

Photo: Inscription made by one of the detainees on the wall in the compressor room at Dymer Foundry.

Unlawful confinement and torture in Dymer, Kozarovychi, and Katyuzhanka, Ukraine

SEPTEMBER 2022



International Partnership for Human Rights (IPHR) is an independent, non-governmental organisation founded in 2008. Based in Brussels, with a second office in Tbilisi, IPHR works closely with civil society groups from a range of countries to raise human rights concerns at the international level and promote respect for the rights of vulnerable communities. IPHR acts to empower local civil society groups working to advance the protection of human rights in their respective countries and helps them raise human rights concerns at the international level. In cooperation with partner organisations, IPHR advocates on behalf of individuals and communities who are among those most vulnerable to discrimination, injustice, and human rights violations.

W <https://IPHRonline.org/>

E IPHR@IPHRonline.org



Truth Hounds is a team of experienced human rights professionals documenting war crimes and crimes against humanity in conflict contexts since 2014. Truth Hounds fights against impunity for international crimes and grave human rights violations through investigation, documentation, monitoring, advocacy and problem solving for vulnerable groups. Truth Hounds documenters mobilize all available resources and documentation methodology to create a systemic approach to its documentation work, and promote accountability for grave human rights abuses and international crimes.

W <https://truth-hounds.org/>

E info.hounds@gmail.com



Global Diligence LLP is a partnership of established international lawyers with practical experience of living and working in high-risk areas. Global Diligence team advises and represents States, businesses, organisations, or individuals on international criminal law and human rights. Focused on challenges in unstable and conflict-affected regions, Global Diligence provides mapping, training, and project management for capacity building programs.

W <https://www.globaldiligence.com/>

E info@globaldiligence.com



This document was produced with financial assistance of the European Union. Its contents are the sole responsibility of the NGOs issuing it and can in no way be taken to reflect the views of the European Union.

Table of Contents

1. Introduction and Summary of Findings	4
2. The Russian takeover of Dymer, Kozarovychi, and Katyuzhanka	5
3. Unlawful confinement at “Sprinter C” LLC industrial site	6
3.1. GENERAL DETENTION CONDITIONS	6
3.2. INTERROGATION UNDER TORTURE / OTHER FORMS OF INHUMAN TREATMENT	7
4. Unlawful confinement at Dymer Foundry	7
4.1. GENERAL DETENTION CONDITIONS	8
4.2. INTERROGATION UNDER TORTURE / OTHER FORMS OF INHUMAN TREATMENT	9
4.3. EXTRACTS FROM VICTIMS’ TESTIMONY	10
5. Unlawful confinement in a pit in the forest near village of Katyuzhanka	13
5.1. GENERAL DETENTION CONDITIONS	13
5.2. EXTRACTS FROM VICTIMS’ TESTIMONY	15
6. Unlawful confinement on Russian territory (Novozipkov, Bryansk Oblast)	16
7. Potential classification of the examined conduct	17
8. Attribution and chain of command	22

1. Introduction and summary of findings

Dymer is a small settlement located 50 km to the north of Kyiv. Its pre-war population was approximately 6 000 people. Kozarovychi is an even smaller settlement of around 2 000 people, located 5 km south of Dymer. Both settlements are located in Vyshhorod Raion, which borders the city of Kyiv to the south and the Chernobyl Exclusion Zone to the north. Katyuzhanka is located 14 km west of Dymer and 60 km north of Kyiv. It sits on two key roads connecting Belarus and Kyiv. Katyuzhanka had a pre-war civilian population of approximately 4 000 people.

Following the Russian occupation of Dymer, Kozarovychi, and Katyuzhanka between 26 and 28 February 2022, Russian forces began searching homes and arresting local residents in a bid to solidify the occupation and suppress any real or perceived resistance on the part of the local population. In the beginning of March 2022, they used two industrial sites in Dymer and Kozarovychi, as well as a pit in the forest near Katyuzhanka, as places of confinement. All three sites exhibited inhuman detention conditions and were used by Russian forces for incommunicado detention, ill-treatment, and the torture of dozens of local residents. Most of the captives held at these locations returned home after Russian armed forces withdrew from the area in late March 2022. However, the whereabouts of at least two captured civilians remain unknown. Several witness accounts state that they were detained by Russian forces and likely transferred to Russia. There is so far no official information concerning their exact whereabouts and treatment.

Truth Hounds and International Partnership for Human Rights (IPHR) conducted a fact-finding mission to Dymer, Kozarovychi, and Katyuzhanka in July 2022. Members of the fact-finding team interviewed over a dozen local residents who were either victims of or witnesses to the events described in this report.

Several Ukrainian and international NGOs and media outlets have covered stories of detention, ill-treatment, torture, deportation, and disappearance of Ukrainians from Kozarovychi and Dymer.¹ This report corroborates these reports and provides further detail and analysis of alleged crimes committed in Kozarovychi, Dymer, and Katyuzhanka.

There are strong reasons to believe that at least eight of the eleven cases of detention of civilians analysed in this report² amount to the war crime of unlawful confinement.³ There are also strong

1 See, for instance: Radio Liberty, 'Uviazneni u lisoviy yami. Zhyteli Dymera – pro te, yak yikh katuvaly rosiyskii viyskovi (Prisoners in a forest pit. Residents of Dimer - about how they were tortured by the Russian military)', available at: <https://www.radiosvoboda.org/a/skhemy-dymer-katuvannya/31827671.html>; Media Initiative for Human Rights, 'Dlya «obminnoho fondu»: yak ukrayinski hromadyany opynyayutsya u rosiyskykh SIZO (For the "exchange fund": how Ukrainian citizens end up in Russian pre-trial detention centers)', available at: <https://mipl.org.ua/pislya-katuvan-u-nevoli-u-rosijske-sizo-yak-i-navishho-soldati-rf-vivozili-meshkanciv-ki%D1%97vshhini/>; Media Initiative for Human Rights, 'Zhyteliv sil na Kyivshchyni trymayut u zaruchnykakh iz zavyazanymy ochyma ta prymushuyut kopaty okopy — svidchennya ridnykh y ochevydtsiv (Residents of villages in the Kyiv region are held hostage with blindfolds and forced to dig trenches - testimony of relatives and eyewitnesses)', available at: <https://mipl.org.ua/zhyteliv-sil-na-ki%D1%97vshhini-trimayut-u-zaruchnikax-iz-zavyazanymi-ochimata-primushuyut-kopati-okopi-svidchennya-ridnix-j-ochevidciv/>; and Human Rights Watch, 'Ukraine: Executions, Torture During Russian Occupation: Apparent War Crimes in Kyiv, Chernihiv Regions', available at: <https://www.hrw.org/news/2022/05/18/ukraine-executions-torture-during-russian-occupation>.

2 Further investigations are needed to determine whether the initial confinement of the other three victims was justified.

3 Rome Statute of the International Criminal Court of 1998, Article 8(2)(a)(vii).

reasons to believe that all 11 detainees were subjected to inhuman conditions of detention and that the cumulative effect of inhuman detention and physical and/or psychological abuse of the detainees constitutes the war crime of torture.⁴

2. The Russian takeover of Dymer, Kozarovychi, and Katyuzhanka

Following the launch of Russia's full-scale invasion of Ukraine on 24 February 2022, local residents of Dymer, Kozarovychi, and Katyuzhanka began reporting Russian troops passing through or flying over their settlements. On 24 February 2022, Russian armed forces were heard driving through the village of Katyuzhanka towards Demydiv to the south of Dymer.⁵ On the same day, witnesses spotted planes flying over Dymer in the direction of Hostomel,⁶ an airport to the north of Kyiv earmarked for landing Russian paratroopers. On 25 February 2022, Russian armed forces were seen marching through Dymer and nearby settlements, including Katyuzhanka.⁷ As one witness recollected, Russian forces drove through Dymer in a large column mainly consisting of infantry fighting vehicles (inscribed with the letter 'V') and cars (bearing the letter 'Z').⁸ However, on that day, they did not stop in Dymer.⁹

On 26 February 2022, Russian armed forces began to set up roadblocks in Dymer¹⁰ and to occupy civilian houses.¹¹ Between 25 and 28 February 2022, Russian troops established positions in Kozarovychi and Katyuzhanka.¹²

One witness noted that Russian soldiers initially occupying the area were mostly Slavic in appearance. Subsequently, witnesses observed soldiers that appeared to be ethnically Buryat.¹³ From the beginning of the occupation until 20 or 21 March 2022, witnesses observed the same soldiers manning the checkpoints.¹⁴

At the beginning of March 2022, Russian forces began to use two industrial facilities in Dymer and Kozarovychi, as well as a pit in the forest near Katyuzhanka, to detain and ill-treat civilians. These cases are described in detail below.

4 Rome Statute of the International Criminal Court of 1998, Article 8(2)(a)(ii).

5 Testimony of Victim 033; 'Killing of civilians in Katyuzhanka, Ukraine', June 2022, p. 5, available at: https://www.iphronline.org/wp-content/uploads/2022/06/Katyuzhanka-report_public.pdf.

6 Testimony of Witness 020.

7 Testimony of Victim 026, Testimony of Victim 027, Testimony of Witness 021, Testimony of Victim 028, Testimony of Victim 035, Testimony of Victim 029; 'Killing of civilians in Katyuzhanka, Ukraine', June 2022, p. 5, available at: https://www.iphronline.org/wp-content/uploads/2022/06/Katyuzhanka-report_public.pdf.

8 Testimony of Victim 027.

9 Testimony of Victim 027.

10 Testimony of Victim 027.

11 Testimony of Victim 030.

12 Testimony of Victim 031; Testimony of Victim 032; 'Killing of civilians in Katyuzhanka, Ukraine', June 2022, p. 5, available at: https://www.iphronline.org/wp-content/uploads/2022/06/Katyuzhanka-report_public.pdf.

