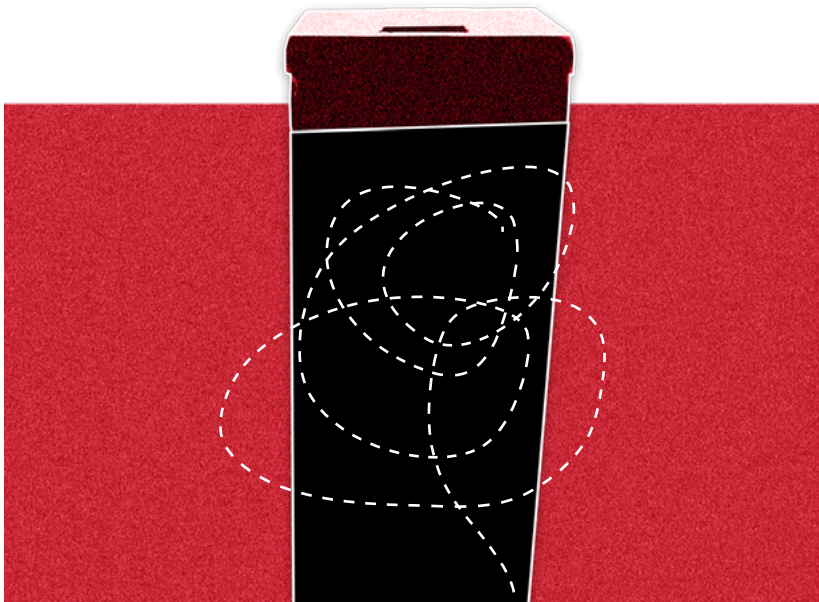


**PSEUDO-REFERENDUMS
IN THE INVADED
TERRITORIES
OF UKRAINE:
WHAT RUSSIA PLANS
TO DO AND HOW TO
DISABLE THEM**



Russia is preparing to hold pseudo-referendums on Ukrainian territories. The results of these false referendums will create “legal grounds” for Russia to annex Ukrainian territories and demand that the world recognize the annexation or, at least, accept it, also possibly by resorting to nuclear blackmail. The results of the “vote” will be null and void but they will significantly affect the situation in Ukraine and beyond, such as in military, humanitarian and political areas. Russia’s plans must be countered urgently. Civil Network OPORA has drafted recommendations for Ukraine and other countries on the possible counteractions. We analyzed the pseudo-referendum induced threats for residents in the occupied territories, for Ukraine, and for the entire world, and overviewed the preparation for the votes.



How is the preparation for pseudo-referendums taking place?

Representatives of Russia announced the launch of preparations for holding pseudo-referendums in the temporarily occupied Ukrainian territories. The date of the pseudo-vote has not been announced but it is implied that in Zaporizhzhia and Kherson Oblasts it will be held on September, 11, 2022. In Donetsk and Luhansk Oblasts, Russians hope to hold fictitious referendums if both regions are completely invaded.

On July, 23, 2022, heads of Russian occupation administrations reported that they had started to establish election commissions for the referendum in Zaporizhzhia Oblast and in Kherson Oblast. On July, 30, it was reported that the occupying administrations plan to apply with a request to the Central Election Commission of Russia for assistance in preparing the referendums. This might indicate problems with the recruitment of people from the occupied territories to election commissions, and issues with resources. The CEC of Russia did not participate in the 2014 pseudo-referendum in Crimea because it contradicts the official Russian propaganda about the “self-determination of the regions”. However, it is possible that the CEC will now be involved in the process.

The occupiers do not have access to voter lists because the Central Election Commission of Ukraine has suspended the State Voter Register on February, 24. However, in the occupied territories, they are collecting personal data of residents. Russians presumably compile their own voter lists. Besides that, the occupation authorities have stolen electoral documentation from the State Archive of Kherson Oblast.



Before the fictitious referendums, the occupiers organize public campaigns where the participants advocate the accession of the regions to Russia. These campaigns are intended to create an illusion that the “vote” results voiced by the Russians reflect the will of local residents. Both the Security Service of Ukraine and the Chief Intelligence Department of the Ministry of Defense of Ukraine have warned about this. In particular, the CID reported that people are recruited to participate in the campaigns to support pseudo-referendums. In addition, they are handed out the so-called humanitarian aid or money. The events involve members of pro-Kremlin NGOs, such as “Rosmolodyozh”, “Molodaya Gvardiya”, “Volonteriy za Rossiyu”, “My Vmeste s Rossiyey”. Basically, these organizations include Russians who imitate Russia’s support among local residents and help Russian media to film staged propaganda stories.

