

TARGETED AND KILLED

How Russia Targeted and Killed HRD Tigran Galustyan in Ukraine



Introduction

On Sunday, October 6, 2024, Human Rights Defender (HRD) Tigran Galustyan was driving to rescue civilians from Ukraine's eastern front near Pokrovsk when he was targeted and killed by a Russian military First Person View (FPV) drone.

As with many other HRDs killed in Ukraine, international safeguards designed to protect him failed to save his life. International mechanisms to hold his killers to account could also fail him in death.

Working on the eastern front, far from the gaze of most foreign diplomats, international non-governmental organizations (NGOs), and media, his work and the work of other HRDs in the area have gone largely unrecognized.

He was part of a small volunteer team working out of the city of Kharkiv, called Roza na Ruke (Rose on Hand.) It reports having evacuated 14,000 civilians from danger since 2022. Galustyan was targeted and killed while driving a vehicle between the villages of Kurakhove and Hirnyk in the Donetsk region. The van was clearly marked with Roza na Ruke logos.

Despite a series of international safeguards specifically designed to protect HRDs many continue to be killed all over the world for peacefully working for the rights of others. International NGO Front Line Defenders <u>documented</u> the killings of over 300 HRDs in 28 countries in 2023, including 11 from Ukraine. International protections are failing too many HRDs. Impunity fuels these killings, as a failure to bring the perpetrators to account encourages further attacks.

This report is a case study of the targeted killing of one HRD. It aims to highlight the work of Galustyan and his colleagues, provide an account of the circumstances of his death, outline the safeguards that failed to protect him, and suggest possible avenues for accountability for his killing. It is based on research conducted on Ukraine's eastern front in December 2024 and includes eyewitness testimony, Open Source Intelligence (OSINT), media reports, and interviews with volunteers who worked with Galustyan. It also includes analysis of relevant international law and accountability mechanisms.

Since Russia's full-scale invasion of Ukraine in February 2022, Human Rights First has made 17 research trips documenting the work of local HRDs in Kharkiv, often working alongside Roza na Ruke to evacuate civilians from communities along the front line, including from Velykyi Burluk, Prykolotne, Kupiansk, Buhoslavka, Kurakhove, Selydove,

Kurakhivka, Hirnyk, and Pokrovsk.¹ Human Rights First would like to thank students of the LLM International Human Rights Law program at Queen's University Belfast, under the supervision of Dr Conall Mallory, and to Denys Glushko, for their research assistance to this project.

¹ In May 2023, Human Rights First reported on how Tsyrkuny, a village north of Kharkiv, survived Russian occupation. We released another report in June 2023 on the Russian occupation of the city of Izyum and surrounding villages in the Kharkiv Oblast. In July 2023, we worked with local NGO the Kharkiv Anti-Corruption Center to report on dubious contracts for the reconstruction of public buildings awarded by Kharkiv's authorities. In August 2023, we published a report from the frontline city of Kupiansk on how locals were holding out against the threat of a Russian re-occupation. In November 2023, we returned to the region and issued a report on how civilians in Kharkiv prepared for a bitter winter war as Russia renewed its bombing attacks on Ukraine's heating infrastructure. In January 2024 we reported from Kharkiv on the need for greater psychological support for civilians, and in March 2024 we returned to the region to report on demining efforts. In June 2024, we reported from Kharkiv on how HRDs are undertaking evacuations from villages under fire, and how the latest Russian advances have impacted the work of local activists. In July 2024, we reported on how HRDs in Kharkiv are battling Russian-backed disinformation, and in August 2024 a report on how Ukraine is addressing the issue of those accused of collaborating with Russian forces.

Background

Renewed Russian advances westwards into Ukraine which from May 2014 had, by early October 2024, pushed close to Pokrovsk in the Donetsk region. Russian and Ukrainian soldiers were still battling street by street in many of the communities around the city, with control of neighborhoods changing hour to hour. Many elderly civilians, still left in surrounding villages on the front line, relied on volunteer evacuation teams to rescue them.

On October 6, Russian forces were attempting to encircle villages near <u>Pokrovsk</u>. They eventually overran several villages a couple of <u>weeks later</u>. Ukrainian authorities had ordered <u>mandatory evacuations</u> of families with children to start from Pokrovsk city and the surrounding area from August 19, 2024.

