



A Ceasefire in Ukraine Won't Stop Violations Against Civilians in Occupied Territories

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Executive Summary

Russia's brutal occupation of Ukraine, which includes a policy of forcing residents to adopt Russian passports, has been ongoing in Crimea and the occupied areas of Donbas since 2014. Since the full-scale invasion began in February 2022, this policy has expanded to more occupied regions and been carried out more consistently. The Russian occupation authorities are currently applying a transitional period to "legalize" individuals who have retained Ukrainian citizenship. However, 31 December 2024 will mark the end of this transition, making Ukrainians who have not acquired Russian passports "foreigners" in their own land and subject to potential deportation.

Russia's actions violate not only its obligations as an occupying power under International Humanitarian Law, but also its obligations as a signatory to the UN Charter and the UN Genocide Convention, as well as its obligations as a member of the OSCE under the Helsinki Final Act. Implementation of the passportization and population exchange policies also violates several other generally recognized rights, such as property rights and protection against arbitrary interference with family and private life. It also violates the most basic principles of International Humanitarian Law under the Geneva conventions, notably the prohibition on forcing the inhabitants of an occupied territory to swear allegiance to a hostile power.

Limited access by independent media and observers makes violations against civilians in Russia-occupied Ukraine one of the most under-reported aspects of Russia's aggression against Ukraine. This report underscores the need to continuously monitor the violations committed by the Russian forces of occupation in Ukraine, as the lack of coverage creates a false impression that a ceasefire or frozen frontlines would end the violence against Ukrainian civilians. It further calls for a strengthened sanctions regime to be adopted against Russia in relation to its regime of occupation.

Introduction

The Russian occupying power is currently carrying out an extensive and systematic legal transformation of the occupied territories of Ukraine, which involves the coercion and enticement of the civilian population to change its citizenship. Those who have resisted changing their citizenship have been deprived of a range of basic services, such as healthcare, and access to essential medication, pensions, and education in violation of international law. A Russian passport is needed to open a bank account and to re-register the ownership of real estate and other property. The Ukrainian civilian population is generally regarded as a threat and, in addition to the pressure mentioned above, is being systematically threatened with violence at the slightest suspicion of resistance or loyalty to Ukraine. At the end of a transition period on 31 December 2024, Ukrainians who have not taken Russian citizenship will face deportation from their current homes and be considered foreigners in their own land.

In parallel with these threats and the pressure on the remaining population to obtain Russian citizenship, property left behind by refugees and internally displaced persons is being “nationalized” on a large scale, followed by sale at favourable prices to migrants from the Russian Federation. Although the occupying power generally faces difficulties in convincing qualified personnel to move from the Russian Federation to the occupied areas of Ukraine, it is easier to find fortune seekers who see opportunities in a favourable takeover of Ukrainian property.

Russian Passportization and Occupational Practice in Ukraine Since 2014

The policy of “passportization” has been a Russian *modus operandi* for several decades throughout the protracted conflicts in the post-Soviet neighbourhood, such as in Abkhazia and South Ossetia in Georgia, Transnistria in Moldova and the Nagorno-Karabakh conflict between Armenia and Azerbaijan.

In Ukraine, Russia began compulsory passportization immediately after the annexation of Crimea and Sevastopol in 2014. The Russian authorities automatically treated everyone who lived in occupied Ukrainian territories as a Russian citizen unless they applied to renounce Russian citizenship within one month. The actual opportunities to renounce Russian citizenship were very limited, however, and restricted to only four places on the peninsula.

The next step was the imposition of Russian citizenship in some areas of Donbas, in the so-called People’s Republics of Donetsk and Luhansk. In 2016, both proxy authorities began issuing “People’s Republic passports”, and from the spring of 2019 there was an opportunity to obtain a Russian passport. The acquisition procedure was simplified, and simultaneous restrictions were implemented on the rights of persons who refused Russian citizenship. After the full-scale invasion, President Putin signed a presidential decree on 25 May 2022 extending the simplified procedure to the Zaporizhzhia and Kherson regions. In parallel, the Russian occupying authorities, more actively than before, created conditions that made it more or less impossible for Ukrainians to live in occupied territories without a passport from the Russian Federation.

The Russian citizenship policy must be seen against a wider backdrop of how brutally the Russian occupiers have treated Ukrainian civilians, through killings, torture, forced disappearances, mass detentions, mass deportations and a general systematic dismantling of human rights and freedoms in the occupied territories.