13 Testimony of Victim 030: representatives of the Russian armed forces, mostly Russians and Buryats, did not cover their faces.

14 Testimony of Victim 030.

3. Unlawful confinement at the ‘Sprinter C’ LLC industrial site

Two witnesses interviewed by the joint Truth Hounds-IPHR documentation team were detained at the ‘Sprinter C’ LLC industrial site in Kozarovychi before being transferred to Dymer Foundry.¹⁵ Victim 031 spent three days in the Kozarovychi facility,¹⁶ while Victim 032 spent approximately 7-10 days there.¹⁷

3.1. General detention conditions

Both victims described the conditions they were kept in as inhuman, based on the following factors:

- a. **Overcrowding:** Victim 032 was kept in a ‘small room... [together] with about 10 local people. The room was very narrow, perhaps 1.5 metres in width, about 6-7 metres in length’. Victim 031 was kept in a room of 2 square metres, together with one other detainee.¹⁸ On average, each detainee had approximately 1 square metre of floor space.
- b. **Access to toilet facilities:** To begin with, detainees were not provided with any toilet facilities. As a result, as Victim 032 put it: ‘the boys went to the toilet in their trousers.... It began to stink quickly because the carpet was soaked in urine’.¹⁹ Subsequently, a single bucket was placed in one of the rooms for all detainees to use as a toilet.²⁰
- c. **Exercise, fresh air, and light:** Victims 031 and 032 explained that they were not allowed to leave their cells and that their hands and eyes were covered throughout the entire period of detention with adhesive tape.
- d. **Sleep and comfort:** Severe overcrowding in the cells meant that detainees could not sleep normally or even lie down or stretch their legs.²¹ According to Victim 032, ‘the room was also very cold. There was a carpet on the floor, but it was not enough, it only covered half of the floor. They [the Russians] did not provide blankets. Everyone had a runny nose and cough’.²²
- e. **Nutrition and water:** Both victims mentioned that they received only a few biscuits or waffles once a day and very little water.²³

15 Testimony of Victim 031; Testimony of Victim 032.

16 Testimony of Victim 031.

17 Testimony of Victim 032.

18 Testimony of Victim 031.

19 Testimony of Victim 032.

20 Testimony of Victim 031; Testimony of Victim 032.

21 Testimony of Victim 032.

22 Testimony of Victim 032.

23 Testimony of Victim 031; Testimony of Victim 032.

3.2. Interrogation under torture / other forms of inhuman treatment

In addition to inhuman conditions of detention, detainees were subjected to physical and psychological abuse. Victim 032 described this treatment as follows:²⁴

“On the second or third day of my captivity, a Russian came to the room, very harshly pulled me into the corridor, pressed my face against the wall, spread my legs (I was unleashed when I went to the toilet and re-tied), and searched me. Then he led me to another room and dropped me to the ground, began to ask who I work for and beat me after every question, without waiting for me to answer. He beat me on the face. I was confused; I didn’t understand what he wanted from me. After the blows, I felt sand in my mouth as my teeth began to crumble... Then he kicked me, knocked me onto my back and began to kick me all over my body. I tried to cover my face and torso. He pulled back my hands, tied them, struck my right hand with a metal object, struck the phalanges of my fingers on both hands. He threatened to cut my veins. I was severely beaten on my head. I started screaming because I felt like my head was pulsing on the inside. Then I heard shelling somewhere nearby. He ran away for a moment. I continued to lie down. I raised the bag [over my eyes] and saw a puddle of blood and my bruised hands. He returned, lifted me up, quickly pulled me out and brought me back in the cell. I didn’t feel the pain at that time; I had shock. A moment later the door opened again, I was taken out by another Russian. There were two more soldiers there. One of the soldiers asked me who did this to me, I said I didn’t know who. He ordered the third Russian to bandage my hands. They wrapped my hands and took me to the cell again. I told my cellmate that I was bleeding. He began to shout for help. In a minute I was taken from the cell to see a Russian doctor. I showed him my hand, he said he could do nothing, placed my hand in a cast and wrapped it with a bandage. With some kind of liquid, he treated wounds on my hands, but I do not know what exactly it was. It did not look like peroxide or vodka. Even then I felt very severe pain. This doctor gave me two pills which he said were painkillers.”²⁵

4. Unlawful confinement at Dymer foundry

Eight victims interviewed by the joint Truth Hounds-IPHR documentation team²⁶ were detained at the industrial site near the ‘Viknaland’ window factory at 22E Vyshneva Street in Dymer, referred to by locals as ‘the foundry’ (hereinafter, ‘Dymer Foundry’). All victims were held in one room that they described as a compressor room. Most of them spent between four and six days there,²⁷ while one victim spent approximately 21 days there.²⁸ Some detainees were released after signing a statement that they cooperated with the Russian army,²⁹ while others were transferred to Russia.³⁰ At some point between

²⁴ Account corroborated by Testimony of Victim 031.

²⁵ Victim 032 was subsequently subjected to physical abuse at the Dymer foundry (see below).

²⁶ Including two victims whose cases were described in Section 3.3. Unlawful confinement and torture at the “Sprinter C” LLC industrial site and who were later transferred to Dymer foundry.

²⁷ Testimony of Victim 025; Testimony of Victim 027; Testimony of Victim 026; Testimony of Victim 029; Testimony of Victim 028; Testimony of Victim 030; Testimony of Victim 031; Testimony of Victim 032.

²⁸ Testimony of Victim 032.

²⁹ Testimony of Victim 027; Testimony of Victim 025; Testimony of Victim 029; Testimony of Victim 032

³⁰ Testimony of Victim 025; Testimony of Victim 029; Testimony of Victim 032.

25 and 28 March 2022,³¹ the Ukrainian army began shelling Russian positions at Dymer Foundry and the nearby 'Viknaland' window factory. The next morning, Russians stationed at the foundry had left and a local resident who had worked at the foundry as a guard freed the 22 remaining captives held in the compressor room.³²

4.1. General detention conditions

Detention conditions in the compressor room fell far below international legal standards and can be described as inhuman based on the following factors:

- a. **Overcrowding:** all detainees were kept in a room with estimated dimensions of between 15 and 25 square metres.³³ At any given time, 22 to 43 detainees were kept in the room,³⁴ sharing the space with a compressor, empty barrels, and refuse.³⁵ As such, detainees each had less than 1 square metre of space in the compressor room at Dymer Foundry.
- b. **Access to toilet facilities:** There was no toilet in the room. Instead, there were two barrels with lids that detainees used as toilets.³⁶ Sometime between 24 and 26 March, a drunken Russian soldier came into the compressor room and started firing a gun and threatened to selectively shoot someone. One of the bullets hit the barrel used as a toilet and it leaked urine.³⁷
- c. **Exercise, fresh air, and light:** The room had no windows and detainees were held in complete darkness with their hands tied and eyes blindfolded at all times. There was no ventilation or light – the only source of air and light was a thin crack in the doorway.³⁸ One victim said that during one week it was hard to breathe due to smoke and carbon monoxide, as the Russians were apparently burning something nearby.³⁹
- d. **Sleep and comfort:** There were no beds. There were a couple of thin dirty mattresses and sheets, but they were never enough for everyone held there.⁴⁰ Detainees had to sleep on a dirty concrete floor, on a thin layer of cardboard, or sitting on the barrels.⁴¹ There was no heating in the room and the captives had to huddle together to stay warm.⁴² According to Victim 031, one could only lie on the floor for a couple of hours as it would be too cold. The temperature in the room sometimes dropped to minus 12°C at night.⁴³

31 There was no natural light in the room where the captives were held and they were blindfolded when called out for interrogations, which may explain why different witnesses estimated the date of release differently.

32 Testimony of Victim 027; Testimony of Victim 026; Testimony of Victim 029; Testimony of Victim 028; Testimony of Victim 030.

33 Testimony of Victim 027; Testimony of Victim 026; Testimony of Victim 030; Testimony of Victim 031; Testimony of Victim 032.

34 Testimony of Victim 026; Testimony of Victim 029; Testimony of Victim 030.

35 Testimony of Victim 027; Testimony of Victim 029.

36 Testimony of Victim 025; Testimony of Victim 027; Testimony of Victim 026; Testimony of Victim 029; Testimony of Victim 028; Testimony of Victim 030; Testimony of Victim 032.

37 Testimony of Victim 027; Testimony of Victim 026; Testimony of Victim 029; Testimony of Victim 030; Testimony of Victim 032.

38 Testimony of Victim 025; Testimony of Victim 027; Testimony of Victim 026; Testimony of Victim 028; Testimony of Victim 030; Testimony of Victim 032.

