Flygtningenævnets baggrundsmateriale

Bilagsnr.:	**483**
Land:	Ukraine
Kilde:	UN General Assembly
Titel:	Report of the Independent International Commission of Inquiry on Ukraine
Udgivet:	18. marts 2024
Optaget på baggrundsmaterialet:	20. februar 2025

United Nations A/HRC/55/66

General Assembly

Distr.: General
18 March 2024

Original: English

Human Rights Council
Fifty-fifth session
26 February–5 April 2024
Agenda item 4
Human rights situations that require the Council's attention

Report of the Independent International Commission of Inquiry on Ukraine*, **

Summary

The Independent International Commission of Inquiry on Ukraine hereby submits its report, pursuant to Human Rights Council resolution 52/32, in which the Council decided to extend the Commission's mandate for a further period of one year.

Two years after the full-scale invasion of Ukraine by the Russian Federation, civilian suffering from the hardships of the armed conflict continues to mount, notably resulting from the disregard of basic principles of humanitarian law and human rights obligations. The Commission has found new evidence that Russian authorities have committed violations of international human rights and international humanitarian law and corresponding war crimes in areas that came under their control in Ukraine.

The Commission is concerned by the continued use of explosive weapons in civilian areas. It has assessed the grave impact on civilians of the fighting and the siege in the city of Mariupol at the outset of the full-scale invasion.

More recent indiscriminate attacks violating international humanitarian law committed by Russian armed forces have led to civilian casualties and the destruction and damage of civilian objects, including of protected objects, such as hospitals and cultural property. Often, Russian armed forces failed to take feasible precautions to verify that the affected objects were not civilian. The Commission confirms its previous conclusion that the multiplicity of such attacks shows a pattern of disregard by Russian armed forces for possible harm to civilians.

New evidence strengthens the Commission's previous findings that torture used by Russian authorities in Ukraine and in the Russian Federation has been widespread and systematic. It describes cases of horrific treatment of Ukrainian prisoners of war in several detention facilities in the Russian Federation.

The report documents incidents of rape and other sexual violence committed against women and a girl in circumstances which also amount to torture. It also details incidents of torture with a sexualized dimension and threats of rape against male prisoners of war.

* The present report was submitted to the conference services for processing after the deadline so as to include the most recent information.

** The annex to the present report is circulated as received, in the language of submission only.

In its investigations, the Commission found additional evidence concerning the unlawful transfer of children to areas under Russian control.

The report also documents a few violations of human rights by Ukrainian authorities against persons suspected of collaboration with Russian authorities.

The Commission is concerned at the scale, continuation and gravity of violations and crimes it has investigated and the impact on victims and the affected communities. It reiterates the importance of accountability in all its dimensions.

I. Introduction

1. The Independent International Commission of Inquiry on Ukraine submits the present comprehensive report to the Human Rights Council at its fifty-fifth session pursuant to Council resolution 52/32, in which the Council renewed the Commission's initial mandate for one year.

2. Since March 2022, Erik Møse (Norway) and Pablo de Greiff (Colombia) have been serving as members of the Commission, with Mr. Møse serving as Chair. In June 2023, the President of the Human Rights Council appointed Vrinda Grover (India) as a member of the Commission.

3. The present report reflects the Commission's findings during its second mandate. It supplements its 2023 report to the Human Rights Council, which was elaborated on in its conference room paper of August 2023, and its 2023 report to the General Assembly.[1]

4. During its current mandate, the Commission travelled to Ukraine 16 times, visited 34 settlements in nine provinces and travelled to Poland and the Kingdom of the Netherlands. It has relied on interviews with 422 women and 394 men, inspected sites of attacks and places where incidents took place, and examined documents, expert and forensic reports, photographs and videos. Over its two mandates periods, the Commission has travelled to Ukraine 26 times, visited a total of 90 settlements and interviewed 770 women and 641 men.

5. The Commission abides by the principles of independence, impartiality, objectivity and integrity. It adopts a victim-centred approach, placing victims' safety and security at the forefront of its work. The Commission applies the standard of proof of "reasonable grounds to conclude" and reaches determinations when, on the basis of a body of verified information, an objective and ordinary prudent observer would conclude that the facts took place as described. Its legal analysis is based on relevant provisions of international human rights law, international humanitarian law and international criminal law.[2]

6. Consistent with its mandate, the Commission strived to consider all allegations of violations and corresponding crimes and presents examples that illustrate key patterns. Where possible, it has attempted to identify those responsible and continues to compile a list of such individuals.