The Russian occupying forces have implemented a policy of imposing their version of Russian identity while suppressing expressions of Ukrainian identity. This includes teaching in schools using the Russian language instead of the Ukrainian language, a Russian curriculum justifying the invasion of Ukraine, and enlisting children in Russian youth groups with the aim of teaching them Russian patriotism.

In the early stages of full-scale invasion, the Russian occupation primarily focused on those who were overtly pro-Ukrainian, such as military personnel, members of the security forces, volunteers and individuals involved in civil society organizations. Now, however, as the war enters its third year, the Russian occupiers are targeting anyone who is not clearly pro-

Russian, defined by whether an individual has applied for a Russian passport and publicly shown loyalty to Russia on social media. Thus, the number of people potentially in serious danger is now much larger than it was at the beginning of the occupation.

As a result of this violent repression, the Ukrainian authorities have been forced to take the position that their citizens on occupied territory only have two options: to accept a Russian passport as a means of survival and wait for Ukrainian forces to liberate the territory or to flee the occupied territories. Since the second option is extremely difficult and potentially dangerous, and the whole process of passportization is forced on individuals by the Russian occupation authorities, the Ukrainian authorities do not deem accepting a Russian passport to be a criminal act.

A Semblance of Legality

On 27 April 2023, Putin signed presidential decree no. 307 “On the peculiarities of the legal status of certain categories of foreign citizens and stateless persons in the Russian Federation”. The decree states that all residents of the Russian-occupied parts of Ukraine who have not taken Russian citizenship will be considered foreigners or “stateless persons” in their own homeland. The initial deadline was 1 July 2024 but the transitional period was later extended until 31 December 2024. The decree allows for the deportation of such persons, in blatant violation of international law, and, by extension, the seizure of their homes and property. The illegal imposition of Russian citizenship also complicates the return of displaced Ukrainians and further violates their rights, which has significant repercussions for people in vulnerable situations.

Decree no 307 applies to all citizens of Ukraine, including citizens of the so-called Donetsk and Luhansk People’s Republics, who reside in the Russian occupied parts of the “annexed” Donetsk, Luhansk, Zaporizhzhia or Kherson regions but refuse to apply for Russian citizenship. They may be subject to deportation, have their period of stay reduced or their refugee status cancelled, have their residence permit cancelled or have their stay on Russian controlled territory declared undesirable. These measures can be taken if a person is said to “favour a violent change in the constitutional order” or finances, plans or “by other actions” supports “terrorist” or “extremist” acts.

The current Russian legislation on extremism and treason is so sweeping that it can be used to criminalize almost any behaviour. In the Ukrainian context, this can include any form of loyalty to the Ukrainian state or Ukrainian identity, such as language and culture. The list of grounds allows for the detention or deportation of any Ukrainian who the Russian authorities would like to remove from the occupied territories. Such mass deportations and mass detentions have taken place throughout the occupation and continue to take place today without reference to a legal framework. However, Decree no. 307 lends a semblance of legality to the conditions for an ongoing population exchange in the Russian-controlled parts of Ukraine. The aim of the replacement of Ukrainian nationals with Russians in the occupied territories is to make the reintegration of these lands into Ukraine impossible in the future.

According to the International Humanitarian Law, as an occupying power, Russia has various responsibilities. These duties are spelled out primarily in the 1907 Hague Regulations and the 1949 Fourth Geneva Convention. For instance, any occupying power must respect the laws in force in the occupied territory, unless they constitute a threat to its security or an

obstacle to the application of the international law on occupation. Collective or individual forcible transfers of a population from and within an occupied territory are prohibited. Transfers of members of the civilian population of the occupying power into the occupied territory, regardless of whether they are forcible or voluntary, are also prohibited.

The Russian policy of imposing citizenship on the residents of the occupied territories and making it virtually impossible to obtain basic healthcare, education or social benefits without changing passports violates the territorial integrity that the Russian Federation is obliged to respect as a signatory to the UN Charter (in particular article 2.4) and as a member of the Organisation for Security and Co-operation in Europe (OSCE), under article IV of the Helsinki Final Act, as well as article VIII on the right to self-determination. It can be assumed that the number of people who felt pressured to accept a Russian passport is high, given the level of threat they are living under. There are probably many who do not dare to talk about it. Implementation of Decree no. 307 breaches several other widely recognized rights, such as property rights and protection from arbitrary interference in family and private life. It also violates the most fundamental principles of International Humanitarian Law as stated in the IV Geneva Convention of 1949, such as the prohibition on compelling those residing in an occupied territory to swear allegiance to a hostile power.