39 Testimony of Victim 032.

40 Testimony of Victim 027; Testimony of Victim 031.

41 Testimony of Victim 025; Testimony of Victim 027; Testimony of Victim 031; Testimony of Victim 032.

42 Testimony of Victim 028; Testimony of Victim 026; Testimony of Victim 032.

43 Testimony of Victim 031.

- e. **Nutrition and water:** Detainees were not provided with drinking water. Instead, there was a 20-litre barrel of dirty water that was never changed and one hose for everyone to drink from, as there were no bottles or cups.⁴⁴ The hose had an unpleasant smell.⁴⁵ Detainees were fed irregularly and the food was substandard and insufficient.⁴⁶ Victim 031 recalled: ‘When we were transported to Dymyri, they gave two Russian military rations per day for our entire group – two rations for 25 people per day.’ Victim 025 recalled: ‘Sometimes they would feed us twice, sometimes they would forget.’ On one occasion the captives were given buckwheat from which they suffered food poisoning and severe diarrhoea.⁴⁷ Victim 027 recalled that ‘there was some soup, it was brought in a bucket, most of it was simply poured out, and we just pretended to eat it’.⁴⁸ There were not enough utensils and most people had to eat with their hands.⁴⁹
- f. **Violence in the cells:** Between 24 and 26 March, a Russian soldier walked into the cell and started shooting at random. According to Victim 027, the soldier did not see where he was shooting, but luckily no one was injured.⁵⁰ According to Victim 026, another detainee told him that ‘someone got shrapnel in their eye after a similar shooting that took place before’.⁵¹

4.2. Interrogation under torture / other forms of inhuman treatment

In addition to inhuman conditions of detention, detainees were subjected to physical and psychological abuse. The Russians took detainees out for interrogation every day. The interrogations were conducted by a person who Victim 027 described as an ‘FSB officer’, saying ‘one day he shouted something like “I’m the NKVD, I’ll decide who lives and who doesn’t”’. Detainees were interrogated outside the compressor room within earshot of other detainees. When someone new was brought in, Russian soldiers would beat them at the gate to the compressor room and then show them inside.⁵² Victim 032 recalled that a veteran of the anti-terrorist operation in the Donbas ‘wanted to kill himself after his interrogation’.⁵³ The Russians did not provide any medical assistance to the detainees, including the ones badly injured

44 Testimony of Victim 028; Testimony of Victim 027; Testimony of Victim 030; Testimony of Victim 032; see also: Media Initiative for Human Rights, ‘Dlya «obminnoho fondu»: yak ukrayinski hromadyany opynyayutsya u rosiyskykh SIZO (For the “exchange fund”: how Ukrainian citizens end up in Russian pre-trial detention centers)’, available at: <https://mipl.org.ua/pislya-katuvan-u-nevoli-u-rosijske-sizo-yak-i-navishho-soldati-rf-vivozili-meshkanciv-ki%D1%97vshhini/>.

45 Testimony of Victim 028; Testimony of Victim 032.

46 Testimony of Victim 025; Testimony of Victim 027; Testimony of Victim 030; Testimony of Victim 031; Testimony of Victim 032; see also: Media Initiative for Human Rights, ‘Dlya «obminnoho fondu»: yak ukrayinski hromadyany opynyayutsya u rosiyskykh SIZO (For the “exchange fund”: how Ukrainian citizens end up in Russian pre-trial detention centers)’, available at: <https://mipl.org.ua/pislya-katuvan-u-nevoli-u-rosijske-sizo-yak-i-navishho-soldati-rf-vivozili-meshkanciv-ki%D1%97vshhini/>.

47 Testimony of Victim 027; Testimony of Victim 026; Testimony of Victim 030.

48 Testimony of Victim 027.

49 Testimony of Victim 029; Testimony of Victim 025; Testimony of Victim 032.

50 Testimony of Victim 027.

51 Testimony of Victim 026.

52 Testimony of Victim 028; Testimony of Victim 029; Testimony of Victim 032; see also: Media Initiative for Human Rights, ‘Dlya «obminnoho fondu»: yak ukrayinski hromadyany opynyayutsya u rosiyskykh SIZO (For the “exchange fund”: how Ukrainian citizens end up in Russian pre-trial detention centers)’, available at: <https://mipl.org.ua/pislya-katuvan-u-nevoli-u-rosijske-sizo-yak-i-navishho-soldati-rf-vivozili-meshkanciv-ki%D1%97vshhini/>.

53 Testimony of Victim 032.

during interrogations, the elderly, and the sick.⁵⁴ According to Victim 027, ‘there was one guy in this room [...] who had badly bruised fingers. One soldier asked him if his fingers had rotted. He said “no” and the Russian replied, “well, then you will survive”’.



Photo: compressor room at Dymer Foundry

4.3 Extracts from victims' testimony

THE CASE OF VICTIM 025

Victim 025 is a resident of Kyiv. In March 2022, he was helping to evacuate civilians from Tarasivka, Lytvynivka, and other villages in Kyiv Oblast, as well delivering humanitarian aid. On 18 March 2022, Victim 025, his brother, and two other volunteers were stopped and detained on the outskirts of the village of Mykolaivka, Kyiv Oblast by Russian servicemen. They were ordered to undress to their waists, tied up, blindfolded, and placed in the trunk of the Russians' car. They were taken to the compressor room of Dymer Foundry, where they were held for four days. At one point, there were 31 detainees being held in the compressor room, including some very severely beaten men. On 25 March 2022, Victim 025, his brother, and others were brought to a pre-trial detention centre in Bryansk Oblast, Russia. They were warned to stay on their feet or risk having their knees torn open on the concrete. Victim 025 and other Ukrainian prisoners were called 'fascists' and 'Nazis' by the prison guards and were forced to sing the Russian national anthem. Those who did not sing well were beaten on the legs and torso. On 30 April 2022, Victim 025 and 13 other Ukrainians were released in exchange for five Russians. As of 18 July 2022, Victim 025's brother was still in captivity and there was no information about his fate or whereabouts. During the entire time of Victim 025's captivity, he was held incommunicado. His family only found out about his captivity through the Red Cross on 12 April 2022, when the Russians 'officially admitted' that they had imprisoned Victim 025 and other Ukrainians.

54 Testimony of Victim 027; Testimony of Victim 030.

THE CASE OF VICTIM 026

Victim 026 is a resident of Dymer. On 23 March 2022, he was captured by six Russian soldiers while trying to 'catch a mobile connection' on Narodna Street in Dymer. The Russians searched the contents of Victim 026's two mobile phones, discovered a picture of a destroyed Russian self-propelled gun, a Facebook screenshot of a blown-up bridge, and a pro-Ukrainian chat on the Viber app. They confiscated (and never returned) his passport and broke the SIM cards in his phones. Victim 026 was blindfolded and brought to Dymer Foundry. His hands were tied with cable, he was questioned about the contents of his phone, and was shoved into the compressor room. Victim 026 recalled that he was held together with Victim 028, Victim 027, and Victim 029 and his son. According to Victim 026, Russian soldiers severely beat Victim 029 and his son. They also physically abused Victim 027. On 24 March, Russian servicemen searched Victim 026's house. According to his mother, who was present during the search, the servicemen stole 1 500 USD and 300 EUR from them. On 25 March 2022, Victim 026 heard his co-detainees being physically abused nearby, describing what he heard as 'people being beaten with batons, their bodies thrown against iron doors, and the sounds of stun guns'. Victim 026 escaped the foundry after it was abandoned by the Russians.

THE CASE OF VICTIM 027

Victim 027 is a resident of Dymer. In March 2022, he was helping to evacuate local civilians to a Red Cross evacuation point in the nearby village of Demydiv and delivering humanitarian aid to Dymer on the way back. On 24 March 2022, Victim 027 was cycling down Sadova Street in Dymer when he was stopped by seven Russian soldiers. Victim 027 recognised one of the soldiers from an earlier encounter at a checkpoint in Fedorivka – 'a 30-year-old Buryat with a broken nose, with the nickname "Kvadrat"'. One of the soldiers restrained and blindfolded Victim 027, tied his hands and shoved him into the 'Tigr' (Russian military vehicle) without explanation. Victim 027 was taken to his house and was told to give up the humanitarian aid and 'money he got from selling it'. After an unsuccessful search, they took Victim 027 – still bound and blindfolded – to the compressor room of Dymer Foundry. They threatened to shoot him if he removed his blindfold. Victim 027 was in captivity for five days. He knew some of the people who were held in the compressor room with him, including Victim 030, Victim 028, and Victim 029 and his son. Victim 027 was interrogated on the second day of his captivity. The 'FSB officer' fired a gun near his ear and asked if he was scared. He then hit Victim 027 in the chest with the butt of a machine gun. He asked Victim 027 where Ukrainian armed forces were positioned, as he thought that Victim 027 had seen something during his trips evacuating people. Victim 027 said he had not seen anything, but the interrogator did not believe him. Over the five days of detention, Victim 027 was interrogated three times. He was asked the same question and severely beaten every time. Two days after Victim 027 was captured, the 'FSB officer' told him that the Russians were going to search his house again, as they had allegedly heard that Victim 027's bag had a 'double bottom to hide and transport weapons' and that, if it was confirmed, he would be shot dead. The 'FSB officer' then started beating Victim 027, hitting his torso, kidneys, and head with his fists and a rifle butt. Victim 027 escaped the foundry after it was abandoned by the Russians.

THE CASE OF VICTIM 028

Victim 028 is a resident of Dymer. On or around 21 March 2022, Russian soldiers came to his house and demanded that he hand over his vehicle under threat of death. They found two vehicles on his property and took both. After they left, Victim 028 took his neighbour's car, which he was hiding on his premises, back to his neighbour's garage. On arrival, he found 15 Russian soldiers searching his neighbour's

garage. They found an old broken quadcopter in the garage and assumed that Victim 028 and his neighbour were using the quadcopter to track Russian troops' positions. They detained Victim 028, his neighbour, and his neighbour's elderly mother (Victim 030). Victims 028 and 030 were put in the same vehicle, blindfolded, and brought to Dymer Foundry with their hands taped. Victim 028 was taken to a separate room for interrogation. The Russians asked him who he reported the Russian troops' locations to and what else he knew. They hit him on the head, back, stomach, and chest with rifle butts. They broke his ribs. They banged his head against an iron gate. They forced him to speak Russian. Then the Russians took him and Victim 030 to the compressor room. Victim 028 recalled that there were 42 people there at the time. The next day or the day after that, half of the captives were taken away. Victim 028 remembers that Victim 029 and his son were there and were often beaten badly; one man had "cut hands" and another one suffered from burns. Victim 028 spent five days in the compressor room and escaped the foundry after it was abandoned by the Russians. During the entire time of his captivity, his family did not know what had happened to him. His relatives tried to inquire about his fate from an 'elder' appointed by the Russians, but he did not give them any information.