To legitimize pseudo-referendums, “international observers” will be invited there. This was stated by the head of the Russian occupation authorities in Zaporizhzhya region, Volodymyr Rogov. The involvement of such “observers and experts” is a common practice for Russia but the European Platform for Democratic Elections (EPDE) has repeatedly criticized this, and recommends not to recognize the conclusions of “observers” hired by Russia as legitimate.

Residents of the temporarily occupied territories face persuasions to support Russia’s accession. Any opinions against the occupation authorities and against fictitious referendums are regarded as calls for extremism. Despite this, Ukrainians in the temporarily occupied territories oppose the invaders in a form of the underground resistance.



How Russia Prepares to Hold Pseudo-Referendums in the Temporarily Occupied Ukrainian Territories

Before holding false referendums, Russians try to take control of people's lives in the temporarily occupied Ukrainian territories, to the maximum extent possible.

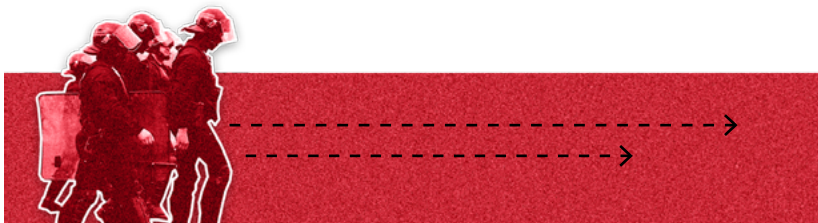
This is achieved through the information blockade and the spread of Russian propaganda; through the breakdown of economic ties with the rest of Ukraine; through the forced passportization of residents and the creation of a system of law enforcement agencies.

• *Occupation police is being established in the occupied territories*

At the beginning of the occupation in Kherson and Zaporizhia Oblasts, people from Crimea and previously occupied Ukrainian territories were recruited to the occupation police. In July, temporary departments of the Ministry of Internal Affairs of Russia were created, and Russian police officers were brought in. Obviously, this is part of the preparations for the pseudo-referendums. Besides, it should create the impression of law and order for the Russian propaganda media. In addition, under the guise of combating extremism, the Russian police keeps repressing citizens for refusing to cooperate with the occupiers and for supporting Ukraine.

• *Occupiers collect data on Ukrainians in exchange for aid*

Russians use the humanitarian disaster they created to collect personal data of Ukrainians and find people who can be involved in pseudo-referendums for money and food. Under the guise of a humanitarian mission, the "Yedinaya Rossiya" (lit. – the United Russia) party of Russian authorities is active in the south of Ukraine. Under the brand of this party, people are given humanitarian aid. It helps compile registers of those who need the assistance and those who have already received it.



• *The occupiers are breaking economic ties with the free Ukraine*

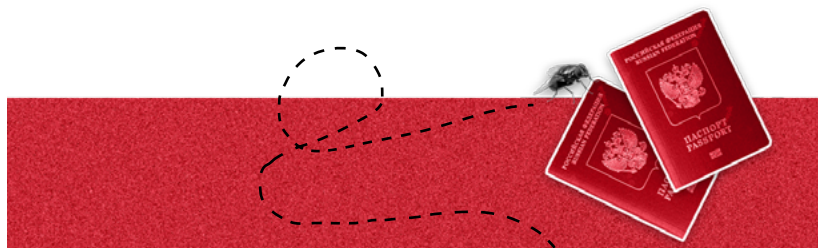
In addition, Russians receive data about people and involve them in their propaganda activities, in exchange for cash aid. At the same time, Russians encourage residents of the temporarily occupied territories to use rubles, artificially lowering the rate to 1.5 rubles per 1 hryvnia, while the average rate in banks is 2.6 rubles per 1 hryvnia. Therefore, food and services get to be more expensive when paid in UAH. In addition, the occupation administration obliges the business to indicate prices and accept payment both in UAH and in rubles, and constantly monitors whether this is followed. Businesses operating in the occupied territories are forced by Russians to register with the newly created “property funds”. Failing that, the occupiers take away business and property.

• *Russians compel residents of the occupied territories to accept Russian passports*

Thanks to forced passportization, they also collect data on Ukrainians and look for people (dis)loyal to the occupiers. In addition, thanks to the people who agree to receive a Russian passport, the occupiers create a picture justifying the war and the possible fictitious referendums.

In July, Putin simplified the procedure for obtaining Russian citizenship for Ukrainians. Moreover, in the temporarily occupied territories, Russians deployed a number of institutions to issue Russian passports. A representative office of the Migration Service of Russia was opened in Melitopol city.

