Mandate of the Special Rapporteur on the situation of human rights in the Russian Federation

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(Please use this reference in your reply)

15 September 2025

Excellency,

I have the honour to address you in our capacity as Special Rapporteur on the situation of human rights in the Russian Federation.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received within the context of the ongoing full-scale war on Ukraine, concerning the **alleged arbitrary detention of three Ukrainian men, Damian Omelyanenko, Sergiy Tsyhipa, and Konstantin Zinovkin by the Russian armed forces in 2022 and 2023, respectively, as well as their continued enforced disappearance, torture, forcible transfer within Russian-occupied territories and eventual deportation to the Russian Federation.**

These cases of human rights violations highlight concerns about the widespread nature of these abuses, both in terms of locations (i.e., in the occupied territory of Ukraine, in the Russian Federation and in Belarus) and the large number of Ukrainian women and men who have been subjected to arbitrary detention, enforced disappearance, and torture by Russian forces. The cases also reflect the systematic nature of arbitrary detention, enforced disappearance and torture employed against targeted categories of Ukrainians with the aim to obtain information, extract confessions and/or punish them. These concerns have been raised by the Special Rapporteur on the situation of human rights in the Russian Federation in her reports to the Human Rights Council (A/HRC/57/59) and General Assembly (A/79/508).

It is recalled that under certain circumstances, widespread or systematic arbitrary detention, enforced disappearances and torture in violation of international law, particularly of international human rights, humanitarian and criminal law, may constitute crimes against humanity. Bringing alleged perpetrators to court is vital to ensure accountability, justice, and respect for the rule of law, in line with international legal principles.

According to the information received:

Case of Damian Omelyanenko

Damian Omelyanenko, born on 14 July 2001, is a Ukrainian citizen from Berdyansk, Zaporizhzhia region. At the time of the full-scale invasion of Ukraine by Russia, on 24 February 2022, and subsequent temporary occupation of Zaporizhzhia region, he was a civilian.

On 24 May 2022, Omelyanenko was arrested by the Russian Federal Security (FSB) officers at his home in Berdyansk and detained in the temporary detention facility (IVS) in Berdyansk.

During Omelyanenko's detention, from 24 May to 22 June 2022, the Russian authorities never acknowledged his deprivation of liberty, neither revealed his fate or whereabouts. Omelyanenko was subjected to torture, including electric shocks and severe beatings. As a result, he suffered broken ribs, muscle injuries, and a swollen ankle. The torture aimed to extract information about the Ukrainian military officers and force him to accept the Russian citizenship. On 22 June 2022, Omelyanenko was released under the condition that he would not leave Berdyansk.

On 16 November 2022, Omelyanenko was arrested for a second time by the Russian FSB officers in Berdyansk. Following this arrest, in February 2023, a video was distributed showing Omelyanenko confessing to crimes. The video was made under torture. In February 2023, the Russian FSB accused Omelyanenko, along with two other Ukrainian civilians, of involvement in the assassination of the deputy head of the Berdyansk traffic police and the attempted murder of the Berdyansk commandant in August 2022. They were also accused of planning to kill the deputy mayor of Berdyansk and his wife, as well as preparing an attack on the deputy head of the occupation administration of Berdyansk. Omelyanenko was charged with "terrorism" under article 205 of the Criminal Code of Russia, facing life imprisonment.

On 31 August 2023, Omelyanenko was transferred to the pre-trial detention centre No.2 (SIZO-2) in Sevastopol, the territory of the occupied Crimea, Ukraine.

Sometime around 11 October 2023, he was transferred to SIZO-1 in Rostov-on-Don in Russia. On 12 October 2023, the trial of Damian Omelyanenko and two others started in the Southern District Military Court in Rostov-on-Don.

On 24 April 2024, Omelyanenko was transferred from Rostov-on-Don to SIZO-2 in Taganrog, Rostov region, Russia, without his lawyer being notified. For several months, his lawyer was denied access to him, and letters and packages from his family were not delivered.

From May to June 2024, court hearings were held via a video conference. The documents indicating Omelyanenko's consent to participate remotely were forged by the prosecution, but the court dismissed the objections.

On 12 August 2024, the prosecutor motioned to return the case to the investigator for requalification under more severe charges of "international terrorism" under article 361 of the Criminal Code of Russia, stating that the acts of terrorism allegedly committed by Damian Omelyanenko took place on the territory of the Zaporizhzhia region "before it was annexed to the territory of Russia on 30 September 2022", and therefore took place on the territory of Ukraine. The court granted the motion.

On 2 November 2024, a photo of Omelyanenko taken during a court hearing showed that Omelyanenko had lost an extreme amount of weight. It was later reported that he had lost 30 kilos since his detention.

