

OPEN APPEAL OF THE MEMBERS OF THE CIVIL SOLIDARITY PLATFORM TO THE LEADERS OF AFRICAN COUNTRIES

27 July 2023

In June of this year, several leaders of African countries called on Russian President Vladimir Putin to demonstrate his willingness to move towards peace before they meet on July 27 at the Russia-Africa summit in St. Petersburg. In an interview with the Financial Times, Senegal's President, Macky Sall declared, "Before the next Russia-Africa summit, he [Putin] must take some actions to show his willingness to move forward, at least in a humanitarian sense." We greatly appreciate this initiative, as Russia has grossly violated international humanitarian law during its aggression against Ukraine, committed war crimes in its operations and treatment of civilians in the occupied territories, and shown no humanitarian compassion at any stage.

Even specific actions that some African leaders perceive as confirming Russia's humanitarian leadership are not as they seem. As a "positive signal," the President of Senegal referred to exchanges of prisoners of war and the return of children kidnapped by Russian occupiers to Ukraine. However, prisoner exchanges primarily demonstrate the desire of states to repatriate their military personnel, not pure humanitarian concerns. Regarding the return of Ukrainian children to their parents, Putin released a small number only after the International Criminal Court issued an arrest warrant against him. This promise has not been fulfilled yet. Many Ukrainian children cannot be reunited with their parents in Russia because Russian forces killed their fathers and mothers. These "positive signals" encapsulate the appeasing approach of the Putin regime.

There is still a severe humanitarian problem whose solution depends solely on Putin. It is within his power to give orders to release Ukrainian non-combatants whom Russian military and intelligence services have abducted in the occupied territories of Ukraine. These individuals are being held captive in isolated facilities and prisons as civilian hostages. None of these people were involved in any combat actions. They were arrested without any legal procedures or charges. Many of them have been deprived of their freedom since February or March 2022, meaning they have been held for almost one and a half years. The Russian Federation has concealed the number of civilian hostages and their locations. However, according to the estimate of the initiative of Ukrainian human rights organizations, "Tribunal for Putin," there are around 4,700 Ukrainian civilians held in this manner.

Military police officials from the Ministry of Defense of the Russian Federation said that these Ukrainian civilians were detained "for opposing a special military operation." These words are clearly false. None of the civilian hostages participated in hostilities. In the first months of the full-scale invasion, Russian authorities claimed that the civilians were detained for "opposing a special military operation" were given in the first months after the start of full-

scale Russian aggression. At present, the Russian authorities refuse to provide information about the fate of the abducted people and refer their relatives to the International Committee of the Red Cross (ICRC). This is a mockery of these relatives: the Russian authorities do not allow representatives of the ICRC to see most of the abducted citizens of Ukraine.

International humanitarian law allows for the possibility of detention, arrest, and internment of civilians for actions related to armed conflicts. However, Article 75(3) of Additional Protocol I to the Geneva Conventions, dated August 12, 1949, concerning the protection of victims of international armed conflicts (Protocol I), states: "Any person arrested, detained, or interned for actions related to the armed conflict shall be informed promptly, in a language he understands, of the reasons why these measures have been taken. Except in cases of arrest or detention for criminal offenses, such persons shall be released with the minimum delay possible and in any event as soon as the circumstances justifying the arrest, detention, or internment have ceased to exist."

One and a half years cannot be considered "the minimum delay possible." Any circumstances that might have justified these detentions have almost certainly lost their relevance over such an extended period. Many Ukrainian civilian hostages were kidnapped in territories that have long been liberated.

In truth, there were no objective reasons for the detention of these individuals. Consider two examples of people being detained by Russian military in the Kyiv Oblast in March of last year. Evgeniy Guryanov, a car mechanic, was detained in his home in Bucha simply because his hands were dark from engine oil. Based solely on that fact, the Russian military assumed that he was involved in handling weapons. Sergey Lyubich, meanwhile, was arrested while helping his neighbors by delivering water to them in Hostomel. Apparently, according to the Russian authorities there, any person assisting others is deemed dangerous.

These examples highlight the arbitrary nature of the detentions: innocent actions are misinterpreted and used as grounds for unjust arrests. Such actions clearly violate fundamental human rights and the principles of international humanitarian law.

And the conditions these Ukrainian citizens face in Russian detention facilities do not comply with the norms of international humanitarian law. The law prohibits a prison regime, which involves the detention of civilians in closed cells. The detainees are held in cells where they cannot move around the prison facility freely. This confinement can lead to various health issues, including tuberculosis. Many of these individuals have also been subjected to torture and physical violence. On New Year's Eve 2023, a photograph of Sergey Lyubich with evidence of severe physical abuse on his face was posted on a Russian social media platform.

The long-term incommunicado imprisonment of Ukrainian civilians without trial and their mistreatment, torture are not only gross violations of international humanitarian law, but also war crimes. Ukraine does not detain non-combatant citizens of the Russian Federation in prisons. In this regard, exchange of detainees is impossible.

The Civic Solidarity Platform brings together non-governmental organizations seeking to improve the human rights situation and serves as a conduit through which activists can build alliances, strengthen mutual support and solidarity, and promote the cause of human rights at the national and international levels.

We ask the leaders of African countries to urge the Russian Federation to release Ukrainian non-combatants without exchanges and conditions, as required by international humanitarian law. Only the release of all these people can serve as confirmation of Russia's desire to act with humanitarian intentions.

List of signatories:

1. Austausch - For a European Civil Society e. V. (Germany)
2. Center for Civil Liberties (Ukraine);
3. Center for Participation and Developments (Georgia);
4. Crude Accountability (USA);
5. Human Rights Center (HRC) (Georgia);
6. Human Rights Center Viasna (Belarus).
7. Human Rights Center ZMINA (Ukraine);
8. Human Rights Defence Center Memorial (Russia);
9. Human Rights Movement Bir Duino (Kyrgyzstan);
10. International Partnership for Human Rights (IPHR);
11. Kazakhstan International Bureau for Human Rights and Rule of Law (Kazakhstan);
12. KRF Public Alternative (Ukraine);
13. Legal policy research centre (Kazakhstan);
14. Macedonian Helsinki Committee (North Macedonia);
15. Norwegian Helsinki Committee (Norway);
16. Public Association "Dignity" (Kazakhstan);
17. Swedish OSCE-network (Sweden);
18. Turkmenistan Helsinki Foundation (Turkmenistan).