Taking into account the experience of the previously occupied Ukrainian territories, they can deport, deprive of the right to housing, seize property, etc. for refusing to assume Russian citizenship.



• *Russians block Ukrainian information in temporarily occupied territories*

To impose an information blockade, Russia uses the seized infrastructure located in the occupied territories. From March 2014 to July 2022, in all the temporarily occupied territories of Ukraine, Russians seized at least 131 media infrastructure facilities, such as television towers, repeaters, or radio transmitters. At least 48 facilities have been seized since February 24, 2022.

Local journalists in the temporarily occupied territories have been abducted and threatened. In particular, as of July, 4, 14 regional and 53 local TV companies, as well as 18 regional and 47 local radio companies have stopped broadcasting on TOTs. This is about 15% of all broadcasters in Ukraine. The residents of the occupied territories now stay virtually without local news.

At least 46 Ukrainian Internet providers had to stop operating in the occupied territories. Some Internet providers were blackmailed into connecting to Russian networks, others were seized by the occupation authorities, and the traffic was redirected through Russian providers. Those Ukrainian regional online publications that were able to continue operating in the occupied territories were eventually blocked by Roskomnadzor and became inaccessible to local residents.

• *In the temporarily occupied Ukrainian territories, Russia has deployed a network of disseminating lies*

The occupiers broadcast Russian television and radio in the occupied territories with the help of captured Ukrainian equipment,



and create new propaganda resources. In particular, since February, 24, the Russian occupation authorities have launched TV channels “Tavria”, “ZaTV”, and “Novyi Mariupol.” They started printing newspapers under local brands “Priazovsky Rabochiy,” “Nadnepranskaya Pravda,” “Zaporizhzhya Vestnik,” and “Kakhovsky Vestnik,” and created numerous online news resources.

However, Russians disseminate propaganda mostly through Telegram. After February, 24, they created more than 100 Telegram channels targeting residents of the temporarily occupied territories or those places that the Russians were intending to occupy. Some of these channels were created on the eve of the invasion – on February 20 to 23. Some of them were created as official channels of the occupation authorities; others mimic local media and news resources and spread Russian disinformation about military actions on the territory of Ukraine. Links of these channels with Russia have been confirmed by the Security Service of Ukraine.

To a large extent, Russia began to prepare the ground for the current illegal actions when it held pseudo-referendums in the occupied Crimea, and in parts of the Donetsk and Luhansk regions. However, whereas in 2014, Russia concealed aggression by imitating “popular initiatives,” now they act openly. The same like in 2014, they plan to make the world confront the fact of illegal annexation and hope not to receive any strong response to violations of international law. Will international organizations and the civilized world now please Russia’s expectations?



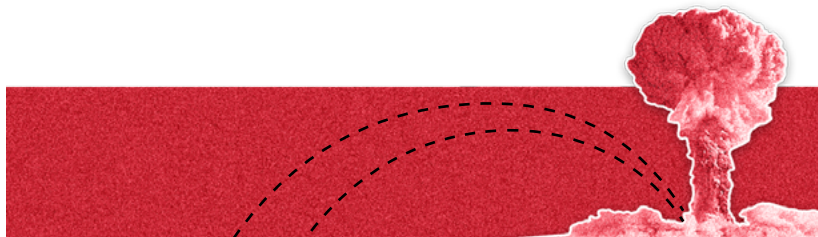
Threat of pseudo-referendums held by Russia on Ukrainian territories

• Russia will intensify their blackmail of the world with the use of nuclear weapons

If, after the pseudo-referendums, Ukrainian territories are forcibly annexed to Russia, it will give Russia grounds to state that their “new territories” cannot be attacked. Probably, the Russian leaders will claim their ability to use nuclear weapons to protect all Russian territories, including those illegally invaded, if Ukrainians try to liberate them.

Russia will resort to nuclear blackmail to put pressure on Western states to make them enter into dialogue, and de facto recognize the accession of Ukrainian territories to Russia.

In June, 2022, Putin signed a decree that determines in which cases Russia will be able to “defend themselves” against external threats with nuclear weapons. However, the list of these “threats” is extremely broad, and only the President of Russia has the right to interpret the conditions for the use of nuclear weapons. In addition, “threats” to Russia can be constructed by Russian propaganda itself. For example, false accusations of Ukraine in the development or use of weapons of mass destruction can contribute to harder nuclear threats. In addition, after the pseudo-referendums, Russia can deploy nuclear weapons in the newly annexed territory, as it did in the occupied Crimea: 39 vehicles that can be used as carriers of nuclear weapons were deployed there.



