O. Hnatiuk, T. Pechonchyk; Human Rights Centre ZMINA.. – Kyiv, 2023. – 64 p. <http://surl.li/ijhbc>; "Women's cells" of the Kherson torture chamber: an analytical report based on the testimony of detainees / O. Syniuk, E. Sokurenko, N. Okhotnikova; Human Rights Centre ZMINA. – Kyiv, 2023. – 36 p. <https://zmina.ua/publication/zhinochi-kamery-hersonskoyi-kativni-analitychnyj-zvit-za-svidchennyamy-utrymuvanyh/>

60 The testimony is anonymized

61 The testimony is anonymized

62 The testimony is anonymized

63 Testimony of Dato Dvalishvili, documented by Human Rights Centre ZMINA in the village of Novovoznesenske, Beryslav District, Kherson Region, in June 2023



■ Drawing on the wall of the premises where civilians were illegally detained /
Photo: Sergiy Kochmarskiy, ZMINA

4.

CASES OF DEATH OF DETAINEES AS A RESULT OF TORTURE

As they said: «We don't want to kill you, we want you to die yourself»⁶⁴.

According to the testimonies of the victims, during detention they witnessed the death of two men, Oleh Kovalyk and Dmytro Zhuravlov.

Oleh Kovalyk, a member of the public territorial defence, a farmer from the village of Myroliubivka, went missing on April 9, 2022. Before that, he was on the territory of one of the agricultural enterprises⁶⁵.

64 Testimony of Vladyslav Koshur, documented by Human Rights Centre ZMINA in the village of Trudolyubivka, Beryslav District, Kherson Region, in July 2023

65 Testimony of Stepan Kovalyk, the father of the detained Oleh Kovalyk, documented by Human Rights Centre ZMINA in the city of Kryvyi Rih, Dnipropetrovsk region, in June 2023

“As the watchman later told me [the man died after being blown up by a mine] of this [grain] threshing floor, the Russians came across Oleh there with binoculars and found bullets. Oleh's hands were tied behind his back and he was led somewhere.

On the night of April 9–10, according to the detainees, the man was literally thrown into the torture chamber in Bilyayivka. Before that, they had heard his screams for several hours⁶⁶.

The man's hands were tied behind his back, and a hat wrapped with tape was pulled over his eyes. He was beaten. The victim's sweatpants were cut in the groin area, he was probably tortured, an electric current was connected to his genitals⁶⁷. The Russian military forbade the detainees to talk to the man and to untie him. At the same time, one of the victims, also a farmer, recognized him, took off his hat and tried to untie his hands.

The man said he had a burning sensation under his nose [perhaps the nose was also connected to terminals and passed current; for similar tortures, they could also use a powder fire extinguisher, which was life-threatening due to the chemical composition of the means used for fire extinguishing] and it was difficult to breathe.

After that, the victim died within 30 minutes.

“We started knocking on the door: «The last one feels bad». And they answered us: «If he doesn't die by morning, the doctor will come». Kovalyk fell silent. He died. We knocked and told them this. And they said to us: «Well, what can we do?»⁶⁸.

In the morning, a military doctor and military police came to the illegal place of detention, according to the inscriptions on the uniform, and took away the body⁶⁹.

On April 10, his father (Stepan Kovalyk) was informed of his death:

“Then they allowed me to take the bag off my head. And then one [Russian soldier] said to me: «Remember, your son was crushed by Zhuravlev». A Ukrainian killed a Ukrainian»⁷⁰.

Stepan Kovalyk was also illegally detained (for several hours), the man was brutally treated. The units of the Russian Federation probably had information about Oleh Kovalyk's assistance to the Ukrainian military, which clearly affected the brutality of the torture applied to him.