Omelyanenko has been held in solitary confinement from 24 April 2024 to August 2024. During his detention in Taganrog, his mother sent him three big parcels with food and clothing. During the court hearing via a video conference on 19 August 2024, Omelyanenko said that he didn't receive any parcels. His mother sent him numerous letters but hasn't received any response and doesn't know if he receives the letters.

Since Omelyanenko's transfer to Taganrog in April 2024, his lawyer has not been allowed to visit him. Additionally, there is no information available on any detainee of SIZO-2 in Taganrog being given access to a lawyer. Reportedly, all detainees in the facility are subjected to torture.

Case of Sergiy Tsyhipa

Sergiy Tsyhipa, born on 10 August 1961, is a Ukrainian civilian pensioner from Nova Kakhovka, the Kherson region of Ukraine, who previously worked as a writer and journalist-blogger. Tsyhipa was collecting information and evidence on war crimes allegedly committed by the Russian armed forces in the temporarily occupied Kherson region, and publishing this information on Facebook and Telegram, as well as giving interviews to the Ukrainian TV channel "1+1" and international media. He was also actively involved in volunteering, providing food and medicine to town residents, including mainly the vulnerable categories of the elderly, disabled, and single mothers.

On 12 March 2022, Tsyhipa was arrested by the Russian armed forces at a checkpoint in the temporarily occupied Nova Kakhovka. On 17 March 2022, he was transferred to SIZO-1 in Crimea. The Russian authorities never acknowledged his deprivation of liberty and concealed the information about his fate or whereabouts.

On 6 October 2023, he was convicted of "espionage" under article 276 of the Criminal Code of Russia and sentenced to 13 years in a strict regime penal colony. The appeal court upheld the sentence on 18 February 2024. The court proceedings took place behind closed doors, and his lawyer signed a non-disclosure agreement due to state secrets.

On 1 October 2024, Sergiy Tsyhipa was transferred to colony of the strict regime No. 3 in the Ryazan region of Russia, where he remains to this day.

While in detention, Tsyhipa has been regularly held in solitary confinement. Tsyhipa is not allowed to call his wife, and his letters do not reach her due to detention facility censorship. During sessions held by disciplinary commissions of the colony, he is repeatedly pressured to take Russian citizenship. He has also received multiple sanctions for allegedly disobeying the rules of the prison: 13 days in a punishment isolation cell (SHIZO) for not greeting detention facility officers, eight days for keeping sweets in his drawer, and nine days for the absence of an indicating sticker on his clothing, among others. He was declared a "malicious offender of detention facility rules" and placed in a special cell under severe regime for five months from 18 September 2024 until 18 February 2025. Tsyhipa is not allowed to have calls with his lawyer, and

despite his complaints, there has been no result. A parcel with warm clothing from his wife was not passed to him due to the severe regime he is now placed in.

Case of Konstantin Zinovkin

Konstantin Zinovkin, born on 22 October 1989, a citizen of Ukraine, is a civilian engineer from Melitopol, located in the temporarily occupied Zaporizhzhia region, Ukraine.

On 12 May 2023, Zinovkin left his home, and fifteen minutes later, three men in civilian clothes and balaclavas arrived at his house. They opened the door with his keys. Zinovkin's mother was at home. The men informed her that Zinovkin had been detained for "violating the curfew" and taken to the military commander's office of the Russian armed forces. They assured her not to worry, saying he would be held for a few days, questioned, and then released. They raided the apartment for about three hours, during which they kept his mother in the kitchen and forced her to write the biography of all family members, detailing their whereabouts and occupations. After the search, they took her to the military commander's office for several hours before releasing her.

Zinovkin's mother found it difficult to assess what exactly was taken due to the disorder resulting from the search. Noticeably missing were all of Zinovkin's documents, keys to the garage, workshop, and dacha. They also took the computer, all the money, and later, the car and other belongings. They conducted several searches at the house.

On 15 May 2023, Zinovkin's mother went to the commander's office, but she was told that he was not there. She went to the police, the Russian National Guard, and the commander's office, but her requests for assistance in finding her son were ignored, and she was sent from one agency to another in a continuous loop.

On 14 June 2023, unidentified individuals, allegedly investigators, searched Zinovkin's home, photographed the apartment, and told his mother that he had been detained by the FSB for allegedly plotting a bombing. They claimed he was being held at the Pryazovske police department in Russian-occupied Zaporizhzhia region.

On 16 June 2023, Zinovkin's mother went to that police department to deliver food and clothes. On 26 June 2023, she returned to Pryazovske with another package, and a soldier informed her that on 27 June 2023, Zinovkin would be transferred to the detention facility in Chonhar of the Kherson Region. From that moment, the family lost track of Konstantin's whereabouts.