• *Russia will restart forced mobilization in the occupied territories with renewed vigour*

A number of international instruments protect civilians in the occupied territories. In particular, Article 51 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War states that inhabitants of the occupied territories cannot be compelled into the armed forces of the Occupying Power; no pressure or propaganda which aims at securing voluntary enlistment is permitted. Russia has previously grossly violated this and other conventions, compelling the mobilization of inhabitants of the occupied parts of the Donetsk and Luhansk regions. However, after the fictitious referendums, Russia will consider the residents of the occupied territories as its citizens who are subject to conscription under the rules that apply to the rest of the Russians. This is likely to lead to an increase in the scale of forced mobilization. It will also be facilitated by the fact that Russia will continue to compel the acceptance of Russian passports by Ukrainians.

• *Russia will continue to forcibly issue Russian passports to Ukrainians*

Article 45 of the Hague Regulations concerning the Laws and Customs of War on Land says that it is forbidden to compel the inhabitants of occupied territory to swear allegiance to the hostile Power. However, Russia violates this provision and compels Ukrainians to accept Russian passports.

The primary reason is to identify people who are averse to Russia and pro-Ukrainian activists, and to repress them. People who have refused Russian passports will be restricted access to social assistance, medical



services, education, work, etc., as it was implemented in the occupied Crimea. As to people who agree to receive a Russian passport, Russia will consider them as their own citizens, and will have a broader authority to prosecute them, if necessary. Children born after February, 24, 2022 in Kherson region automatically receive Russian citizenship, the occupiers said.

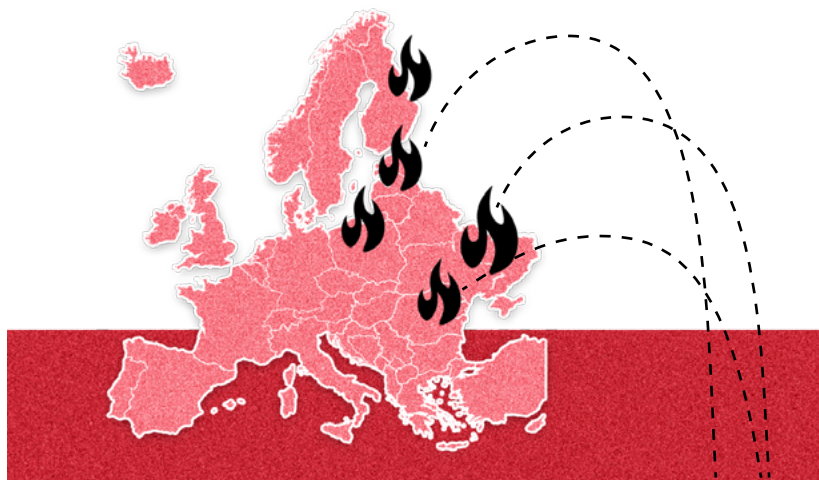
• *In the occupied territories, more ethnic Russians and the Russian language will be planted*

For example, half a million Russian citizens have moved to Crimea since 2014, while about 30,000 Crimean Tatars have left fleeing political persecution. More than 100,000 Ukrainian citizens left the peninsula. In order to artificially attract Russians to the occupied territories, Russia gives them cash aid, reimburses costs, provides housing, etc. Meanwhile, Russia has already announced the transition of schools in the temporarily occupied territories of Kherson and Zaporizhia regions to the Russian curriculum since September, 1. In some regions, in particular in Mariupol, the “de-Ukrainianization” of the educational process is already taking place. In addition, Russia will also interfere in the religious life of citizens, as it has already done in Donbas and Crimea.



What risks come from the pseudo-referendums for Europe?

Russia ignores and grossly violates the principles of international law, such as the principle of the inviolability of state borders. Since the beginning of the full-scale invasion, the Russians have committed at least 17,500 crimes of aggression and war crimes on the territory of Ukraine. In view of this, the mere possibility of holding fictitious referendums on the occupied territory of Kherson and Zaporizhzhya, as well as in Donetsk and Luhansk Oblasts, will mean that Russia can continue to act contrary to international law. Vladimir Putin not only seeks to completely destroy Ukraine but also has his own idea for the restoration of the Russian Empire. Since Russia borders with many European states (besides, Russia actually controls Belarus), the successful holding of pseudo-referendums and the lack of a strident and efficient reaction to them from other states will only strengthen Russia's invading ambitions and make it impossible to exercise diplomatic and political leverage over Russia. Countries to which Russia has potential territorial and so-called security claims (e.g. Moldova, Kazakhstan, Baltic countries, etc.) will be particularly vulnerable.