7. The Commission appreciates the cooperation extended by the Government of Ukraine. It regrets that its efforts to engage with the Russian Federation remained unsuccessful. The Commission has addressed to Russian officials 23 written requests for meetings, access and information, without receiving any answer. It consistently expressed an interest in establishing meaningful communication with Russian officials. This lack of cooperation, in addition to dire security conditions, have impeded access to certain areas of Ukraine.

8. The Commission reiterates its deep gratitude to victims and witnesses for sharing their often traumatic experiences, as well as to all other interlocutors and organizations for the information provided.

II. Violations of international law

9. Years of armed conflict have gravely affected the population of Ukraine. As at 15 February 2024, the Office of the United Nations High Commissioner for Human Rights (OHCHR) had recorded 30,457 civilian casualties (10,582 killed and 19,875 injured). The actual number is likely higher. Civilians have been forced to cope with the loss of loved ones, homes and other irreplaceable possessions, massive displacement, constant fear and critical shortages, all of which have had a deep impact on their enjoyment of basic human rights.

[1] A/HRC/52/62; conference room paper of the Independent International Commission of Inquiry on Ukraine, available at https://www.ohchr.org/sites/default/files/2023-08/A_HRC_52_CRP.4_En%20%28003%29.pdf; and A/78/540.

[2] A/78/540, paras. 7 and 8.

10. During its second mandate, the Commission gathered evidence of continued violations of international human rights law and international humanitarian law and corresponding crimes committed by the Russian authorities[3] in Ukraine. The present report provides an account of the severe impact on civilians of the siege and intense fighting during the early stages of the armed conflict in Mariupol, Donetsk Province. The Commission also found evidence of new attacks with explosive weapons committed in violation of international humanitarian law. For the first time, it is reporting on attacks affecting cultural objects and historical sites and on the seizure of cultural objects. It has documented additional cases of wilful killings, torture (with emphasis on prisoners of war), rape and other sexual violence, and transfers of children.

11. The present report contains information on two cases of human rights violations against alleged collaborators committed by the Ukrainian authorities.[4]

A. Violations committed during the conduct of hostilities

12. The Commission has continued to investigate attacks with explosive weapons in populated areas that led to civilian deaths and injuries and the damage or destruction of civilian objects. It documented attacks committed in territories under Ukrainian Government control and in areas that were under the control of Russian authorities. The Commission had no access to Mariupol, but managed to interview survivors, who, despite continuing trauma and fear for family members remaining in the area, provided information for its investigation.

1. The siege of Mariupol

13. Starting on 24 February 2022, Russian armed forces attacked Mariupol from various directions, and encircled it by 1 March 2022. Heavy street fighting ensued, causing immense suffering to the residents. Ukrainian armed forces fought from within the city and ultimately took shelter at the Azovstal steel plant. The siege of Mariupol continued until 20 May 2022, when Russian authorities declared the "complete liberation" of the city.[5]

Significant loss of life and destruction of civilian buildings

14. The Commission interviewed 50 women and 33 men, who shared their horrific experiences during the siege. Residents described periods of relentless shelling and aerial bombardments. While satellite imagery indicates that 15,555 structures were affected (831 destroyed, 5,877 severely damaged and 8,847 moderately damaged), the actual damage was likely more significant (see annex). Residents saw buildings and houses collapsing under the shelling, in some instances killing and injuring loved ones, and whole areas of the city in ruins. Two residents, for instance, witnessed tanks firing rounds at civilian residences. A woman recollected that an airstrike hit a nine-storey building near hers, and people living there jumped out of windows.

15. Ukrainian authorities estimated that thousands of civilians died in Mariupol during that period. After constant fighting, residents emerging from shelters saw dead bodies strewn on the streets and in the rubble of houses. They recognized relatives, neighbours and acquaintances. A woman who evacuated an injured man described her way to the hospital: "It was hell. Explosions. Destroyed buildings. Houses on fire. Wounded people crying." In the hospital, she saw three rooms full of dead bodies, and more in the corridor. Others also recollected seeing large numbers of dead bodies in the city's hospitals.