Although the Roza na Ruke is based in Kharkiv and generally operates in the Kharkiv region, the situation around Pokrovsk became so desperate by early October that the team repeatedly made long trips south to join others in <u>evacuating vulnerable people</u>.

Led by Allksander Humaniuk, the Roza na Ruke team grew from a small group of local volunteers in Kharkiv who tried to find a missing teenager in 2021. It has developed into a network whose work, apart from evacuations, also includes immediately showing up at the scene when Kharkiv city is hit by missile to help the official first responders find the injured. This work is dangerous, as the Russian military often uses the "Double Tap" method of attack, where it fires missiles on a location, waits for emergency workers, rescuers, and civilians to arrive at the scene, and then fires more at the same place about 15 minutes later.²

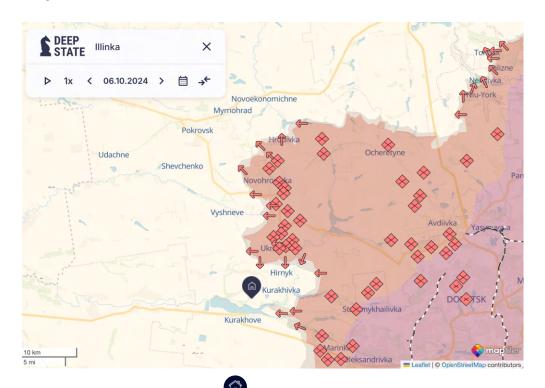
Many of the difficulties faced by HRDs working in war zones worldwide are familiar to Kharkiv activists. These include a detachment from many traditional networks of support outside capital cities, a reluctance for international observers to visit the local activists during conflict, and heightened challenges in getting attention and funding for their work.

In a <u>2020 report</u> to the United Nations, the UN Special Rapporteur on the situation of human rights defenders noted that "In conflict and post-conflict situations, many people become defenders as a result of circumstances or out of necessity. They include first responders in areas under active hostilities...Because they are not formalized, not attached to a particular affiliation or profession and are performed in the most isolated areas or in transitory settings, countless of these contributions continue to remain invisible."

The report <u>further recognized</u>, "The relative isolation of some defenders and the systemic protection gaps are aggravating factors, particularly in remote conflict areas."

² https://www.youtube.com/watch?v=YDWt6rsnulM; https://kyivindependent.com/ukraine-war-latest-russian-double-tap-strike-north-of-kharkiv-kills-6-including-pregnant-woman/; https://gwaramedia.com/en/russia-hits-rescuers-in-kupiansk-kharkiv-region-with-double-tap-strike/; https://truth-hounds.org/en/cases/cruelty-cascade/

There are also difficulties facing HRDs based in and near Kharkiv of immense physical dangers of death, injury, and abduction. On September 11, 2024, a few weeks before Galustyan's killing, a Russian FPV drone attacked a Roza na Ruke vehicle evacuating civilians near Pokrovsk, without injuries. Later that day, the two Roza na Ruke volunteers in the van encountered an armed Russian soldier, who fortunately allowed them to leave the village of Ukrainsk unharmed with the evacuees.



Illinka, located at the marker is the village where Tigran Galustyan was killed. The red portion of the map highlights the movement of Russian troops.

HRDs in Kharkiv express frustration that international observers, claiming fears for their safety, rarely visit the region and that the work of local HRDs often goes unreported and ignored. They say this makes it difficult to raise the money and access other resources they desperately need.

There are also significant threats to psychological well-being, exhaustion caused by stress and trauma, sleep deprivation caused by years of near-constant missile attacks, the prospect of burnout, and long-term pressure on personal relationships.

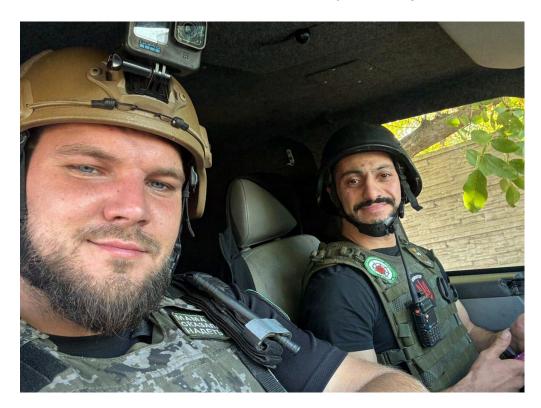
Other difficulties include daily air raid alerts, regular missile strikes, electricity cuts, and immense psychological pressure. NGOs in Ukraine, including Roza na Ruke, are now depleted by having their male activists drafted into Ukraine's military.