CASE OF VICTIM 029 AND HIS SON

Victim 029 is a resident of Yasnogorod in Kyiv Oblast. According to Victim 029, his village was occupied at the beginning of March. Victim 029 was in contact with the Ukrainian Army and was providing them with information about the Russian troops' locations. Victim 029, together with his son and other volunteers, were transporting humanitarian aid from the nearby village of Tolokun to Yasnogorod. One volunteer from his group was captured, threatened, and mistreated by the Russian soldiers. Under duress, he told the Russians that Victim 029 had access to hidden weapons. Sensing impending danger, Victim 029 went into hiding in the local forest. On 22 March 2022, Victim 029 and his son returned home. Shortly thereafter, Russian soldiers arrived in three armoured personnel carriers. The Russians beat Victim 029 and his son, tied their hands, blindfolded them, and took them to Dymer Foundry. At the foundry, Russian soldiers hit Victim 029 on the knee and foot with a rifle butt and broke his toes. They hit him in the ribs and electrocuted him. They repeatedly asked him about the locations of hidden weapons and threatened that if they did not find weapons, they would kill Victim 029's son. He explained that he hadn't seen any weapons. Then he was taken outside 'to be executed', but was instead placed in the compressor room together with his son and other captives. Victim 029 was beaten so severely that he could not stand up the first day. Victim 029's son was not beaten as badly on the first day, but on the morning of 24 March 2022, he too was severely battered. Victim 029 was interrogated and battered three days in a row, three times a day, in a separate room. He testified that '[they beat him] with their boots, hands, rifle butts' and electrocuted him. These violent interrogations lasted 10-15 minutes each time. The Russians broke his son's upper jaw. Victim 029 and his son were sometimes interrogated and beaten together. The Russians subjected them to mock executions – 'pointed the gun at the forehead and then shot in front of the ear'. At one point, they took Victim 029's blindfold off and made him watch how they abused his son. Then they did the same thing to his son while beating Victim 029. Victim 029 recalled that another person, who was held with him in the compressor room, a dam worker, was badly tortured – 'they beat him on the fingers with a hammer and tortured him with pliers'. Victim 029 escaped with the other detainees, with a broken leg and four broken ribs as a result of the beatings.

THE CASE OF VICTIM 030

Victim 030 is a nurse and a resident of Dymer. At the time of her confinement, she was 64 years old. On 20 March 2022, she returned home from her shift at the hospital and her husband told her that he saw Russian soldiers near their son's café. She went there to check on the café. The window and the

door were broken and things inside were scattered. There were two or three Russians there. One of the Russians showed her the quadcopter that he found in her son's garage and said that 'these drones provide coordinates for [Ukrainian] armed forces and kill their [the Russians'] guys'. They did not check the quadcopter to see that it was actually broken and simply took it away. One of the Russians asked her whether there were any weapons and she gave him her son's hunting rifle. They mistook a flashlight attached to the rifle for an optical sight and 'one of the Russians then started shouting very loudly and swearing'. Victim 030 was taken to the compressor room and held there with 41 other detainees, including Victim 032 ('he had badly broken hands') and Victim 029 and his son ('they were beaten the most'). On the first day, she asked for medicine for high blood pressure but was ignored. Victim 030 was not interrogated but witnessed how Russians called people out for interrogation every day: "One of the Russians would come to the door and call a name, the person would leave and then they would be beaten and interrogated." She recalled that Victim 029 and his son 'were beaten very severely' and that she 'heard the sounds of a stun gun' and the victims being 'beaten with sticks and thrown against the iron door'. When everyone got food poisoning from the buckwheat they were given, Victim 030 asked the Russians for medicine, but they ignored her request. She said that 'everyone had very bad diarrhoea [and she] did not eat at all for 2 days'. Victim 030 could not tell exactly how many days she spent in captivity. According to her friend, it might have been around five days. She escaped after the Russians abandoned the area.

VICTIM 032

After his transfer to Dymer Foundry, Victim 032 was taken to the compressor room. He was repeatedly interrogated by a Russian commander he called 'the elder'. He was beaten on the feet, torso, and head with fists and a stick. He was told to confess and could sense a bright light against his face covering, so guessed that he was being filmed on camera. He was beaten every time the Russians didn't like his answers. They also threatened to detain and interrogate his family. He was eventually taken back to the compressor room and remained there until the Russians abandoned the area.

5. Unlawful confinement in a pit in the forest near the village of Katyuzhanka

5.1. General detention conditions

Between 29 and 31 March 2022, Russian soldiers held between 8 and 13 civilians⁵⁵ in a pit in a forest near the village of Katyuzhanka (50°48'25"N 30°09'54 "E),⁵⁶ close to positions held by the Russian Armed Forces.⁵⁷ The joint Truth Hounds-IPHR documentation team located and interviewed three of the detainees.⁵⁸ The pit was approximately 9 square metres in size and around 2 or 2.5 metres deep.⁵⁹

55 Testimony of Victim 033.

56 Testimony of Victim 035.

57 Testimony of Victim 035.

58 Testimony of Victim 033; Testimony of Victim 035; Testimony of Victim 034; see also: Radio Liberty, 'Uviazneni u lisoviy yami. Zhyteli Dymera – pro te, yak yikh katuvaly rosiyskii viyskovi (Prisoners in a forest pit. Residents of Dimer - about how they were tortured by the Russian military)', available at: <https://www.radiosvoboda.org/a/skhemy-dymer-katuvannya/31827671.html>.

59 Testimony of Victim 033; Testimony of Victim 035.

Detainees were blindfolded and their hands were tied at all times.⁶⁰ One victim said that four months after his release, he still had scars on his hands in the places where they were bound.⁶¹ Detainees were not given food or water.⁶² They were not allowed to use a toilet⁶³ – the Russians said ‘if you want to go to the toilet, dig a hole for yourself’.⁶⁴ One of the captives said that he and others ‘had bedsores, sitting in one place for two days, we walked in a circle, huddled together to keep warm’.⁶⁵ It was cold in the pit and the captives had to sit on wet sand.⁶⁶ At least two detainees had severe injuries after they were battered by Russian soldiers who detained them; one had his teeth knocked out and a broken jaw and another had an open fracture of his leg. They did not receive adequate medical assistance.⁶⁷



Photo: pit in a forest near the village of Katyuzhanka

60 Testimony of Victim 035; Testimony of Victim 034.

61 Testimony of Victim 034.

62 Testimony of Victim 033; Testimony of Victim 035; Testimony of Victim 034.

63 Testimony of Victim 033; Testimony of Victim 035; Testimony of Victim 034.

64 Testimony of Victim 033.

65 Testimony of Victim 033.

66 Testimony of Victim 033.

67 Testimony of Victim 033; Testimony of Victim 035; Testimony of Victim 034.

5.2. Extracts from victims' testimony

THE CASE OF VICTIM 033

Victim 033 is a resident of Dymer. At the time of his confinement, he was 73 years old. On 28 March 2022, he was walking down Volodymyrska Street in Dymer and saw an abandoned Russian 'Ural' truck standing between a house and a barn. He peered into it and then went on, but was spotted and detained by a Russian soldier who was hiding behind the gate of a nearby private house. According to Victim 033, the soldier looked like he was from Buryatia (in eastern Russia). He and another Russian soldier brought Victim 033 to an abandoned store nearby and told him to take off all of his clothes and get on his knees. Victim 033 undressed and looked around, causing one of the soldiers to yell at him. Before Victim 033 could kneel, the soldier struck him on the face with the butt of a machine gun. He knocked Victim 033's teeth out and broke his lower jaw. Victim 033 was ordered to kneel. He obeyed. The Russians blindfolded him, covered his mouth and nose with tape, and tied his legs. He spent a day like this, sitting in the store. At some point, another detainee was brought into the room. The Russians allowed the detainees to use the toilet when they asked. Later, 'an old man' came and gave Victim 033 a painkiller for his injured jaw. Victim 033 asked him to remove the tape from his nose so that he could breathe – and he did. On the evening of 29 March 2022, Victim 033 was put in a 'Ural' truck with some other captives and taken to the forest. He was placed into a dugout. There were Russian soldiers and equipment there. The Russians were looking for Ukrainians who participated in the anti-terrorist operation in the Donbas, some people - who operated as artillery observers - called them out and abused them. Victim 033 was not called. On 30 March 2022, the Russians placed Victim 033 and other detainees in a pit in a forest near Katyzhanka. He was held there for two days. Whilst in the pit, Victim 033 had his eyes blindfolded and his hands bound in front of him with cable ties. Victim 033 recalled that Victim 034 and Victim 035 were also in the same pit. On the evening of 31 March 2022, Victim 033 and six other captives were dragged out of the pit and taken to a private house in Katyzhanka, near the Dymer-Ivankiv Highway. On 1 April 2022, a local man informed them that the Russians had gone and that everyone could leave. Victim 033 walked 12 km in the direction of Dymer, then was picked up by a car and brought home. Victim 033's family was not informed that he was detained. His wife went to the post office where Russian troops were based to inquire about her husband. The post office was some 100-150 metres away from the store where Victim 033 was initially held, but the Russians denied that they had detained him.