66 The testimony is anonymized

67 Testimony of Vladyslav Koshur regarding another detainee, Oleh Kovalyk, documented by Human Rights Centre ZMINA in the village of Trudolyubivka, Beryslav District, Kherson Region, in July 2023

68 The testimony is anonymized

69 The testimony is anonymized

70 Testimony of Stepan Kovalyk, the father of the detained Oleh Kovalyk, documented by Human Rights Centre ZMINA in the city of Kryvyi Rih, Dnipropetrovsk region, in June 2023

The Russian military accused Oleh Kovalyk of murdering another detainee, Dmytro Zhuravlev, saying that he strangled him.

“ And then this major [a military man with the call sign «Vostok»] walked in. He has such a frightened look. He turns around, closes the door. I think that's all [we will all be killed]... He looked into our eyes so that we could confirm that he was the one who strangled him. And we nodded. They blamed everything, this entire crime on Zhuravlyov⁷¹.

According to the testimony of detainees, Dmytro Zhuravlev from Bilyayivka was placed in the torture chamber on April 7, 2022. On the same day, he stopped contacting his family⁷², two witnesses reported⁷³, that they saw five armed Russian soldiers moving under the wall to the courtyard of the house where Dmytro Zhuravlev lived and was at that time. They arrived in a tank that was left at a nearby intersection, and later neighbours found a hat and one slipper of the deceased.

As the man's relative reported, the Russian military could consider him a fire adjuster⁷⁴:

“ There were rumours that he travelled around the village with a neighbour and photographed the consequences of the flights. I don't know anything about it. They [the Russian military] allegedly demanded that he show his phone, but he did not give his password.

It seemed to the detainees that Zhuravlev was in a state of confused consciousness⁷⁵. The victim's hands were tied behind his back, others were forbidden to untie him and were told that he was allegedly a drug addict. At the same time, among those detained was a resident of Bilyayivka, who personally knew Dmytro Zhuravlev, and denied this. However, he noted that the man has peculiarities of speech.

When the military threw Dmytro Zhuravlev into a room, one of them said:

“ If you want, we'll inject you too and the same will happen to you⁷⁶.

The victim managed to tell others that an unknown substance was administered to him during interrogation. It was difficult for others to understand what he was saying, the language was confusing. The interviewees described the physical

71 Testimony of Vladyslav Koshur regarding the other detainees, Oleh Kovalyk and Dmytro Zhuravlev, documented by Human Rights Centre ZMINA in the village of Trudolyubivka, Beryslav District, Kherson Region, in July 2023

72 Anonymized testimony of Dmytro Zhuravlev's relative, recorded remotely in June 2023

73 Testimonies are anonymized at the request of the interviewees

74 Anonymized testimony of Dmytro Zhuravlev's relative, recorded remotely in June 2023

75 Testimony of Andrii Kelo regarding another detainee, Dmytro Zhuravlev, documented by Human Rights Centre ZMINA in the village of Novovorontsovka, Beryslav District, Kherson Region, in June 2023

76 Testimony of Taras Sylutin regarding another detainee, Dmytro Zhuravlev, documented by Human Rights Centre ZMINA in the village of Liubymivka, Beryslav District, Kherson Region, in June 2023

consequences for the man as extremely severe: he hardly slept, was constantly moving, tore his clothes, and urinary incontinence started. When other detainees tried to put the man on the bunks so that he could rest, he would fall to the floor and start crawling around the room. He was constantly tormented by thirst – he knocked on the door, asking for water. Several victims recall the episode when Russian soldiers opened the door, hit the man, and then poured 1.5 litres of water from a bottle on his head.

The man's mental state also constantly worsened. After several days of detention, he was taken from the torture chamber and later brought back (according to testimony, he was gone for three⁷⁷ to five days⁷⁸). After his return, he was «clean and shaved, with a bandaged head, in new clothes». At the same time, the man informed the detainees that he was given an unknown injection again. In a matter of time, he rapidly worsened and returned to the condition described above.

“ He was like a skeleton, he was very skinny. He was constantly losing weight, when the door was opened and the light came in, it was clear that his stomach was as if stuck to his spine, through his stomach you could see the bones of his spine⁷⁹.

By May 3, Dmytro Zhuravlev died.