The volunteers undertaking evacuations use a variety of vehicles, from small cars to vans, and can rescue dozens of people in one day. Galustyan was driving one of the Roza na Ruke vans when he was killed.

Tigran's killing by drone

Tigran Galustyan was killed on Sunday, October 6 near the village of Illinka in the Donetsk region by an FPV drone. Next to him in the passenger seat of the van was Daniel Zakharchenko, also a volunteer with the Roza na Ruke team.

Galustyan worked as a mechanic and a driver. He was 37 years old when he died and had been volunteering with the evacuation team for nine months. He is the first member of the Roza na Ruke team to be killed and leaves behind a six-year-old daughter.



The last photo of Galustyan (right) was taken at 14:35 on October 6, 2024.

Zakharchenko told Human Rights First they were on the road between the villages of Kurakhove and Hirnyk on their way to rescue six adults and a two-month-old baby when the missile struck. He showed Human Rights First a picture he took in the van of Galustyan timestamped 14.35, and he estimated that the missile hit around 15 minutes later. He said he was unaware the vehicle was being tracked and that there was no warning of the missile hit.

A video clip of the attack posted on a Russian Telegram channel showed a drone following the van for some distance before striking the roof above the driver. Zakharchenko said Galustyan was still breathing for some time after he was hit but soon died from a loss of blood.



The drone struck the roof above the driver seat where Galustyan sat.

Another van traveling with the Roza na Ruke vehicle stopped to pick up Zakharchenko and Galustyan. Zakharchenko said he was injured along his left side, experienced a concussion, and two months later still suffered from some possibly permanent hearing loss.

Zakharchenko showed Human Rights First the Telegram posts from a Russian Telegram channel with the attack claimed by the Russian drone unit Sudoplatov, Sudniy Den (Judgement Day).³

The <u>43-second clip</u>, filmed from the drone, shows the attack and its immediate aftermath. Text posted with the clip the following day says "Strike on Bandera's van north of the village.

³ See also the podcast interview with Zakharchenko describing his evacuation work and October 6, 2024, attack: https://www.youtube.com/watch?v=JuNv5WJ49Wc

Kurakhovo. Good morning! Vanya Ivanov's group is working. JUDGEMENT DAY" with two Flame emojis.⁴



Screenshots from the drone footage posted on a Russian Telegram channel.

The Vanya Ivanov group, part of the Russian Judgement Day drone project, had been operating in the area where Galustyan was killed since September 11, 2024.

Evidence gathered using OSINT shows the drone was an FPV Quadcopter Drone with Explosive Munition Attached (VT-40), almost certainly operated by the Vanya Ivanov group. The group has posted many videos operating the same style of drone and has also been known to target other civilian-looking vehicles. The Judgement Day Programme has hundreds of videos on Telegram promoting their "success." They all use nearly identical munition types to the one posted on the attack on the Roza na Ruke vehicle. Statements reportedly made on social media by Russian soldiers claim all vehicles are legitimate targets.

⁴ "Banderite" is an insult used by Russians against Ukrainians - Stepan Bandera was a Ukrainian ultranationalist leader and Nazi sympathizer during the Second World War, although he also spent time in a German concentration camp. He was murdered by the KGB in Munich in 1959.

Multiple local news sources from Donetsk and Kharkiv corroborate that Galustyan's death was the result of a Russian <u>FPV drone attack</u>. The <u>Donetsk Regional Prosecutor's Office confirmed</u> that "the 37-year-old volunteer died from the injuries he sustained, and his 32-year-old colleague suffered acubarotrauma."

Targeted killings by drones in Ukraine

Unmanned Aerial Vehicles (UAVs), more commonly known as drones, have become a familiar weapon used by both sides in the war in Ukraine during 2024. According to Ukraine's military, Russia launched <u>over 2000 drone attacks</u> on Ukraine in October, 1,410 in September, and 818 in August.

While the use of drones are not necessarily illegal under <u>international humanitarian law</u> (IHL), the nature of the weapon makes them open to abuse - they are cheap, operated remotely, and the only evidence of their use is usually <u>controlled by the military or armed groups</u> employing them.



Galustyan's death was the result of a Russian FPV drone.