THE CASE OF VICTIM 034

Victim 034 is a resident of Dymer and a retired police officer. At the time of his confinement, he was 61 years old. In the wake of Dymer's occupation by Russian forces, his house was searched on five occasions. On 30 or 31 March 2022, Victim 034 drove to visit his ill relative in the nearby village of Kozarovychi. He was stopped at a Russian checkpoint and told that he could only go through on foot. When he was getting out of his car, his daughter called him on the phone, he picked up, and the Russians thought that he was giving away their location. He was ordered to show his documents, which revealed that he had served in the Ukrainian Police Force. Victim 034 was apprehended, hit on the kidneys with rifle butts, blindfolded, and handcuffed with cable ties. He was brought to a forest. Someone shot four blanks by his feet. Then the Russians threw him into a pit, where he sat with other detainees (including Victim 033) for 24 hours. When they were taken out of the pit and ordered to walk in line, one detainee stumbled and fell, for which he received a beating. Victim 034 said that people in the pit were treated 'like pigs' — they were given no food, no water, and no access to a toilet. The next day, Victim 034 was taken to a house with some other captives. The Russians said that 'it was mined'. Victim 034, together

with six other captives including Victim 033, escaped through a window the next day. He still has scars from the ties that the Russians bound his hands with.

THE CASE OF VICTIM 035 AND HIS BROTHER

Victim 035 is a resident of Dymer. Somewhere around mid-March 2022, Victim 035 went outside to smoke a cigarette in the yard of his apartment building. Seven Russian soldiers came up to him and ordered him to show his phone. They inspected his phone, asked who else lived in the apartment building and left. On 29 March 2022, Russian soldiers captured Victim 035's neighbour and brought him to the yard of their apartment building. One soldier asked Victim 035 about the whereabouts of his brother, but Victim 035 did not know where he was. Then the Russians told Victim 035 that their neighbour had denounced him and his brother as 'artillery observers in Viknaland'. Victim 035 and his brother were detained, blindfolded, and bound with cable ties. They were put in a Russian 'Ural' truck and taken in an unknown direction. When the truck stopped, the brothers were pulled out of the truck and subjected to physical abuse. A Russian serviceman accused them of guiding Ukrainian artillery fire. They were beaten for around 20 minutes. A Russian soldier hit Victim 035 on the leg with a rifle butt, resulting in an open fracture of his left leg. Victim 035 was also hit on the head with a rifle butt and kicked. His brother was beaten by someone else; his leg was also injured. His brother later told Victim 035 that he was beaten with an axe handle. Victim 035 was not given any medical assistance. Then Victim 035 and his brother were thrown into a pit. There were two other captives there; one of them was Victim 033. On the night of 29-30 March 2022, nine more people from surrounding villages were thrown into the pit, including their captured neighbour. The Russians questioned the neighbour about who had given their positions away, he answered differently every time and they beat him up. A Russian soldier said that some of the captives would be released and others would go with them to Hostomel. He said that the brother would not be released because he was operating as 'an artillery observer'. On the evening of 30 March 2022, the Russians put a fixating bandage on Victim 035's leg, gave him a stick to lean on, and walked him for 10-15 minutes until they reached a 'white house at the crossroads'. They left him inside and told him not to leave until the morning because 'they would mine the house and demine it only in the morning'. There were seven people from the pit in one room and Victim 035 was alone in the other room. A day later, some locals found him and brought him to a hospital. As of 19 July 2022, Victim 035 had not received any information regarding his brother's fate or whereabouts.

6. Unlawful confinement on Russian territory (Novozipkov, Bryansk Oblast)

The joint Truth Hounds-IPHR documentation team interviewed relatives of two civilian residents of Dymer who went missing in March 2022 and are likely being held captive in Russia.⁶⁸ Based on available information, the captives are likely being held at Pre-trial Detention Centre № 2 in the village of Novozipkov, Bryansk Oblast⁶⁹ (see also the case of Victim 025).

68 Testimony of Witness 021; Testimony of Witness 022

69 Testimony of Witness 021; Testimony of Witness 022; see also: Media Initiative for Human Rights, 'Dlya «obminnoho fondu»: yak ukrayinski hromadyany opynyayutsya u rosiyskykh SIZO (For the "exchange fund": how Ukrainian citizens end up in Russian pre-trial detention centers)', available at: <https://mipl.org.ua/pislya-katuvan-nevoli-u-rosijske-sizo-yak-i-navishho-soldati-rf-vivozili-meshkanciv-ki%D1%97vshhini/>.

THE CASE OF VICTIM 038⁷⁰

Victim 038 is a resident of Dymer. On the evening of 5 March 2022, Victim 038 told his wife that he would cycle to the 'Viknaland' window factory to take a look. His wife said that they did not know then that the Russians had stationed themselves there. Victim 038 left around 17:00. Forty minutes later, his wife tried and failed to reach him via his mobile phone. Victim 038 was dressed in civilian clothes – sweatpants, a turtleneck, a coat, and a hat – and thus could not be mistaken for a combatant. A local resident, who knew Victim 038, said that he saw how '[someone] broke his phone, threw it away, and took him away'. On 4 April 2022, an unknown woman contacted Victim 038's wife and said that she had information about her husband. She told her that her own husband was exchanged on 1 April 2022 and that Victim 038 asked him to say that he was okay and that he was in Bryansk Oblast, Russia. As of 19 July 2022, there has been no further information about Victim 038's fate or whereabouts.

THE CASE OF VICTIM 039⁷¹

Victim 039 is a resident of Dymer. Victim 039 is a veteran of the anti-terrorist operation in the Donbas. On 10 March 2022, he left a relative's house where he had been hiding with his family to do some chores at his apartment. He did not reach the apartment and never came back. His family were aware that 'Russian soldiers were apprehending local inhabitants and were keeping them in detention somewhere at the territory of the factory', so they thought that he was also 'at the factory' (likely meaning the 'Viknaland' window factory). At the end of March 2022, his relative contacted the Russian occupying administration in Dymer and was told that the person they were looking for was sent to Hostomel. When asked why they were detained and sent to Hostomel, the Russians replied that they were sent there for questioning. Specifically, the Russian official explained that Victim 039 'was detained because he was an "ATOshnik" [a veteran of the anti-terrorist operation in the Donbas] and that they have "the documents that show that [Victim 039] is an ATOshnik"'. At some point in late May 2022, Victim 039's relative was contacted by a representative of the Ukrainian government to confirm that Victim 039 was being held at an unknown location in Russia.

7. Potential classification of the examined conduct

TORTURE AND INHUMAN TREATMENT

All persons detained, in the context of armed conflict⁷² or otherwise,⁷³ must be treated humanely. Torture and inhuman treatment committed in the context of or associated with an armed conflict

70 This section is based on the Testimony of Witness 021. The fact of the disappearance of Victim 038 is also corroborated by the testimony of his relative, Victim 035.

71 This section is based on the testimony of Witness 022, a relative of Victim 039.

72 Geneva Convention (I) of 1949, Article 12; Geneva Convention (II) of 1949, Article 12; Geneva Convention (III) of 1949, Article 13; Geneva Convention (IV) of 1949, Article 5; Article 27; Additional Protocol (I) to the Geneva Conventions of 1977, Article 75(1); Rule 87 of customary IHL.

73 European Convention on Human Rights, Article 3.

constitute grave breaches of international humanitarian law ('IHL')⁷⁴ and war crimes.⁷⁵ The war crime of torture is defined as any severe physical or mental pain or suffering inflicted upon a person for the purposes of obtaining information or a confession; punishment; intimidation or coercion; or for any discriminatory reason.⁷⁶ Inhuman treatment is defined as severe physical or mental pain or suffering inflicted upon a person which falls short of the gravity of torture and does not require a purpose.⁷⁷

Whether ill treatment meets the threshold of torture will depend on the circumstances, including the nature and context of the treatment or punishment, the manner and method of its execution, its duration, its physical and mental effects, and the characteristics of the victim.⁷⁸ There is no definitive list of acts that may constitute torture (the threshold will fluctuate with duration and individual circumstances)⁷⁹ – however, electrocution, severe prolonged beatings, mock executions, rape, and heinous humiliation may all constitute acts of torture (separately or cumulatively).⁸⁰ Conduct that falls short of the torture threshold, but nevertheless causes severe physical or mental suffering may be qualified as inhuman treatment. This includes inadequate conditions of detention,⁸¹ such as overcrowding,⁸² lack of toilet and basic hygiene facilities,⁸³ lack of adequate water and nutrition,⁸⁴ lack of beds,⁸⁵ unsuitable temperature and humidity,⁸⁶ and lack of basic medical care.⁸⁷ When assessing conditions of detention, account must be taken of the cumulative effects of these conditions, the amount of time spent in such conditions,⁸⁸ and the personal characteristics of a detainee, such as their age and state of health.⁸⁹ The threat of severe beatings and rape may constitute inhuman treatment or contribute to torture in combination

74 Geneva Convention (I) of 1949, Article 12, Article 50; Geneva Convention (II) of 1949, Article 12, Article 51; Geneva Convention (III) of 1949, Article 17, Article 87, Article 89, Article 130; Geneva Convention (IV) of 1949, Article 32, Article 147; Rule 90 of customary IHL.

75 Rome Statute of the International Criminal Court of 1998, Article 8(2)(a)(ii).

76 Elements of Crimes, Article 8 (2) (a) (ii)-1 War crime of torture.

77 Article 8 (2) (a) (ii)-2 War crime of inhuman treatment.

78 Ireland v. UK, Paragraph 162; Soering v. UK, Paragraph 100.

79 ECHR, Price v UK, Paragraph 30 – whilst there was no intention to humiliate, disregard for health conditions or disability of an inmate can trigger Article 3.

80 ECHR, Selmouni v. France, Paragraph 102-103; see also Cesaro v Italy (dec.) - a riot police attack and severe beating of a protestors' sleeping camp was found to have reached the level of 'torture'.

81 ECHR, Neshkov and Others v. Bulgaria, 2015, §227.

82 ECHR, Neshkov and Others v. Bulgaria, 2015, §232 – a minimum of 3sq meters per detainee is required, allowing detainees to move around freely between furniture.

