



SUBMISSION TO THE UN SPECIAL RAPPORTEUR ON TORTURE AND OTHER CRUEL, INHUMAN
AND DEGRADING TREATMENT OR PUNISHMENT

UKRAINE: IMMIGRATION DETENTION DURING THE CURRENT CONFLICT

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ABOUT THE GLOBAL DETENTION PROJECT

The Global Detention Project (GDP) is committed to ending arbitrary and harmful migration-related detention practices around the world, and to ensuring respect for the fundamental human rights of all migrants, refugees, and asylum seekers. To achieve this, we seek to:

- Increase public knowledge and awareness of immigration detention policies.
- Expand coverage of immigration detention by human rights monitoring bodies and other international agencies.
- Expand partnerships with local and international civil society organisations working to end arbitrary and harmful immigration detention practices.
- Strategically target research and advocacy so that it effectively challenges arbitrary and harmful detention laws and policies.

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INTRODUCTION

The Global Detention Project (GDP) is pleased to provide this submission to the UN Special Rapporteur on Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment in response to her call for input¹ to inform her upcoming report on Ukraine. This submission provides an overview of concerns regarding immigration detention in Ukraine with a particular focus on the period since Russia's full-scale invasion of the country. The submission also recalls the Special Rapporteur's long-standing concerns about torture and ill-treatment in immigration detention settings, which the mandate has addressed in various reports, including in the mandate's 2018 report on migration-related torture and ill-treatment and 2015 report on the deprivation of liberty of children.²

CONTEXT

In March 2022, shortly after Russia's invasion of Ukraine, people confined in immigration detention centres in Ukraine used cell phones to contact the Global Detention Project (GDP) through social media and email to inform us of their ongoing detention, including in areas of the country near the conflict, as well as their alleged ill-treatment at the hands of detention centre staff.

While investigating these reports, the GDP learned that although one of Ukraine's immigration detention centres, the Chernihiv PTPI, was emptied shortly after the start of the war, other facilities, including the Volyn PTPI (also known as the "Zhuravychi Migrant Accommodation Centre") and Nikolaev PTPI, remained in operation. Information provided on the website of Ukraine's State Migration Service in early 2022 corroborated these reports, indicating that there were at that time three migration-related detention facilities in operation: Volyn PTPI, Chernihiv PTPI, and Nikolaev PTPI.³

¹ Special Rapporteur on Torture, "Call For Inputs – Country Visit to Ukraine (4-15 September 2023)," <https://www.ohchr.org/en/calls-for-input/2023/call-inputs-country-visit-ukraine-4-15-september-2023>

² UN Human Rights Council, "Report of the Special Rapporteur on Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, Juan E. Méndez," A/HRC/28/68, 5 March 2015, <https://www.refworld.org/pdfid/5501506a4.pdf>; UN Human Rights Council, "Report of the Special Rapporteur on Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment," A/HRC/37/50, 23 November 2018, https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/37/50

³ Global Detention Project, "Volyn Temporary Stay for Foreigners and Stateless Persons (Volyn PTPI)," <https://bitly.ws/YtfW>; Global Detention Project, "Chernihiv Temporary Stay for Foreigners and Stateless Persons (Chernihiv PTPI)," <https://bitly.ws/Ytg6>; Global Detention Project, "Nikolaev Temporary Stay for Foreigners and Stateless Persons (Mykolayiv PTPI)," <https://bitly.ws/YtfE>

Reports subsequently published by the GDP⁴ and other civil society organisations (including, Human Rights Watch⁵ and the Transnational Institute⁶) as well as by several media outlets (including Lighthouse Reports⁷, Al Jazeera⁸, Der Spiegel⁹, and the Guardian¹⁰) raise a number of critical concerns both with respect to the particular plights of immigration detainees in Ukraine as well as more broadly the seeming lack of legal protection for immigration detainees in the context of ongoing warfare and their vulnerability to torture and ill-treatment.