“ Before that, we told them [representatives of the Russian Federation] that he was very sick, and they said: ‘Well, what can we do?’ When he died, they said that the doctor would come and take a look. He was laying with us for a day. They were disgusted even to touch him with their hands. Then one rolled up his sleeve and pulled him out by his leg⁸⁰.

The bodies of the two victims, who were in an illegal place of detention in Bilyayivka and died from torture by the military, were taken by the Russians to an unknown direction. Both men are missing. Relatives are looking for the bodies or any information regarding their possible whereabouts.

The infliction of severe physical suffering due to beatings, the use of electric shock, as well as unknown injections that caused clouding of consciousness and physical consequences, combined with the conditions of detention, the deliberate failure to provide medical assistance, may constitute a fact of torture.

77 Testimony of Taras Syliutin regarding another detainee, Dmytro Zhuravlev, documented by Human Rights Centre ZMINA in the village of Liubymivka, Beryslav District, Kherson Region, in June 2023

78 Testimony of Andrii Kelo regarding another detainee, Dmytro Zhuravlev, documented by Human Rights Centre ZMINA in the village of Novovorontsovka, Beryslav District, Kherson Region, in June 2023

79 Testimony of Andrii Kelo regarding another detainee, Dmytro Zhuravlev, documented by Human Rights Centre ZMINA in the village of Novovorontsovka, Beryslav District, Kherson Region, in June 2023

80 The testimony is anonymized

In addition, death as a result of such physical suffering and failure to provide assistance may constitute premeditated murder⁸¹. In particular, according to the practice of international tribunals, murder is defined as the death of the victim as a result of the act or omission of the accused, committed with the intent to kill or with the intent to cause grievous bodily harm, for which the accused had to know that they could lead to death⁸². In one of the cases, the Trial Chamber found that the detainees were intentionally killed by an omission that likely led to the death due to the conditions of their detention⁸³.

In addition, in accordance with the practice of the European Court of Human Rights, the suffering of families who know that their loved ones have been executed or died after suffering torture, but their bodies have not been returned to their families for a proper and dignified burial, and the fact, that the families do not know the location of the bodies, and in the case of their burial by representatives of the Russian Federation, do not know about this and do not have access to the graves, may be recognized as inhumane treatment, as well as a violation of the right to respect for private and family life, as well as for human life dignity⁸⁴.

5.

RELEASE ON THE CONDITION OF FILMING IN A PROPAGANDA VIDEO AND FORCED TRANSFER TO OTHER PLACES OF DETENTION

The duration of detention of the victims in the premises of the Bilyayivka village school ranged from one to five months. Two victims, brothers from Trudolyubivka, after approximately 10 days of detention in Bilyayivka, were forcibly moved to an illegal place of detention in the village of Novoberyslav, and later to a temporary detention centre in the city of Nova Kakhovka. In both places, they were also subjected to psychological abuse, torture and ill-treatment.

On June 12, eight people were released from the torture chamber in Bilyayivka, including residents of Liubymivka, Bilyayivka, and Petrivka.



We were sitting, then we heard footsteps. We hear: «We are leaving, and they will all be shot». We thought we were going to be killed for sure. In a few minutes, the

81 Rome Statute, article 8 (2) (a) (i)

82 Kvočka Trial Judgment, 2 November 2001, para. 132

83 ICTR, Kaing Trial Judgment, 26 July 2010, para. 437

84 Musayev and Others v. Russia, 27 July 2007 p., § 169, Sabanchiyeva and others v. Russia, 6 June 2013, § 135–147

door opened, and we were told that now the names would be read out so that we would leave one by one⁸⁵.

The detainees were blindfolded and handcuffed⁸⁶, and put in the back of the military «Ural». Some of the men were dropped off near their own settlements, others had to walk back to their villages.

The fact that other detainees were in the dark about their future fate added to their suffering:

“ *To be honest, we were shocked when we were not named [in the list of those who were released first], Andrii came to the door to ask when we would be released. The door was closed right in his face. We were just in shock⁸⁷.*

The next three detainees were released on August 3, two more (in particular, a man from Zolota Balka, whom ZMINA was unable to contact) on September 23, and the last three on September 26. They were also taken out blindfolded and handcuffed. Some of the men could not return to their settlements for a certain time due to hostilities.