The sort of FPV drone that killed Galustyan has become increasingly common in the skies above Ukraine. Originally designed for civilian purposes, they have been reworked for military attacks, and are being <u>produced in vast quantities</u> by both sides. The Sudoplatov

group which claimed to have killed Gulastyan reported in 2023 claimed to have produced 1000 kamikaze drones per day.

HRDs are at high risk of being the target of drone strikes, particularly those doing evacuations. Required to drive over <u>long distances</u>, they are easily exposed to Russian surveillance and attacks. This exposure can be exacerbated by such hazards as a <u>flat tires or other breakdowns</u>. A lack of internet connection and communication near the front line where the evacuations take place causes particular difficulties for HRDs who need accurate information about possible exit routes from areas under heavy attack.

In 2010, the UN Special Rapporteur on extrajudicial, summary, or arbitrary executions, <u>defined targeted killings</u> as "intentional, premeditated and deliberate use of lethal force, by States or their agents, or by an organized armed group in conflict against an individual or individuals not physically in the custody of the perpetrator."

In October 2023, the Committee on Legal Affairs and Human Rights of the Council of Europe noted extensive reports that Russian forces have <u>consistently and disproportionately</u> targeted HRDs in Ukraine.

According to the 1977 Additional Protocol to the Geneva Conventions of 1949, anyone intending to commit a targeted killing must "do everything feasible to verify that the objectives to be attacked are neither civilians nor civilian objects …but are military objectives." The Soviet Union <u>ratified the Additional Protocol</u> 1 in 1989, but in 2019, the Russian Federation revoked the statement adopting the protocol.

Protection in theory

Galustyan was an HRD, evacuating civilians away from communities under fire, protecting the rights of others, notably the rights to life, adequate housing, and medical care.

HRDs are supposed to enjoy certain specific international protections. Recognized as civilians by international law and under the 1998 United Nations Declaration on Human Rights Defenders, their work is supposed to be protected by states and others.

HRDs are specifically protected under the <u>UN Declaration on Human Rights Defenders</u>: Article 1 of the Declaration underlines the right of individuals to promote and protect human rights, while Article 12 assigns states to safeguard HRDs from violence, threats, or retaliation.

While most protections assume that the State has responsibility to protect HRDs under its jurisdiction, in this case it was Russian State entities, not Ukrainian, responsible for killing Galustyan.

The mandate of the UN Special Rapporteur on the situation of human rights defenders has focused on issues faced by HRDs working in conflict zones, and on HRDs whose lives are threatened.

The <u>Special Rapporteur's 2020 report</u> to the UN on HRDs working in conflict zones also noted how HRDs were "shaping the present, immediate and long-term future of societies in which they live and operate." The report emphasized that "Defenders providing humanitarian relief must be free to move and be given rapid and unimpeded passage by all parties into and through the territories under their control and should not be arbitrarily denied access nor subjected to targeted attacks."

Another report from the Special Rapporteur's mandate in 2021 noted that <u>HRDs had been killed in nearly one-third of UN member States</u>, that governments were failing to prevent the killing of HRDs, and that most perpetrators were never held accountable for the killings. In Ukraine <u>the European Convention on Human Rights</u> (ECHR) is the most relevant mechanism through which HRDs can receive protection. Under Article 2, the right to life is protected. But as Russia <u>ceased to be a party to the ECHR on 16 September 2022</u>, its obligations in Ukraine under the convention are limited to actions taken there before that date.

HRDs are not required to wear identifying clothing or marking to show they are HRDs, although the van Galustyan was driving when he was killed was clearly marked with large Roza na Ruke logos.

Under international humanitarian law, rules designed to limit the effects of armed conflict, HRDs operating in conflict zones are considered civilians, provided they do not participate directly in hostilities.

Civilians in a conflict are protected under the 1977 First Additional Protocol to the Geneva Conventions, which prohibits targeting individuals who are not combatants within a conflict.⁵

It also outlines <u>protection of civilians and aid workers</u>, stating that "No one shall be harmed, prosecuted, convicted or punished for such humanitarian acts," and, as defined under Rule 55 listed by the International Committee for the Red Cross (ICRC) database on International Humanitarian Law, HRDs must be free to access conflict areas, monitor violations, and deliver humanitarian aid without interference."

⁵ https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-additional-geneva-conventions-12-august-1949-and: Article 51(2)

Who can be held accountable?