Amidst the ongoing suffering across Ukraine, it is crucial that the rights of refugees and asylum seekers caught up within the conflict not be overlooked. Thus, the GDP has urged numerous stakeholders both domestically in Ukraine as well as internationally to push for the immediate release of foreign nationals detained for immigration-related reasons in the country, including the UN High Commissioner for Refugees (UNHCR) and the Office of the United Nations High Commissioner for Human Rights (OHCHR), as well as the International Committee of the Red Cross (ICRC) and the European Committee for the Prevention of Torture (CPT). The GDP has also reached out to officials in the European Parliament, urging them to raise this issue amongst EU Member States, particularly in light of the EU's important investments in the Ukraine's immigration detention system, resulting in some members tabling the issue during parliamentary sessions and including it in a European Parliament resolution in April 2022.¹¹ We likewise urge the Special Rapporteur to consider including concerns about this situation in her upcoming report on Ukraine.

EVIDENCE

Among the initial pieces of evidence that detainees at the Volyn (Zhuravychi) detention centre provided to the GDP were videos from inside cells during apparent Russian bombing of a nearby village as well as lists of countries of origin of people at the facility at that time, which included people from Pakistan, India, Eritrea, Sudan, and Afghanistan—many of them students and migrant workers. We corroborated this information with other on-the-ground sources, who informed the GDP that while the embassies of some of the detainees, including India, had begun arranging the removal of their nationals, other detainees did not

⁴ Global Detention Project, "Immigration Detention Amidst War: The Case of Ukraine's Volyn Detention Centre," 29 April 2022, <https://www.globaldetentionproject.org/immigration-detention-amidst-war-the-case-of-ukraines-volyn-detention-centre>

⁵ Human Rights Watch, "Migrants, Asylum Seekers Locked Up In Ukraine," 4 April 2022, <https://www.hrw.org/news/2022/04/04/migrants-asylum-seekers-locked-ukraine>

⁶ TNI, "How the EU has Used War in Ukraine to Expand its Border Regime," 14 June 2023, <https://www.tni.org/en/article/how-the-eu-has-used-the-war-in-ukraine-to-expand-its-border-regime>

⁷ Lighthouse Reports, *Twitter thread*, 21 March 2022, <https://twitter.com/LHreports/status/1506029416652156933>

⁸ K. Fallon, "Fear Grows for Migrants Held in Ukraine's Detention Centre," *Al Jazeera English*, 4 April 2022, <https://www.aljazeera.com/news/2022/4/4/fear-grows-for-migrants-held-in-ukraines-detention-centre>

⁹ S. Lüdke, "Gefangen im Krieg," *Der Spiegel*, 4 April 2022, <https://www.spiegel.de/ausland/ukraine-migranten-in-eu-finanzierten-haftzentren-gefangen-a-ea2ed6bc-9d46-4026-af5d-c58f9d1095f0>

¹⁰ J. Williams, "'Scared for our Lives': Grave Concerns Over Safety of Refugees Detained by Ukraine," *The Guardian*, 12 April 2022, <https://www.theguardian.com/global-development/2022/apr/12/ukraine-refugees-detained-russia-war>

¹¹ European Parliament, "European Parliament Resolution of 7 April 2022 on the EU's Protection of Children and Young People Fleeing the War in Ukraine," 7 April 2022, https://www.europarl.europa.eu/doceo/document/TA-9-2022-0120_EN.html

want assistance from their embassies because they did not wish to return and were seeking asylum.

In interviews with Human Rights Watch, which collaborated with the GDP on this issue, detainees in Volyn said that conditions had deteriorated after 24 February when members of the Ukrainian military moved into the centre and guards relocated the detainees to one of the two buildings in the complex—freeing the second building for the soldiers. The centre also has no bomb shelter. When detainees protested and demanded to be released, the guards refused, forcibly putting an end to the protest and beating detainees.¹² According to other reports, guards told detainees that they could leave the facility if they joined the Ukrainian war effort—which, reportedly, would have resulted in them immediately being granted Ukrainian citizenship.¹³

In the months following, some detainees were reported to be released. However, in December 2022, the GDP received more reports detailing the continued use of Volyn PTPI for detaining foreign nationals. According to the information seen by the GDP, 44 foreign nationals were being detained in the centre—42 men and 2 women. Most of them were Tatars, Dagestanis, Russians, Azerbaijanis, Armenians, and Uzbeks—many of whom were fleeing political and religious persecution and feared being returned to their countries of origin.