■ One of the school classrooms / Photo: ZMINA

85 Testimony of Taras Syliutin, documented by Human Rights Centre ZMINA in the village of Liubymivka, Beryslav District, Kherson Region, in June 2023

86 Testimony of Taras Syliutin, documented by Human Rights Centre ZMINA in the village of Liubymivka, Beryslav District, Kherson Region, in June 2023

87 Testimony of Dato Dvalishvili, documented by Human Rights Centre ZMINA in the village of Novovoznesenske, Beryslav District, Kherson Region, in June 2023

Before releasing the detainees, the representatives of the Russian Federation also forced them to film in a propaganda video. In particular, seven detainees reported the recording of such a video.

“ You have a choice, read this and go home or...⁸⁸.

In order to record the video, the victims were taken to a room where they were interrogated. There were military personnel, one of whom was holding a camera for recording, another was holding a piece of paper from which the text for the video had to be read, and the third was pointing a weapon at the person.

Before recording the video, the victims were intimidated. The Russian military said that the detainees «otherwise, will be imprisoned for 11 years», «if you don't want to go to prison or be shot, you just have to read from a piece of paper, and we will let you go»⁸⁹ and directly threatened, «either you will read the text to us on camera, or «into the pit»⁹⁰.

The content of the text was mostly repeated.

“ They gave me a sheet on which it was written: «I am fed up with the power of Zelenskyy, a drug addict, a clown, and his henchmen. I am so-and-so, I will cooperate with the Russian troops in every possible way»⁹¹.

The victims were also forced to say that they were treated well in the illegal place of detention: they were not beaten, fed, given water, and provided with medical care. Two detainees said they were forced to say on camera that they were fire adjusters⁹².

After the video was recorded, they were also threatened with shooting if the victims told other detainees about the recording⁹³, and that the video will be made public if the victim «goes to the war»⁹⁴.

In this way, Russian units apparently tried to avoid responsibility, in particular, for cases of torture, ill-treatment and death of civilians in the place of illegal detention. This also proves in favor of the fact that the military of the Russian Fed-

88 Testimony of Taras Syliutin regarding another detainee, Oleh Kovalyk, documented by Human Rights Centre ZMINA in the village of Liubymivka, Beryslav District, Kherson Region, in June 2023

89 Testimony of Dato Dvalishvili, documented by Human Rights Centre ZMINA in the village of Novovoznesenske, Beryslav District, Kherson Region, in June 2023

90 Testimony of Andrii Kelo, documented by Human Rights Centre ZMINA in the village of Novovorontsovka, Beryslav District, Kherson Region, in June 2023

91 The testimony is anonymized

92 Testimony of Yurii Pylypenko, documented by Human Rights Centre ZMINA in the village of Shevchenkivka, Beryslav District, Kherson Region, in June 2023, and Yurii Sorochnyskyi, documented by Human Rights Centre ZMINA, in the village of Novovorontsovka, Beryslav District, Kherson Region, in June 2023

93 The testimony is anonymized

94 Testimony of Taras Syliutin, documented by Human Rights Centre ZMINA in the village of Liubymivka, Beryslav District, Kherson Region, in June 2023

eration committed these crimes with the awareness of their own responsibility for them.

The actual releasing process was without warning, probably triggered by other reasons.

6.

CONSEQUENCES FOR MENTAL AND PHYSICAL HEALTH

Illegal detention in Bilyayivka had a negative impact on both the physical and mental health of detainees. First of all, they complain about significant weight loss (from 14 to 36 kg). This was reported by four victims. In addition, injuries sustained as a result of torture remain. Thus, one of the victims still has an injured knee⁹⁵.