Throughout the world, it is notoriously difficult to hold the killers of HRDs to account, and impunity for these crimes only fuels more attacks. The various legal protections that should have protected Galustyan failed. He will be further failed if those responsible for his death are not brought to account.

In theory, it is possible, if very difficult, to hold to account those responsible for his killing. These would include the individual operating the drone, their superiors, and in this case, the Russian State.

<u>Principle IV of the 1950 Nuremberg Principles</u> famously states that following orders is not a defense for illegal actions. Responsibility does not differ whether the soldier is acting on personal intent or under superior orders. The <u>Rome Statute</u> outlines how individuals acting within a group with the same purpose can be held responsible for a crime. It also notes that individuals acting under orders given by superior commanders are still criminally accountable for their actions. This article would apply to the responsibility of individual Russian soldiers and their Russian commanders.⁶

The Geneva Convention IV states that individuals who assist or facilitate war crimes can be held criminally responsible.⁷

Rule 153 on the ICRC database of International Humanitarian Law addresses the issue of Command Responsibility, noting that "Commanders and other superiors are criminally responsible for war crimes committed by their subordinates if they knew, or had reason to know, that the subordinates were about to commit or were committing such crimes and did not take all necessary and reasonable measures in their power to prevent their commission, or if such crimes had been committed, to punish the persons responsible."

The Geneva Convention IV Additional Protocol 1 states that a commander's responsibility is not absolved even if the subordinate is responsible for the crime. Under the Rome Statute, commanders are responsible for the actions of those under their command regardless of their lack of knowledge, and states lacking control over their forces is no defense for their actions.

Should the Russian Federation wish to hold its own soldiers accountable, it could do so under <u>Article 340</u> of its criminal code, detailing serious consequences for a soldier who violates the rules during conflict, including deprivation of liberty for up to ten years.

⁶ https://www.ohchr.org/en/instruments-mechanisms/instruments/rome-statute-international-criminal-court: Article 25 3 (d) and Article 33(1).

⁷ https://www.ohchr.org/en/instruments-mechanisms/instruments/rome-statute-international-criminal-court: Article 25 3 (c).

⁸ https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.34 AP-I-EN.pdf: Article 86 (2)

https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf; Article 28 (1) and Article 28 (a).

In which courts could a case be brought?

Ukraine, and specifically Kharkiv, has a long history of holding war crimes trials. The first war crime trials of the Second World War took place in Kharkiv city, two years before the more famous Nuremberg Trials. In December 1943 four men – three from the German occupying forces and a local collaborator – were charged under international law and convicted of war crimes by a court in Kharkiv organized by the Soviet authorities.

Charges involved hundreds of murders by mass shootings, including 60 children. The court convicted the four and sentenced them to death. They were executed in one of Kharkiv's public squares the next day.

Ukraine has a responsibility to try to find and prosecute those responsible for Galustyan's death. Local courts in Ukraine have been conducting trials of Russian soldiers. In 2022, Vadim Shishimarin was sentenced to life in prison after the February 2022 invasion. That same year Irpin's City Court convicted nine Russian soldiers of intentional cruel acts against civilians. In April 2024, Ukrainian courts sentenced a Russian soldier for a war crime committed in the Kyiv region. The soldier, Radik Gukasian, was in an unmarked vehicle and attacked an unarmed civilian. In September 2024, in the first case of a Russian soldier being sentenced in absentia by a Ukrainian court, Lieutenant Sergey Dmytrovych Stainer, accused of violating international humanitarian law, was sentenced to nine years imprisonment in the Kyiv region. In December 2024, two Russian servicemen were convicted of terrorist acts against Ukraine. Other local prosecutor offices across Ukraine continue to investigate Russians accused of war crimes.

In a rare example of Russia holding its own soldiers to account, in November 2024 <u>a Russian court sentenced two Russian soldiers to life in prison</u> for killing a family in Ukraine's Donetsk region.

A future international tribunal could also provide the necessary platform for accountability for Galustyan's death, holding all three entities (individual, command, and state) responsible.