At the time, much of Ukraine faced power outages as a result of Russian missiles targeting the country’s power-generating facilities. Reports from the centre highlighted constant electricity cuts, extremely cold rooms, infrequent hot water supply, and disrupted mobile service—raising serious concerns for detainees’ welfare and safety.¹⁴

The dangers faced by those who remain detained were also illustrated in May 2022, when the Deputy Director of the Chernihiv PTPI informed HRW that the facility—having already been emptied—was hit by munitions that he believes were fired by a drone on 30 March. Windows of the dining room and dormitory were shattered, and the roof was damaged. As HRW noted, “While the damage was limited, it underscores the need to urgently evacuate people from Zhuravychi and Mykolaiv before these centers are also targeted in an attack.”¹⁵

RECOMMENDATIONS

It is deeply concerning that Ukrainian authorities have continued to detain and deport migrants and refugees since Russia’s invasion of the country. It is also concerning that there appears to be only limited provision in international humanitarian law that is relevant to the plight of these detainees, including in particular Additional Protocol 1, Article 58C, of the Geneva Conventions, which requires all parties to a conflict to take necessary measures to protect civilians under their control from the effects of war.

¹² Human Rights Watch, “Migrants, Asylum Seekers Locked Up In Ukraine,” 4 April 2022, <https://www.hrw.org/news/2022/04/04/migrants-asylum-seekers-locked-ukraine>

¹³ Euro-Med Monitor, “Ukraine’s Detention of Dozens of Migrants During War is Inhumane, Unjustifiable,” 17 April 2022, <https://euromedmonitor.org/en/article/5062/Ukraine%E2%80%99s-detention-of-dozens-of-migrants-during-war-is-inhumane,-unjustifiable>

¹⁴ Global Detention Project, “The Continued Detention of Non-Nationals in Ukraine’s Volyn Detention Centre,” 15 December 2022, <https://www.globaldetentionproject.org/15-december-2022-ukraine>

¹⁵ Human Rights Watch, “Ukraine: Migrants Locked Up Near Front Lines,” 6 May 2022, <https://www.hrw.org/news/2022/05/06/ukraine-migrants-locked-near-front-lines>

“The Parties to the conflict shall, to the maximum extent feasible... (c) Take the other necessary precautions to protect the civilian population, individual civilians and civilian objects under their control against the dangers resulting from military operations.”

We encourage the Special Rapporteur to raise these issues in her report on Ukraine, using the opportunity to:

- Urge Ukrainian authorities to release all people in immigration detention centres and provide them with resources to depart the country or to remain safe and adequately cared for in the community.
- Urge Ukrainian authorities to cease all use of immigration detention measures while the country remains under siege and at war.
- Urge Ukrainian authorities to provide a full accounting of the measures they have taken since Russia’s invasion to protect immigration detainees in the country, as well as to investigate abuses that have occurred in detention centres.
- Urge relevant international agencies and human rights mechanisms to address the situation of immigration detention with national authorities in Ukraine.
- Urge national missions in Ukraine to assist the removal of their citizens when such assistance is sought.
- Urge EU officials to produce an account of the use of EU-financed detention centres since Russia’s invasion of Ukraine and to pressure officials in Ukraine to cease immigration detention operations while conflict is ongoing in the country.
- Initiate a broader conversation about the use of immigration detention in conflict situations with a view to underscoring relevant international norms and identifying possible gaps in the existing normative framework, leading to a “lessons learned” assessment that could be applied in future crisis.