Two men complain of problems with the cardiovascular system. The victims note that their eyesight has deteriorated as a result of being constantly in the dark in the illegal place of detention. Their condition is also complicated by the fact that access to medical care in the territory where the victims live is limited due to the proximity to the war zone, as well as the consequences of the occupation, in particular, the lack of work and, accordingly, money.



■
Taras Syliutin, an
illegally detained
resident of the village
of Liubymivka /
Photo:
Yevhen Vasylyev,
ZMINA

95 Testimony of Yurii Pylypenko, documented by Human Rights Centre ZMINA in the village of Shevchenkivka, Beryslav District, Kherson Region, in June 2023



Some of the victims also reported psychological consequences, including, in particular, constant nightmares: one of the men wakes up from his own scream, another is afraid when a car drives up the house.

Only one of the victims reported that he worked with a psychotherapist.

In addition, two former detainees died after release: one committed suicide⁹⁶, the other is an elderly man⁹⁷ – died of natural causes, which in both cases could have been the result of torture and ill-treatment.

96 Testimony of Vladyslav Koshur about his brother, Vitalii, documented by Human Rights Centre ZMINA in the village of Trudolyubivka, Beryslav District, Kherson Region, in July 2023

97 Testimony of Dato Dvalishvili, documented by Human Rights Centre ZMINA in the village of Novovoznesenske, Beryslav District, Kherson Region, in June 2023

CONCLUSIONS

1. Representatives of the Russian Federation carried out illegal detentions of the interviewed victims in the absence of a legal basis and contrary to the legal procedure, which were also accompanied by other violations, including threats and beatings. Such detentions are a serious violation of international humanitarian law⁹⁸ and may constitute war crimes⁹⁹. The commission of these violations against victims from different settlements and from different representatives of the Russian Federation, in particular from different units, speaks of the consistency of such actions, so they can constitute crimes against humanity¹⁰⁰.
2. These systemic practices of illegal, arbitrary detentions and torture are also evidenced by: purposefulness and a significant number of detentions; repetition of torture practices; coordination of the «work» of various places of illegal detention (this is indicated, in particular, by threats to detainees to move them to other torture chambers, where their situation will worsen; indirect coordination of the work of places of detention indicates the preservation of the informal «status» of individual detainees (for example, civilians who were detained to «find out the identity» were not subjected to physical torture and interrogations).
3. Conditions in an illegal place of detention in Bilyayivka may constitute ill-treatment¹⁰¹, since people were kept in a room not provided for this, they were not provided with adequate food and access to water, the hygiene conditions were also inadequate, which, in particular, degraded human dignity, and there was no medical care. In addition, the treatment of the detainees by representatives of the Russian Federation was such that it could constitute degrading.
4. Restricting detainees' access to food and drinking water was carried out by the staff of the place of detention with an awareness of the suffering caused, often as a direct instrument of causing such suffering. Thus, it is known from the testimonies of the victims that the guards discussed the possibility of defecating in the food given to the detainees. The deceased Dmytro Zhuravlev was doused with water in the cell, not responding to the request of oth-

98 Article 147 of the Fourth Geneva Convention

99 Rome Statute Article 8(2)(a)(vii), unlawful confinement

100 Rome Statute Article 7(1)(e), imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law

101 Serious violation of Article 147 of the Fourth Geneva Convention; can be classified as a war crime against human dignity, in particular, insulting and humiliating treatment according to Article 8(2)(b)(xxi)

er civilians to hand over this water for drinking. At the time of the incident, Zhuravlev's condition was already critical, he needed urgent medical assistance. Some victims describe the artificially imposed restrictions on access to drinking water as «water torture» (which actually points to this restriction as a source of suffering).