Zinovkin's wife sent requests to various Russian authorities requesting information on his whereabouts. However, the Russian authorities have failed to acknowledge his deprivation of liberty and revealed his fate or whereabouts.

On 10 August 2023, the occupying authorities of the Russian Federation, namely Prosecutor's Office of Melitopol, informed her that Zinovkin was detained under charges of "terrorism", article 205 of the Criminal Code of Russia, and the place of his detention. On 22 August 2023 the family was informed that Zinovkin was included in the list of terrorists and extremists of the Russian Federal Financial Monitoring Service.

On 29 October 2023, Konstantin Zinovkin was shown on the Russian television channel "Russia 1". In the 15 minutes news segment, the journalist described Zinovkin as a "saboteur, terrorist, and mentally unstable person because he claimed that Ukraine is independent, and Russia is a terrorist state."

On 2 November 2024, Zinovkin's case was transferred to the Southern District Military Court in Rostov-on-Don, Russia. The court-appointed lawyer who operates under "non-disclosure limitations" is not able to provide details about the case against. On 12 December 2024, Zinovkin was transferred to Rostov-on-Don, however, the Russian authorities have never transmitted this information to his relatives. In addition to "terrorism", he was also charged under articles 222 and 223 of the Criminal Code of Russia concerning "illegal acquisition and manufacture of explosives or ammunition". The court hearings would be held behind the closed doors.

Without prejudging the accuracy of the information received, I am writing to express my most heightened alarm at these allegations which, if confirmed, are part of a widespread and systematic practice of arbitrary detention, incommunicado detention, enforced disappearance and torture and other physical and psychological ill-treatment of Ukrainians by Russian forces for the purposes of extracting information or forcing a confession, and for punitive reasons.

Practices such as beatings, administration of electric shocks, blindfolding, mock executions and other threats of death, would constitute torture or other cruel, inhuman or degrading treatment or punishment, prohibited at all times and in all circumstances under international human rights and humanitarian law, and cannot be justified by any circumstances whatsoever, including a state of war.

The widespread and systematic nature of these practices reportedly perpetrated by Russian forces against Ukrainians in the context of the ongoing full-scale war on Ukraine, raise legitimate concerns that they are committed within the framework of a higher order policy requiring a level of coordination, planning and organisation, as well as the direct authorization, deliberate policy or official tolerance from superior State's authorities.

Similarly, the reported pattern of arbitrary and incommunicado detentions, enforced disappearances by taking individuals away and not disclosing their whereabouts, as well as forced transfers and/or deportation and show trials, appears to be used to spread terror and anguish among local population, with the aim of rendering submission to the occupying forces. They would amount to war crimes and if proved to be systematic or widespread, to crimes against humanity.

I am particularly concerned about the violations of the right to a fair trial, including trials held behind closed doors and the use of forced confessions. These actions are in direct contravention of international human rights standards and raise serious questions about the legality and fairness of the proceedings against these individuals. I urge your Excellency's Government to address these concerns promptly and ensure that the rights of these individuals are fully respected.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to our attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.

2. Please provide any information on the legal safeguards and their implementation against the enforced disappearance of Ukrainian civilians in Russian detention, acknowledge the whereabouts of and release immediately and unconditionally all civilians arbitrarily detained in or deported from the occupied territories of Ukraine to the Russian Federation and subjected to enforced disappearance and/or held incommunicado, and to allow their direct communication and correspondence with their families.

3. Please provide detailed and updated information on whether an investigation consistent with international standards is underway or has been carried out in relation to the above-mentioned allegations and prosecute those responsible for torture or other cruel, inhuman, or degrading treatment or punishment, as well as alleged detention incommunicado, perpetrated against Ukrainian civilians in Russian prisons.

4. Please explain how the Russian Federation purports to ensure that human rights of Damian Omelyanenko, Sergiy Tsyhipa, and Konstantin Zinovkin are fully respected, especially the right to liberty and security of person, protection from arbitrary detention, ensuring access to due process and fair trial, and protection from forcible transfer and deportation from temporarily occupied territories of Ukraine to Russia.

I would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting website. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, I urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the

accountability of any person(s) responsible for the alleged violations.

Given the seriousness of these allegations, which question the adherence to the most fundamental principles of the Geneva Conventions by the Russian armed forces involved in warfare in Ukraine, I would greatly appreciate a prompt response from your Excellency's Government, including the possibility of discussing these matters of concern directly with your Excellency's Government diplomatic representatives in Geneva. I also reserve the right to express my concerns publicly. Any public expression of concern on my part will indicate that we have been in contact with your Excellency's Government to clarify the issue/s in question.