83 ECHR, Ananyev and Others v. Russia, 2012, §157.

84 ECHR, Kadiķis v. Latvia (No. 2), 2006, §55; ECHR, Stepuleac v. Moldova, 2007, §55; ECHR, Modarca v. Moldova, 2007, §68–69; ECHR, Dudchenko v. Russia, 2017, §130; see also, UN Human Rights Committee, Essono Mika Miha v. Equatorial Guinea, Communication No. 414/1990, 1994, §6.4.

85 ECHR, Ananyev and Others v. Russia, 2012, §146.

86 Ananyev and Others v. Russia, ECHR, 2012, §155.

87 ECHR, Blokhin v. Russia [GC], 2016, Paragraph 136.

88 ECHR, Neshkov and Others v. Bulgaria, 2015, §229.

89 ECHR, Ireland v. the United Kingdom, 1978, §162; ECHR, Soering v. the United Kingdom, 1989, §100; ECHR, Labita v. Italy, 2000, §120.

with other forms of abuse.⁹⁰ The European Court of Human Rights ('ECtHR') has previously found inhuman treatment or torture whenever an inmate is taken into custody in good health, but leaves with injuries.⁹¹

All three detention sites examined in this report exhibited woefully inadequate conditions of detention, namely:

- **Overcrowding:** None of the detention sites guaranteed a minimum of 3 square metres of personal space per detainee. While the number of detainees per cell fluctuated, the ratio often dropped below 1 square metre per detainee, which did not allow detainees adequate space to rest, lie down, or move around. The Ukrainian Prosecutor's Office confirms that detainees in the compressor room of Dymer Foundry had to step over other people's legs to move around the room.⁹² At all three sites analysed in the report, detainees were not allowed to leave the overcrowded space throughout the period of detention, except for interrogation. One captive from the forest pit said that he and others had bedsores from sitting in one place for two days.⁹³
- **Access to toilet and basic hygiene facilities:** None of the detention sites offered adequate toilet or basic hygiene facilities. 'Sprinter C' LLC inmates had to urinate in their clothes until they were given one bucket to share among all detainees. Dymer Foundry detainees used an empty industrial barrel which was shot at and thereafter leaked onto the floor. Detainees in the forest pit near Katyuzhanka were told to 'dig a hole' in the floor of their pit.
- **Lack of beds:** None of the detention sites offered adequate bedding. At the 'Sprinter C' LLC facility, detainees had to sleep on the cold floor, partially covered with a carpet. At Dymer Foundry, there were a couple of old, thin mattresses that were not enough for everyone, so most detainees had to sleep on a dirty concrete floor, pieces of cardboard, dirty sheets, or sitting on a barrel. In the forest pit, captives had to sleep on a wet sand floor. Furthermore, in all three detention sites, the captives' hands and eyes were taped at all times.
- **Exposure to low temperatures:** In all cases described in this report, the victims were held in places with no heating during a time of year when the temperature dropped below 0°C, especially at night. Detainees at Dymer Foundry could only lie on the floor for a couple of hours at a time because of the cold, with temperatures sometimes dropping to -12°C. At the 'Sprinter C' LLC facility, detainees became sick due to the low temperature in the room. In the forest pit, detainees had to huddle together to stay warm.
- **Inadequate food and water:** None of the detention sites offered adequate nutrition or clean water. Detainees at 'Sprinter C' LLC facility were given only a few biscuits or waffles once a day and at times were not given food at all. They were given water from the heating pipes and allowed to only one or two sips of water per day. At Dymer Foundry, detainees received food irregularly and once suffered food poisoning from it. They were not provided with clean drinking water. In the forest pit, detainees were provided with neither food nor water.

90 Găfgen v Germany, Paragraph 108 - a threat of torture can amount to torture, as the nature of torture covers both physical pain and mental suffering. In particular, the fear of physical torture may itself constitute mental torture. However, there appears to be broad agreement, and the Court likewise considers, that the classification of whether a given threat of physical torture amounted to psychological torture or to inhuman or degrading treatment depends upon all the circumstances of a given case, including, notably, the severity of the pressure exerted and the intensity of the mental suffering caused.; see also Selmouni v. France, Paragraph 102-103.

91 Aksoy v Turkey, Paragraph 61.

92 For more information, see: CNN, 'Freed captive explains why Russians are taking civilians', available at: https://www.youtube.com/watch?v=91r2j_gWAd4&list=PL6XRrncXkMaW5p7muaR2s2lqjouQh4jqS&index=5.

93 Testimony of Victim 033.

- **Failure to provide adequate medical care:** At least five detainees with severe injuries across the three detention sites were not provided with adequate or any medical assistance during the entire time of their captivity.

As such, the conditions of detention at the ‘Sprinter C’ LLC industrial site, in the compressor room of Dymer Foundry, and in the forest pit near Katyuzhanka fell well short of minimum standards of humane detention. Cumulatively, these conditions amount, at the very least, to inhumane treatment. This is especially the case for two of the victims – who were aged 53 and 73.

In addition, the above-described conditions of detention must be viewed in the context of humiliation, constant intimidation, and severe violence at all three sites. At least three interviewed victims were threatened with death⁹⁴ and at least three were subjected to mock executions.⁹⁵ At least seven of the eleven interviewed victims were subjected to violence during interrogations by Russian servicemen:

- Victim 032 had his teeth knocked out and his fingers on both hands badly mutilated with a metal object, also being left in a puddle of his own blood;
- Victim 028 had his ribs broken and his head banged against an iron door;
- Victim 029 suffered four broken ribs and broken toes on one foot, was electrocuted, and was forced to watch the Russians beating his son. His son had a broken jaw as a result of the beatings;
- A Russian soldier knocked out Victim 033’s teeth and broke his lower jaw. Victim 035 suffered an open fracture of his left leg after being struck with a rifle butt. His brother also had an injured leg after he was beaten with an axe handle; and
- Victim 027 had a gun fired next to his ear and was subsequently beaten with a rifle butt.

In light of this, all 11 victims – including those who were physically abused, as well as those who witnessed abuse against their co-detainees – were subjected to severe physical and mental pain and suffering. At least one victim stated that he would have preferred to die than continue to be tortured.⁹⁶ The detention and interrogation of all detainees at the three facilities was for the purpose of obtaining information about Ukrainian armed forces and weapons or otherwise to punish the detainees for their actual or perceived assistance to Ukraine.

Consequently, the cumulative effect of the inhuman detention and physical and/or psychological abuse of detainees at the ‘Sprinter C’ LLC industrial site, in the compressor room of Dymer Foundry, and in the forest pit near Katyuzhanka constitutes the war crime of torture.⁹⁷

UNLAWFUL CONFINEMENT

Unlawful confinement committed in the context of and associated with an international armed conflict is a grave breach of IHL⁹⁸ and a war crime.⁹⁹ Unlawful confinement is defined as confinement of one

94 Testimony of Victim 027; Testimony of Victim 029; Testimony of Victim 032.

95 Testimony of Victim 027; Testimony of Victim 029; Testimony of Victim 034.

96 Testimony of Victim 029.

97 Rome Statute of the International Criminal Court of 1998, Article 8(2)(a)(ii).

98 Geneva Convention (IV) of 1949, Article 147; Rule 99 of customary IHL.

99 Rome Statute of the International Criminal Court of 1998, Article 8(2)(a)(vii).

or more protected persons (including civilians) at a certain location.¹⁰⁰ A decision to detain a protected person on occupied territory must be made according to a regular procedure prescribed by the occupying power in accordance with IHL norms. Internment may only be applied for imperative reasons of security of the detaining power,¹⁰¹ for example, to prevent sabotage or espionage. The reasons for internment must be serious and legitimate.¹⁰²

In at least eight out of eleven cases analysed in this report, there was a marked absence of a reasonable justification for confinement of civilians. Civilians were detained for the following reasons: an SMS to a relative saying that Russian forces had occupied Kozarovychi;¹⁰³ a pre-invasion picture of a dam where the victim worked;¹⁰⁴ delivering of humanitarian aid;¹⁰⁵ storing an old, broken quadcopter and a hunting rifle with a torch attachment;¹⁰⁶ peering into an abandoned Russian truck;¹⁰⁷ and answering a phone call near a Russian checkpoint.¹⁰⁸ None of the above qualify as serious and legitimate imperative reasons of security for the detaining power. As such, Russian occupying forces went over and above their authority in detaining these civilians. In the remaining three cases,¹⁰⁹ further investigations are needed to determine whether the initial confinement was justified.