The legal framework used to legitimize violations and abuses in the occupied parts of Ukraine is much wider than this decree, and involves other documents and another Presidential Decree, issued in July 2023, ordering the intensification of “work with the youth in the People’s Republics, the Zaporizhzhia and Kherson regions on issues of harmonizing inter-ethnic relations and strengthening the all-Russian civic identity”.

What Is at Stake in the Occupied Territories?

It is possible that the deadline for a transition to Russian citizenship will not lead to a wave of mass deportations of Ukrainian civilians from the occupied territories as those in a position to openly oppose Russian rule have largely already fled. Those who remain have stayed for a variety of reasons that are rarely to do with loyalty to the Russian regime. They have little choice but to obtain a Russian passport as all basic services are linked to it and without one, it is impossible to get an education, take a job or run a business. There is an understanding on the Ukrainian side that these decisions are forced. Ukrainian governors of the partially occupied regions are therefore urging residents under occupation to accept Russian passports to avoid the harsh reprisals that would be imposed on those who refuse.

Nonetheless, the Russian threat of deportation and confiscation of property remains a central part of the terror against the Ukrainian civilian population. Mass surveillance and suspicion of Ukrainian civilians continues even after an initial filtering of the population has been carried out and individuals suspected of disloyalty by the occupying power have been arrested, killed, or deported to Russia. Ukrainian human rights defenders report that torture, as well as cruel or degrading treatment of civilians is part of an ongoing, comprehensive policy of suppression of any resistance to the Russian invasion. Those who argue that a ceasefire or a frozen conflict would reduce civilian suffering simply ignore the daily lives of the Ukrainian civilian population in the occupied territories.

The forced change of nationality is a preparation for two far-reaching violations in the Russian occupation playbook. The first is the mobilization of the local population into its

own armed forces. A change of citizenship is a prerequisite for the Russian policy of using Ukrainians as combatants in the aggression against their own country. The second is the massive population exchange (or replacement in areas where most of the civilians have fled or been killed) already under way in the occupied territories, where migrants from the Russian Federation as well as migrant workers from other countries are being enticed to move into the homes and jobs left behind by dead Ukrainians and Ukrainian refugees and deportees.

Not surprisingly, given the number of war crimes committed by Russian forces in Ukraine, the debate on whether Russia is responsible for breaches of the United Nations Genocide Convention of 9 December 1948 in its aggression against Ukraine has been raging for at least as long as the full-scale invasion itself. An independent inquiry in May 2022 has already concluded that there are:

1. Reasonable grounds to believe Russia is responsible for (i) direct and public incitement to commit genocide, and (ii) a pattern of atrocities from which an inference of intent to destroy the Ukrainian national group in part can be drawn; and
2. the existence of a serious risk of genocide in Ukraine, triggering the legal obligation of all States to prevent genocide.

Russian war crimes in Ukraine, such as well-documented massacres of civilians in Bucha, Irpin or Iziurm, the forcible transfer of Ukrainian children to Russia or the population exchange in the occupied territories form a systematic pattern of atrocities targeted at Ukrainians as a group.

What distinguishes genocide from other international crimes is the strong focus on intent. This intent can either be attributed to a state through evidence of a general plan (derived from official statements, documents or policy) or inferred from a systematic pattern of atrocities targeting the protected group, “in whole or in part”. The UN Genocide Convention lists five such genocidal acts: killing members of the group, causing serious bodily or mental harm, imposing living conditions intended to eradicate the group, preventing births and forcibly transferring children out of the group.

Although no Russian “general plan” for a genocide of the Ukrainian people is known, several documents provide evidence of such an intention. One example is Putin’s essay “On the Historical Unity of Russians and Ukrainians” from 12 July 2021, which clearly dismisses the entire notion of Ukrainian statehood. Another example is an article in *RIA Novosti*, a state-owned media outlet, on 3 April 2022, “What should Russia do with Ukraine?” The article echoes the arguments made earlier by Putin and other Russian leaders and outlines a clear plan to destroy Ukrainians and Ukraine itself, equating “de-Nazification” – one of the original goals of Russia’s so-called Special Military Operation – with “de-Ukrainization”. In addition, the current deputy Chair of the Russian Security Council, the former president and prime minister of Russia, Dmitrii Medvedev, is often accused of demonstrating genocidal intent on his Telegram channel. On 26 August 2023, for instance, he claimed that the Ukrainian state “must be destroyed to the ground. Or rather, so that not even ashes of it remain. So that abomination can never, under any circumstances, be revived”.