There have been initial discussions on accountability mechanisms for the war in Ukraine, including the European Union's establishment of an International Centre for the Prosecution of the Crime of Aggression in Ukraine (ICPA) to collect evidence, the possibility of an agreement between the Council of Europe and Ukraine to support a tribunal, and further support mentioned from the Council of Europe in Resolution 2557 which calls for additional support of a special tribunal, and in the Declaration of the Ministers of Justice of the Council of Europe, which outlines support for the enforcement of judgments.¹⁰

https://neighbourhood-enlargement.ec.europa.eu/news/statement-president-von-der-leyen-joint-press-conference-ukrainian-president-zelenskyy-2023-02-02 en; https://search.coe.int/cm#{%22sort%22:[%22CoEValidationDate%20Descending%22]}; https://pace.coe.int/en/files/33684/html; https://rm.coe.int/final-vilnius-declaration-en-eu-note/1680b17523

While the International Criminal Court is investigating Russian crimes in Ukraine, it is unlikely to prosecute an individual soldier or their commanders for the killing of Galustyan.

Sanctions

Other possible avenues for accountability include Magnitsky sanctions. These are largely financial sanctions placed on an individual by a government, which targets their assets in that government's country and denies entry of the sanctioned individual to that country.

Various countries use Magnitsky-style sanctions, including the U.S., <u>Canada, the UK</u>, Australia, <u>the European Union</u>, and some individual EU states. The wording of this legislation differs from country to country, but the aim is to punish individuals found guilty of corruption and/or human rights abuses. While Magnitsky sanctions have been brought by various countries against many Russian officials, those targeted have generally been high-ranking Russian military or government officials, industrialists or oligarchs, or those engaged in the deportation of Ukrainian children to Russia. ¹²

However, lower ranks of soldiers and others can be targeted with such sanctions. For example, EU-imposed sanctions would prevent those targeted from visiting family members in the Baltic states and elsewhere in Europe.

Conclusion

Human rights defender Tigran Galustyan was deliberately targeted and killed by Russian forces in October 2024, on his way to rescue civilians from the front line. He was killed by a drone unit that is a Russian state actor, but the identity of the operator so far remains unknown.

Despite the fatal attack, Galustyan's colleagues at Roza na Ruke and other organizations continue to evacuate civilians from the battlefront. They understand the dangers and consequences of their work and are now additionally hampered by the Ukrainian authorities'

https://search.coe.int/cm#{%22sort%22:[%22CoEValidationDate%20Descending%22]}:https://pace.coe.int/en/files/33684/html; https://www.abc.net.au/news/2022-03-29/australian-government-magnitsky-list-to-target-corrupt-russians/100947534; https://eur-lex.europa.eu/legal-

content/EN/TXT/?uri=uriserv:OJ.LI.2020.410.01.0013.01.ENG&toc=OJ:L:2020:410I:TOC;

https://mzv.gov.cz/file/5006613/Sankcni zakon.pdf; https://rm.coe.int/final-vilnius-declaration-en-eu-note/1680b17523

https://humanrightsfirst.org/efforts/global-magnitsky-targeted-sanctions/; https://laws.justice.gc.ca/eng/acts/J-2.3/page-1.html#h-337891; https://www.legislation.gov.uk/uksi/2020/680/made;

¹² https://search-uk-sanctions-list.service.gov.uk/; https://sanctionslist.ofac.treas.gov/Home/SdnList

frenetic drive to mobilize military-aged men, taking these volunteers away from their lifesaving work to put them into the army.

Russia is sustaining very high casualties all along the eastern front, including where Galustyan was killed, and has taken over many of the villages around Pokrovsk. Whether the drone operator who fired the missile that killed him, and those who ordered it, are still alive is not known, but every effort should be made to find and prosecute those responsible for the attack.

Recommendations

The Ukrainian authorities should investigate Galustyan's killing with all available resources to identify the individual(s) and the chain of command responsible, arrest, and prosecute them in a process that meets international legal standards.

The Ukrainian authorities should provide exemptions from conscription for HRDs doing lifesaving evacuation work

States with applicable Magnitsky laws should investigate and sanction those responsible for his death.

Donors should visit Kharkiv and elsewhere along the eastern front, assess the situation for themselves, and directly support civil society initiatives in the area, including small local groups.

Mission statement

Human Rights First works to create a just world in which every person's intrinsic human rights are respected and protected, to build societies that value and invest in all their people. To reach that goal demands assisting victims of injustice, bringing perpetrators of abuse to justice, and building institutions that ensure universal rights.

Human Rights First is a nonprofit, nonpartisan international human rights organization based in Los Angeles, New York, and Washington D.C.

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