How to stop the Russian scenario: recommendations from OPORA

In 2014, Russia occupied the Ukrainian Crimea and did not receive a proper powerful response from the world community. At that time, international institutions confined themselves to declarations and resolutions on the unconstitutionality, unlawfulness, and illegality of the pseudo-referendum held by Russia in Crimea. In reality, it all boiled down to the passive acceptance of the Russian annexation of Crimea. The experience of the past annexation should be taken into account now, in order to anticipate Russia's plans and their potential threat.

Partner states should strengthen military assistance to Ukraine and put more pressure on Russia with sanctions, so that Ukraine can liberate the occupied territories.

Russia must be recognized as a state sponsor of terrorism. To do this, under US law, the Secretary of State must determine that the Russian government has repeatedly supported acts of international terrorism. So far, only Cuba, North Korea, Iran, and Syria have been recognized as state sponsors of terrorism. By receiving this status, the state is automatically subject to powerful sanctions (restricted US external assistance; a ban on the export and sale of defense products; control of export of dual-use goods, etc.). Furthermore, sanctions are imposed on countries continuing to do business with the state sponsor of terrorism.

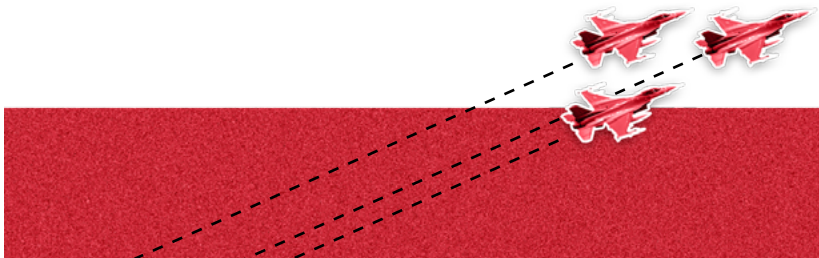


In addition, it is necessary to promptly update the lists of personal sanctions and apply them to Russian officials involved in the illegal integration of Ukrainian territories into Russia and the preparation of pseudo-referendums.

Russia should be excluded from international organizations. In particular, they should consider depriving Russia of membership in the Organization for Security and Cooperation in Europe (OSCE), since the Russian desire to destroy the system of international law is not compliant with the organization's mandate and mission. In addition, the discussion must shift into a practical domain on the possible withdrawal of Russia from membership in the United Nations Security Council.

Moreover, international organizations and partner states do not need to try to resume negotiations with Russia, as long as it continues to invade Ukrainian territories. The policy of unilateral concessions will only aggravate the situation, escalate the conflict, and expand the confrontation geography.

Partner countries should strengthen military assistance to Ukraine. To gain a strategic advantage on the battlefield and to begin liberating the occupied territories, the Ukrainian army urgently needs to obtain heavy weapons in the required numbers and quality. The priority needs include the NATO-mandated multiple launch rocket systems and long-range artillery systems and ammunition, air and missile defense systems, armored vehicles, and unmanned aerial vehicles.



The Ukrainian government should systematically inform other states and international organizations about specific steps taken by Russia in preparing and conducting the pseudo-referendums. At the same time, Ukraine should propose a list of new international sanctions against Russia provoked by its preparation for false referendums.

Collaborator crimes related to the preparation of pseudo-referendums should be documented and investigated. On the other hand, it is important to refrain from harassing civilians if they had to engage with the occupiers for the sake of their survival.

Citizens of Ukraine in the occupied territories should try to avoid any form of participation in the preparation and conduct of fictitious referendums. Civil Network OPORA has made clear recommendations for residents of occupied territories regarding their conduct during a false referendum.

Potential organizers of the pseudo-referendum should remember that under Ukrainian laws, for the organization of fictitious referendums, you can be imprisoned for a period of 5 to 12 years, lose your position and, probably, your property. This applies to citizens aged 16 and over. International sanctions can also be expected for persons involved in the preparation and conduct of the referendums.



The pseudo-referendums that Russia is preparing to hold in the occupied territories of Ukraine grossly violate international law and the Constitution of Ukraine. Their results will be null and void. However, without a clear and powerful response from the world community, they will enable Russia to scale their atrocities. This will create new threats for Ukraine, for Europe, and for the rest of the world. There is no reason to believe that one day Russia may decide to end the war it unleashed in Ukraine: Russia must be stopped.

For comments, contact

Olga Aivazovska

a.olja@opora.org.ua

+380636179750