Already on 26 February 2022, two days after Russia’s full-scale invasion, Ukraine filed a lawsuit to the International Court of Justice (ICJ) alleging that Russia is committing genocide. In October 2022, Russia objected that the court does not have jurisdiction in the case and that the case should therefore be dismissed, but on 2 February 2024 the ICJ decided that the court is competent to judge, which means that the case will continue.

Several national parliaments, including those of Poland, Estonia, Latvia, Lithuania, Moldova, Canada and Ireland, have joined the Ukrainian Parliament in declaring that Russia is conducting genocide in Ukraine. Although some scholars of genocide are doubtful that the evidence against Russia would hold up in court, it is important to keep in mind that genocide is not only a legal but also an analytical concept, and that the UN Genocide Convention primarily has a preventive function.

The exchange of populations and the policy of attracting Russian and other foreign migrants to the occupied territories are a reality. According to some sources, the population replacement conducted by the Russian authorities in occupied Ukrainian territories has been very effective. Between 500,000 and 800,000 people are estimated to have migrated from Russia to Crimea since 2014. According to another estimate, 60 per cent of the population of Melitopol in the Zaporizhzhia region has fled the town for Ukrainian controlled territory and has been rapidly replaced by newcomers from the Russian Federation and migrant workers from Central Asia. Finally, a third estimate says that 80 per cent of Mariupol's population, which has been heavily reduced more through killings in the war than due to relocation or deportations, is likely to be Russian within five years.

The Russian authorities are aggressively seeking to attract Russian citizens to take over confiscated Ukrainian property at favourable prices. This also applies to the newly built apartments constructed on occupied land and sold on favourable terms to newcomers from inside the Russian Federation. Ultimately, the main aim of this policy is to make it more difficult for Ukrainians to liberate the occupied parts of the country.

Regardless of the widespread slogans stating that "Russia is here to stay", however, there seem to be practical difficulties in convincing skilled professionals to migrate to occupied Ukraine. Russian medical personnel and civil servants are signing temporary contracts with rotating schedules and there is a reported shortage of specialists.

Conclusions and Recommendations

The Russian occupation playbook has remained essentially the same since the annexation of Crimea and Sevastopol a decade ago, but it has grown in scale and brutality. The systematic population exchange that followed the annexation of the peninsula started with a similar passportization campaign. At the time, Russia's actions were met with weak reactions from the international community and this aspect of the many breaches of international law was seldom highlighted. The Russian *modus operandi* is clearer today and should be taken as an incentive for the international community to act more decisively:

- International observers and media outlets should draw urgent attention to the systematic violations and abuses of the Ukrainian civilian population under Russian occupation, including the large-scale population exchange. This is one of the least publicized aspects of the war. Without continuous attention to this consequence of Russia's war of aggression against Ukraine, the picture is incomplete.
- When discussing potential ceasefires or frozen frontlines as a possible route to reducing the human suffering caused by Russia's attack on Ukraine, it is important to recognize that terror against the civilian population does not end with a ceasefire, and that Russia's capacity to complete a systematic exchange of the population can be expected to

increase in such a scenario. The impact on the Ukrainian civilian population under occupation should be included in all discussions on a future peace settlement.

- More attention should be given to the mobilization of local residents in occupied territories. This has been carried out in violation of International Humanitarian Law by the Russian occupation authorities in Crimea and the occupied territories of Donbas since 2014, and has intensified in the territories occupied since the full-scale invasion in 2022. This procedure should be seen as an indication of a wider ambition from Russia to mobilize all the resources of Ukraine, including human resources, in a possible future military conflict with the West.
- The European Union should consider sanctions linked to the ongoing population exchange in the occupied parts of Ukraine. Restrictive measures that could make it difficult for the Russian authorities to recruit qualified personnel and to implement these systematic changes in the composition of the population of Ukrainian territories should be discussed at the highest level.
- Holding Russia accountable for violations of international law, including war crimes committed in the occupied territories of Ukraine, is a central issue. It is important for redress and justice for Ukraine as a state and for the people who fall victim to Russia's war crimes, but also for the maintenance of the rules-based world order. International work on accountability for war crimes committed by Russia, in international courts such as the ICC and ICJ, including the ongoing investigation into genocide, should be intensified.



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