Please be informed that a copy of this letter will be sent for information to the Permanent Mission of Ukraine.

Please accept, Excellency, the assurances of my highest consideration.

Mariana Katzarova
Special Rapporteur on the situation of human rights in the Russian Federation

Annex

Reference to international human rights law

In connection with the above alleged facts and concerns, I would like to recall that international human rights law applies in situations of armed conflict or military occupation to which the rules of the international humanitarian law are also applicable. Therefore, I would like to refer your Excellency's Government to the following:

Arbitrary Deprivation of Liberty

The right to liberty and security of person, protected by article 3 of the Universal Declaration of Human Rights (UDHR) and article 9 of the International Covenant on Civil and Political Rights (ICCPR), ratified by the Russian Federation on 16 October 1973. These provisions contain fundamental guarantees against arbitrary detention, which also remains prohibited under international humanitarian law and, under certain circumstances, may constitute a crime against humanity, pursuant to customary international law. See Human Rights Committee, general comment No 35 on article 9 concerning the liberty and security of person (CCPR/C/GC/35).

The freedom from arbitrary detention is also a fundamental principle under international humanitarian law, which regulates detention through specific provisions aimed at ensuring that any deprivation of liberty is lawful, justified, and adheres to established procedural safeguards.

If detention is widespread or systematic, such as through mass arbitrary arrests, it may rise to the level of a crime against humanity under article 7 of the Rome Statute of the International Criminal Court (ICC).

Absolute prohibition against torture and other cruel, inhuman or degrading treatment or punishment

The prohibition of torture is absolute and universal, recognized as a non-derogable right and a cornerstone of both international humanitarian and international human rights law. Article 5 UDHR; article 7, read alone and in conjunction with article 2(3) ICCPR; and at least, articles 1, 2, 15 and 16 of the United Nations Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT), also ratified by the Russian Federation in 1987, establish the absolute prohibition of torture or other cruel, inhuman or degrading treatment or punishment.

Such prohibition is absolute, no derogation from it is ever possible, even in times of armed conflict or any other security situation or state of emergency (article 4(2) of the ICCPR; and article 2(2) of the CAT).

Attached to such prohibition are obligations to criminalize and investigate all acts of torture or other cruel, inhuman or degrading treatment or punishment, to prosecute or extradite suspects, to punish those responsible and to provide remedies to

victims.[1]

States parties to CAT have overarching obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment via effective legislative, administrative, judicial and other measures (articles 2 and 16), to educate and train relevant personnel including military officials on the prohibition (article 10) and to keep all rules, instructions, methods and practices relating to interrogation, custody and treatment under systematic review (article 11).

Torture and other cruel, inhuman or degrading treatment or punishment, including the poor and degrading conditions of detention, may seriously affect a person's physical and mental health, violate the victim's right to the enjoyment of the highest attainable standard of physical and mental health, recognized in article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by the Russian Federation in 1973, and further generate the risk of an arbitrary deprivation of life in a violation of article 6 of the ICCPR.

Under international humanitarian law, torture and related ill-treatment is likewise absolutely prohibited. Such acts described in this letter would also violate international humanitarian law as a matter of customary international law (jus cogens) and pursuant to the relevant Geneva Conventions, which prohibits torture and other cruel, inhuman or degrading treatment or punishment or comparable brutality. Torture and other inhuman treatment are war crimes, while the systematic or widespread practice of torture constitutes a crime against humanity.

The duty to investigate and prosecute torture as genocide, war crimes or crimes against humanity is also determined to be customary law, applicable for crimes committed in international and non-international armed conflict, which requires States to establish jurisdiction and investigate war crimes allegedly committed by its nationals or armed forces, or including outside their territory, and, if appropriate, to prosecute the suspects.

Absolute prohibition of enforced disappearances

Enforced disappearance is prohibited under both international human rights and international humanitarian law, and such a prohibition, along with the corresponding obligation to investigate enforced disappearance, has attained the status of jus cogens. According to the UN Declaration on the Protection of all Persons from Enforced Disappearance (Declaration), States shall not practise, permit or tolerate enforced disappearances (article 2) and that no circumstances whatsoever, including the state of war can justify enforced disappearances (article 7).

The obligation of states to prevent, investigate, and punish cases of enforced disappearance is explicitly stated in several key international legal instruments, International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), to which the Russian Federation is not yet a party.

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[1] For full explanation of the obligations to criminalize, investigate and prosecute the crimes of torture and related ill-treatment, see Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, A/77/502.

However, Russia is still obligated under ICCPR, CAT, and customary international law to prevent and investigate enforced disappearances because it violates multiple non-derogable rights, including the right to life (article 6), the prohibition of torture (article 7), right to liberty and security (article 9), as well as rights protected by CAT.