5. Representatives of the Russian Federation also used psychological violence and pressure, such as threats of severe physical suffering; sexualized violence, including threats of castration; as an element of psychological torture, false promises of release, which did not happen on the specified date, were used; the basic needs of food and water were used as a means of pressure and blackmail, which caused severe psychological suffering to detainees and could amount to torture and ill-treatment.
6. In addition, simulated executions and the deliberate use of personal ties between detainees during interrogations, taking into account inappropriate conditions of detention, which may constitute ill-treatment, are a serious violation of international humanitarian law¹⁰² and may constitute the war crime of torture or inhuman treatment¹⁰³.
7. Representatives of the Russian Federation used a number of methods of inflicting physical suffering on the victims – various types of beatings with the use of hands and feet, as well as other means, such as a «hammer» and stock of weapons, in the most vulnerable places with the aim of inflicting severe suffering, as well as electric shock. Sexualized violence was also recorded, in particular, connecting current to the genitals and the squeezing of the genitals with pliers. Such actions are a serious violation of international humanitarian law¹⁰⁴ and may constitute the war crime of torture or inhuman treatment¹⁰⁵.
8. Representatives of the Russian Federation consciously and purposefully combined physical and psychological torture in such a way as to achieve a synergistic effect and increase the suffering of the detainees. One of the interviewees literally points to a number of methods that could be used only with prior intention and needed time to implement. For example, the use of «good and bad policeman» tactics during interrogations; the rotation of the Russian military, who conduct the interrogation, in order to disorient the victim; use of the «false hope for release» method, intimidation by firing squad; infliction of psychological pressure on the victims due to placement in a place of detention of a person with probably existing mental disorders due to the torture experienced.

102 Article 147 of the Fourth Geneva Convention

103 Rome Statute Article 8(2)(a)(ii).

104 Article 147 of the Fourth Geneva Convention

105 Rome Statute, Article 8(2)(a)(ii).

9. Given that the representatives of the Russian Federation, from reasonable considerations, should have known that their actions in relation to beating, the use of electric shock, as well as unknown injections that caused a change of consciousness and physical consequences, together with the conditions of detention, as well as inaction in the form of a conscious failure to provide medical care, could lead to death, two recorded cases of deaths of detainees may constitute a war crime premeditated murder¹⁰⁶.
10. As a result of the illegal detention in Bilyayivka in inadequate conditions, the victims note serious consequences for their physical and mental health, in particular, a significant loss of weight (from 13 to 36 kg), deterioration of vision and long-term consequences after the beating, in particular, exacerbation of chronic diseases, nightmares and anxiety.
11. Considering the previous studies of ZMINA¹⁰⁷, which trace the same methods of torture and inhumane treatment used in various illegal places of detention within the various occupied territories, as well as the conclusions of international monitoring mechanisms regarding «patterns of serious ill-treatment of civilians in the occupied territories»¹⁰⁸ and that the use of torture by the Russian authorities can be equated with crimes against humanity¹⁰⁹, such actions of representatives of the Russian Federation may constitute crimes against humanity – torture¹¹⁰.
12. According to testimony, one of the detainees found it difficult to communicate fluently in Russian. Accordingly, the man faced constant aggression in his address at those moments when he tried to speak to the Russian military in Ukrainian or a mixture of Ukrainian and Russian (surzhyk). While documenting cases of torture of the civilian population in the previously occupied part of the Kharkiv region, ZMINA already recorded cases of ill-treatment (beatings with electric shock) because of the use of the Ukrainian language during interrogations. Such cases are a sign of national intolerance, which also describes the reasons for the inappropriate treatment of detained civilians.

106 Rome Statute, Article 8 (2) (a) (i)

107 Torture and ill-treatment of the civilian population in the Ukrainian territories that were under Russian occupation (on the example of Kyiv, Kharkiv and Kherson regions): analytical report / B. Petruniok, O. Hnatiuk, T. Pechonchuk; Human Rights Centre ZMINA. – Kyiv, 2023. – 64 p. <http://surl.li/ijhbc>; "Women's cells" of the Kherson torture chamber: an analytical report based on the testimony of detainees / O. Syniuk, E. Sokurenko, N. Okhotnikova; Human Rights Centre ZMINA. – Kyiv, 2023. – 36 <https://zmina.ua/publication/zhinochi-kamery-hersonskoyi-kativni-analitychnyj-zvit-za-svidchennyamy-utrymuvanyh/>