Furthermore, IHL affords minimal procedural safeguards for civilians detained by the occupying power, most of which were violated in the following cases, possibly rendering the detainees' continued confinement unlawful, even if the initial decision to confine them were legitimate:

- **The interned persons shall be informed promptly, in a language they understand, of the reasons for their internment:**¹¹⁰ Two victims confirmed that they were not informed of the reasons for their arrest and detention.¹¹¹ Two more victims were told that they were to be questioned and released, but instead were detained for approximately a week.¹¹²
- **Interned persons should be entitled to have such action reconsidered as soon as possible by an appropriate court or administrative board:**¹¹³ None of the victims were afforded the right to review or appeal their detention.
- **The Detaining Power must immediately share information about the interned civilians with relevant Ukrainian authorities:**¹¹⁴ Three interviewed victims said that their families did not have any information about their fate and whereabouts.¹¹⁵ Additionally, as of 25 July 2022, two

100 Elements of Crimes, Article 8 (2) (a) (vii)-1 War crime of unlawful confinement.

101 Geneva Convention (IV) of 1949, Article 42; Article 43; Article 78.

102 Delalić case, ICTY, 1998, § 567; §576.

103 Testimony of Victim 031.

104 Testimony of Victim 032.

105 Testimony of Victim 025; Testimony of Victim 027.

106 Testimony of Victim 028; Testimony of Victim 030.

107 Testimony of Victim 033.

108 Testimony of Victim 034.

109 Case of Victim 029; Victim 035 and his brother.

110 Additional Protocol (I) to the Geneva Conventions of 1977, Article 75(3).

111 Testimony of Victim 026; Testimony of Victim 027.

112 Testimony of Victim 028.

113 Geneva Convention (IV) of 1949, Article 43; Article 78.

114 Geneva Convention (IV) of 1949, Article 43; Article 105; Article 136–137.

115 Testimony of Victim 025; Testimony of Victim 028; Testimony of Victim 033.

interviewed victims did not have any information about their two relatives who were detained together with them and never released.¹¹⁶ There is also no information about two victims that went missing and never returned.¹¹⁷ A relative of Victim 037 (who disappeared on 10 March 2022) received information that Victim 037 was captured by Russian forces only in late May 2022. As of 25 July 2022, there has been no further information about him.¹¹⁸ A relative of Victim 038 (who disappeared on 5 March 2022) has never received official confirmation that Victim 038 was captured by Russians but found out about it from the wife of another captive who was held together with Victim 038. As of 25 July 2022, there was no other information about him.¹¹⁹

Consequently, detainees at the 'Sprinter C' LLC industrial site, in the compressor room of Dymer Foundry, and in the forest pit near Katyuzhanka were subjected to the war crime of unlawful confinement.

POTENTIAL CRIMES AGAINST HUMANITY

Additionally, Russian forces' attacks against civilians in Kyiv Oblast and other Russian-occupied regions of Ukraine may amount to crimes against humanity in the form of torture and imprisonment. According to international organisations' reports and information from the media, these and other types of attacks against the civilian population occurred in most if not all territories of Ukraine occupied by Russian forces. Due to the scope, similar patterns and types of attacks, there are reasons to believe that they were not sporadic isolated incidents of violence committed by Russian soldiers but a systematic and widespread conduct pursuant to or in furtherance of the Russian government's policy to commit such attacks in Ukraine. Section 8 looks at the potential involvement of specific Russian units in the conduct under scrutiny and their place in the overall hierarchy of the Russian Armed Forces.

8. Attribution and chain of command

Potential Russian military units involvement

Truth Hounds and IPHR identified six Russian military units that were or could have been in the areas of Dymer, Kozarovychi, and Katyuzhanka in March 2022 and could have participated in the conduct under scrutiny.

1. 83RD SEPARATE GUARDS ASSAULT BRIGADE (MILITARY UNIT 71289), BASED IN USSURIYSK, USSURIYSK KRAI

The unit's current commander is most likely Aleksandr Vyacheslavovich Nemolyayev (Rus.:Александр Вячеславович Немоляев), appointed 11 November 2021.¹²⁰ We also know that Lieutenant Colonel Yuri Golubovich (Rus.:Юрий Голубович) (Deputy Brigade Commander; Head of the Airborne Service) occasionally served as acting commander of the unit. This information has been confirmed by an article

116 Testimony of Victim 025; Testimony of Victim 035.

117 See Section 6. Other cases of unlawful confinement.

118 Testimony of Witness 021.

119 Testimony of Witness 022.

120 Ussuriysk City District Administration, 'Noviy Komandir naznachen v 83-i desantno-shturmovoy brigade (New Commander Appointed to 83rd Air Assault Brigade)', 11 November 2021, available at: <https://web.archive.org/web/20220917082943/https://adm-ussuriysk.ru/news/novosti/novyy-komandir-naznachen-v-83-y-desantno-shturmovoy-brigade/>.

published in December 2021 in local Ussuriysk media¹²¹ and by a leaked document from April 2022.¹²²

According to the Ukrainian media outlet Slidstvo.Info,¹²³ the 83rd Brigade established its headquarters on the grounds of the 'Viknaland' window factory in Dymer. When the Ukrainian Army launched a counteroffensive towards the end of March / the beginning of April 2022, it caused the brigade to flee Kyiv Oblast, leaving behind staff documents listing the personnel of one of its mortar platoons.

On 24 March 2022, the Russian Ministry of Defence published a video filmed in Katyuzhanka that showed the commander of the Eastern Military District presenting awards to several soldiers.¹²⁴ The building shown in the 12th second of the video is a school in Katyuzhanka. In the 40th second of the video, a soldier from the mortar platoon can be seen talking about his experience with mortars. Using facial recognition instruments, we have identified him as Nikita Mikhailov (Rus.: Никита Михайлов) from Khabarovskiy Krai.¹²⁵ It is very likely that he belongs to a mortar platoon within the 83rd Separate Guards Assault Airborne Brigade.

2. 14TH SEPARATE SPECIAL PURPOSE ('SPETSNAZ') BRIGADE (MILITARY UNIT 74854), BASED IN KHABAROVSK, KHABAROVSK KRAI

The commander of the unit is likely Sergei Yurievich Polyakov (Rus.: Сергей Юрьевич Поляков), whose name is mentioned in the federal 'Unified Register of Inspections' system.¹²⁶

The participation of the 14th Spetsnaz Brigade in the war was confirmed by the General Staff of the Armed Forces of Ukraine¹²⁷.

In the previously mentioned Russian Ministry of Defence video, filmed in Katyuzhanka, one soldier is shown saying 'I serve Russia and military intelligence' in the 32nd second of the video. The individual's face is covered with a mask, however, judging by his appearance and his stating that he belongs to military intelligence, it is most likely that he is attached to the 14th Separate Special Purpose Brigade, which presents itself as a military intelligence unit, is subordinate to the Eastern Military District, and has a bat as its symbol.

3. 45TH SEPARATE GUARDS SPECIAL PURPOSE ('SPETSNAZ') BRIGADE

121 UssurMedia, 'Silneyshikh sredi boytsov opredelili sredi desantnikov v Ussuriyske (The strongest fighters were identified among the paratroopers in Ussuriysk)', 27 December 2021, available at: <https://web.archive.org/web/20220917081033/https://ussurmedia.ru/news/1216394/>.

122 Dmitriy Sukharev (@D_Suharev), 8 May 2022, available at: https://web.archive.org/web/20220917081550/https://twitter.com/D_Suharev/status/1523328149500563456.

123 Slidstvo.Info, 'Usurijs'ki Desantniki, Tikayuchi Z Kiiyshchini, Zabuli Shtabni Dokumenti (The Usuriysk Paratroopers, Fleeing From The Kyiv Region, Forgot Their Headquarters Documents)', 9 April 2022, available at: <https://web.archive.org/web/20220917084115/https://www.slidstvo.info/warnews/usurijski-desantnyky-tikayuchy-z-kyivshhyny-zabuly-shtabni-dokumenty/>.

124 Ministry of Defence of the Russian Federation, 'Nagrazhdenie na peredovoy (Award Ceremony at the Front Lines)', 24 March 2022, available at: <https://archive.ph/R3vuV>; archived video available at: https://drive.google.com/file/d/1HFzFfKvq_pdyxLGolFPESS5czAGRb9R/view?usp=sharing.

125 Social media account of Nikita Mikhailov, available at: <https://web.archive.org/web/20220919132211/https://vk.com/id468847935>.

126 Unified Register of Inspections, Inspection No. 002104550787 of 03.03.2021, available at: <https://drive.google.com/file/d/1rnBTkN1cbh005S7oEIUE2BLME-0ENoZI/view?usp=sharing>.

127 General Staff of the Armed Forces of Ukraine, 'Operativna informaciya stanom na 24.00 08.03.2022 (Operational information as of 24.00 08.03.2022)', available at: https://www.zsu.gov.ua/new_page/6228543d4909af00133df3bf.

(MILITARY UNIT 28337), BASED IN KUBINKA, MOSCOW OBLAST

The current commander of the unit is Vadim Ivanovich Pan'kov (Rus.: Вадим Иванович Паньков), appointed in 2012.¹²⁸ This information was confirmed by the Main Intelligence Directorate of the Ukrainian Ministry of Defence.¹²⁹

4. 98TH GUARDS AIRBORNE DIVISION, IN PARTICULAR THE 331ST GUARDS KOSTROMA AIRBORNE REGIMENT (MILITARY UNIT 65451), BASED IN IVANOVO, IVANOVSKAYA OBLAST AND KOSTROMA, KOSTROMA OBLAST

The current commander of the unit is Viktor Igorevich Gunaza (Rus.: Виктор Игоревич Гуназа).¹³⁰

According to a number of sources, both the 45th Brigade and 98th Division were present in Dymer.

InformNapalm writes¹³¹ that these units were located in the following places: Katyzhanka, Dymer, Borodyanka, Gostomel, Bucha, Irpin (based on documents found at a Russian Army stronghold in Ivankiv). Photographs of these documents can be found on the InformNapalm Telegram channel.¹³² The Ukrainian Centre for Strategic Communications and the General Staff of the Armed Forces of Ukraine has also confirmed that these units occupied Dymer.¹³³

5. 5TH SEPARATE GUARDS TANK BRIGADE (MILITARY UNIT 46108), BASED AT DIVIZIONNAYA STATION, NEAR ULAN-UDE, REPUBLIC OF BURYATIA

The current commander of the unit is Andrey Viktorovich Kondrov (Rus.: Андрей Викторович Кондров). This information was confirmed by the Ukrainian Armed Forces' Centre for Strategic Communications. While the original source link no longer works, the source was quoted in a publication by Ukrainska Pravda.¹³⁴

128 Rusvesna.su, '«My ne hotim byt' luchshimi», — legendarnyj kombrig ne menee legendarnoj brigady specnaza VDV ("We don't want to be the best," the legendary brigade commander of the no less legendary airborne special forces brigade)', 2 August 2020, available at: <https://web.archive.org/web/20200813205122/>; <https://rusvesna.su/news/1596352949>.