108 Report on violations of international humanitarian law and human rights, war crimes and crimes against humanity committed in Ukraine (April 1 – June 25, 2022), August 4, 2022 / OSCE: <https://www.osce.org/uk/odihr/523811>

109 Report of the Independent International Commission for the Investigation of Violations in Ukraine, March 15, 2023 / Independent International Commission for the Investigation of Violations in Ukraine: https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/coiukraine/A_HRC_52_62_UA.pdf

110 Rome Statute Article 7(1)(f)

RECOMMENDATIONS

To law enforcement agencies of Ukraine

- 1.** Properly, thoroughly, urgently and comprehensively investigate the facts of illegal detention by representatives of the Russian Federation of citizens of Ukraine, as well as their illegal detention in the premises of the school in the village of Bilyayivka, Kherson region; facts of torture and cruel and inhuman treatment and two deaths from torture suffered both in accordance with national standards of investigation and in compliance with international standards for proper investigation, in particular, with regard to the requirements for the effectiveness, timeliness and thoroughness of investigations into cases of torture, in particular those resulting in death, and illegal detention of civilians, based on available means and opportunities.
- 2.** Properly inform the victims about the opening and progress of the investigation within the framework of the criminal proceedings in cases of their illegal detention in Bilyayivka and other violations against them, in particular, torture, cruel and inhuman treatment, as well as ensure the provision of the status of victims and subsequently properly inform the relatives of the two victims of torture and ill-treatment about the proceedings.
- 3.** Establish coordination with the Commissioner for Missing Persons in Special Circumstances or bodies performing a specific function, so that they, using the information channels established by him, organise the search for the bodies of two civilians taken from Bilyayivka for their transfer to the territory controlled by Ukraine, in case they were taken out, or to organise a search in the territory under the control of Ukraine, if evidence is received regarding the possible burial or hiding of these bodies in such territory.
- 4.** Establish periodic public reporting on the investigation of cases of kidnapping, illegal detention, torture, and ill-treatment of civilians committed by representatives of the Russian Federation in the temporarily occupied territories, establish supervision over the investigation of these categories of cases.

To the state authorities of Ukraine

- 1.** Ensure the proper functioning of the national rehabilitation system for people who suffered as a result of torture, ill-treatment, enforced disappearances, which will include medical, psychological rehabilitation, social support, etc.

2. Call on the International Committee of the Red Cross to carry out the actions provided for in the organisation's mandate, in particular with regard to obtaining information and access to the places of possible burial or concealment of the bodies of the two civilians mentioned in the report, and the organisation's participation in the return of the bodies to the families to arrange a proper burial.
3. Consider the issue of institutional cooperation with the International Commission on Missing Persons for the opportunity to use the capacities and resources of the organisation to search for bodies, take DNA samples, in particular, for people whose bodies have been removed from places of detention and whose fate is unknown.

To International organisations and partners

1. Condemn the systematic practice of illegal detention, torture, ill-treatment, detention in conditions that violate human dignity, committed by representatives of the Russian Federation against the civilian population in the occupied territories of Ukraine.
2. Intensify efforts for the unconditional and immediate release by the Russian Federation of all civilians who are still held in any places of detention.
3. Increase sanctions and institutional pressure on the Russian Federation to stop its practice of committing large-scale and systematic crimes against the civilian population, including those described in this report.
4. Call on the Russian Federation to ensure unimpeded access of the International Committee of the Red Cross and other international organisations to Ukrainian civilians held in places of detention both in the occupied territory and in the territory of the Russian Federation.
5. Call on the International Committee of the Red Cross and representatives of other international organisations to take an active part in the search for Ukrainian civilians who are held in places of detention, in particular, to conduct regular visits to places of detention in the occupied territories and in Russia, as well as to establish a process of exchanging letters, providing clothes and medicines etc.
6. Promote the dissemination of information about crimes against the civilian population, both those described in this report and in other reports, committed by representatives of the Russian Federation in the occupied territories of Ukraine.