129 Main Intelligence Directorate of the Ministry of Defence of Ukraine, available at: <https://gur.gov.ua/content/pankov-vadym-ivanovyh.html>.

130 Ministry of Defence of the Russian Federation, 'Ivanovskie desantniki otmetili 77-yu godovshchinu 98-y gvardejskoy vozdushno-desantnoy divizii (Ivanovo paratroopers celebrated the 77th anniversary of the 98th Guards Airborne Division)', available at: https://web.archive.org/web/20210503171300/https://function.mil.ru/news_page/country/more.htm?id=12359502@egNews.

131 InformNapalm (@informnapalm), 9 April 2022, available at: <https://archive.ph/vj8HZ#selection-151.109-151.161>.

132 InformNapalm (@informnapalm), 8 April 2022, available at: <https://archive.ph/m0B5x>.

133 Ukrainian Centre for Strategic Communications, 'Arabskiy legion Putina: shcho vidomo pro naymanciv z Blizkogo Shkodu u viyni v Ukraini? (Putin's Arab Legion: What is known about mercenaries from the Middle East in the war in Ukraine?)', 26 April 2022, available at: <https://web.archive.org/web/20220917100135/https://spravdi.gov.ua/arabskyj-legion-putina-shho-vidomo-pro-najmanciv-z-blyzkogo-shodu-u-vijni-v-ukrayini/>; Operativna informaciya stanom na 12.00 08.03.2022 shchodo rosiyskogo vtorgnennya (Operational information as of 12.00 on 08.03.2022 regarding the Russian invasion), 8 March 2022, available at: https://web.archive.org/web/20220308133147/https://www.zsu.gov.ua/new_page/622758354909af00133c7f43.

134 Ukrainska Pravda, 'Bucha, Irpin, Gostomel: VSU opublikovali spisok voennyh RF, ubivavshih grazhdanskih (Bucha, Irpin, Gostomel: AFU published a list of Russian military who killed civilians)', 6 April 2022, available at: <https://web.archive.org/web/20220406054352/https://www.pravda.com.ua/rus/news/2022/04/6/7337500/>.

6. 37TH SEPARATE GUARDS MOTOR RIFLE BRIGADE (MILITARY UNIT 69647) BASED IN KYAKHTA, REPUBLIC OF BURYATIA

The acting commander of the unit is Colonel Rustam Kinebayev (Rus.: Рустам Кинебаев).¹³⁵

On 8 March 2022, two battalion tactical groups (BTGs) from these two brigades advanced to Yasnogorodka according to the General Staff of the Ukrainian Armed Forces.¹³⁶

Slidstvo.Info quotes the Ukrainian military, stating that the 37th Brigade was stationed near the Zhytomyr Highway, near Makariv (67 km from Dymer). Slidstvo.Info also states that one member of the brigade posted a picture from the village of Kolonshchyna (65 km from Dymer) on 12 April 2022.¹³⁷

The MKV Information Agency shared pictures of identification documents belonging to members of the brigade allegedly killed during fighting near the village of Motyzhyn (73 km from Dymer).¹³⁸

Several witnesses mentioned that they had had interactions with soldiers who were ethnic Buryats or were otherwise from Buryatia, a Russian region in south-central Siberia. We have not received direct confirmation that units from this region were present in Dymer itself. However, we know of two units that were in the relative proximity of Dymer and Kozarovychi and could potentially have been present in these locations at some point.

Chain of command

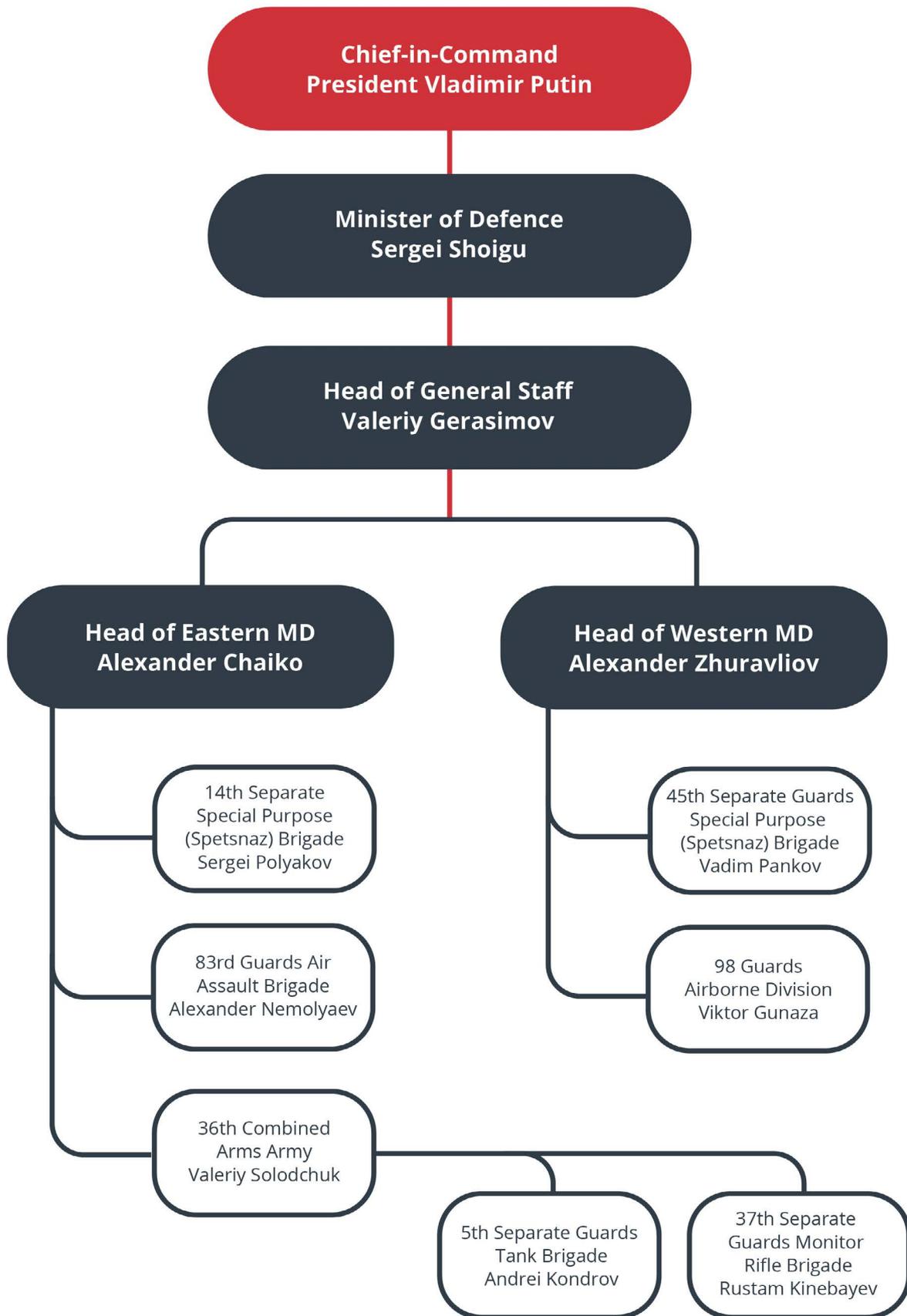
The following organigramme (see next page) illustrates the positioning of the abovementioned military units within the overall hierarchy of the Russian Armed Forces from the perspective of geographical subordination. It is important to note that units in the Russian army have two types of subordination – geographical subordination to military districts and subordination by type of troops. Thus, 83rd Air Assault Brigade, 45th Spetsnaz Brigade, and 98th Airborne Division are also subordinated to the Commander of the Airborne Troops Mikhail Teplinskiy (since 16 June 2022) who replaced Andrey Serdyukov in this position. 14th Separate Special Purpose (Spetsnaz) Brigade is subordinated to the Chief of the Main Directorate of the General Staff of the Armed Forces Igor Kostykov. The 5th Separate Tank Brigade and 37th Separate Motor Rifle Brigade are subordinated to the Commander-in-chief of Ground Forces Oleg Salyukov.

135 Gazeta N1, 'V Kyahte protilis s mladshim serzhantom 37-y otdelnoy gvardeyskoy motostrelkovoy brigady (In Kyakhta, they said goodbye to the junior sergeant of the 37th separate guards motorized rifle brigade)', 16 March 2022, available at: <https://web.archive.org/web/20220316103207/>; <https://gazeta-n1.ru/news/society/109443/>.

136 General Staff of the Armed Forces of Ukraine, 'Operational information on 24.00, 08.03.2022', available at: <https://www.facebook.com/GeneralStaff.ua/posts/268038475509238>.

137 Slidstvo.Info, 'Selfi Z Vinyi I Povernennya V Mishkah: Oblichchya Buryativ-Okupantiv Z 37-ї Motostrileckoi Brigadi (Selfies From The War And Returning In Bags: The Faces Of The Occupying Buryats From The 37th Motorized Rifle Brigade)', 22 April 2022, available at: <https://web.archive.org/web/20220917115136/>; <https://www.slidstvo.info/warnews/selfi-z-vijny-i-povernennya-v-mishkah-oblychchya-buryativ-okupantiv-z-37-yi-motostriletskoyi-brygady/>.

138 Media Agency MKV, 'Desantno-shturmovi viyska opublikovali dokumenti viyskovih zlochinciv (Air Assault Troops published documents of war criminals)', 22 March 2022, available at: <https://archive.ph/5Ddq8>.



Organigramme: positioning of the potentially involved military units within the overall hierarchy of the Russian Armed Forces (geographical subordination).