[3] In the present report, "Russian authorities" refers to Russian military and civilian authorities, as well as associated de facto authorities, armed groups, and private military and security companies.

[4] In present report, "Ukrainian authorities" refers to Ukrainian civilian and military authorities, as well as associated persons and groups.

[5] Russian Federation, Ministry of Defence, "Azovstal plant in Mariupol is fully liberated", 20 May 2022, available at https://archive.is/AjJvP.

Impact on medical facilities

16. The fighting in Mariupol damaged or destroyed at least 58 medical buildings, according to data sets obtained. This affected those who sought urgent treatment or attempted to shelter in hospitals. The Commission interviewed residents who witnessed and suffered from the damage or the destruction of medical facilities.

17. Around 13 March 2022, a T-72M3-variant main battle tank fired at hospital No. 2, leading to civilian casualties and damage to its fourth and fifth floors. The hospital was treating injured persons and sheltered dozens. The Commission interviewed several witnesses who suffered the impact of the attack and had observed a tank with the letter "Z" mark used by Russian armed forces stationed in front of the building. One eyewitness saw the tank firing on the hospital. Interlocutors reported that Russian armed forces had taken control of the hospital the previous day and conducted a search. The Commission concluded that the Russian armed forces had committed an attack that was indiscriminate [6] and constituted the war crime of excessive incidental death, injury or damage.[7] It assessed that it was disproportionate to fire on a functioning hospital with civilians, as well as Russian soldiers, inside. Hospitals also have special protection under international humanitarian law.

18. The Commission previously found that on 9 March 2022, Russian armed forces had conducted an indiscriminate air attack that hit maternity hospital No. 3.[8] For the present report, the Commission interviewed additional civilians who were injured in the strike. A young woman waiting to give birth lost contact with her parents, who were both injured in the attack, and had to evacuate to another maternity hospital. There, she gave birth to a boy in a freezing room, with no water. She stated: "This was supposed to be the happiest moment in my life, but it was one of the scariest."

19. Residents from Mariupol also reported that there was a shortage of medical personnel and of essential supplies for urgent assistance to the injured. A medical practitioner told the Commission that she saw an endless number of wounded people coming in. A woman waiting for her son to be operated on said that limbs had to be amputated without anesthesia. An injured patient stated that medications had run out and injured persons were dying of their wounds. A woman sheltering in a hospital described the stairway as the "pathway of death". She saw severely injured people, with missing body parts, asking for water. Even that could not be provided.

Lack of access to basic necessities

20. As the fighting intensified, energy facilities and supply lines were damaged. Satellite imagery shows damage to 11 power stations. According to residents from Mariupol, water, power and heating went off on 2 March 2022, one day after the siege started. A few days later, gas was no longer available. Around mid-March 2022, water and food also became scarce. Shops that could open had limited products. Despite the ongoing shelling, residents had no choice but to go outdoors to look for food and to cook. Some were killed and injured as a result. Residents stated that they were forced to melt snow or to drink water from radiators and boilers. Witnesses described suffering intensely from the cold. Living conditions were particularly harsh in crowded shelters in the basements of hospitals and cultural or administrative buildings, where dozens of people sought refuge, often without basic necessities.

Takeover by Russian armed forces and evacuation

21. Many residents of Mariupol reported that, at the height of the fighting, the mobile phone signal was virtually non-existent and residents were cut off from information about evacuation corridors. Interlocutors reported that they had attempted to flee on their own initiative, risking their lives. Some residents witnessed Russian combat vehicles and soldiers firing at civilians who were attempting to flee by car.

[6] Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), art. 51 (4) and (5).

[7] Ibid., art. 85 (3) (b).

[8] Conference room paper of the Commission of Inquiry, paras. 195–200.

22. As Russian armed forces took gradual control of parts of the city, they carried out so-called "clearings" ("зачистки"),[9] which included searching the area. Residents sheltering in a hospital reported that Russian soldiers intimidated and shot at persons during this process. Sometimes, they ordered civilians to leave immediately the locations where they had sheltered. Russian armed forces allowed or ordered evacuations to areas they controlled. Civilians had to cross multiple checkpoints and filtration points. According to interlocutors, during lengthy controls, some persons were forced to undress so they could be checked for tattoos, and some were detained. To reach territories under Ukrainian Government control, many had to flee through the Russian Federation and several other countries.

23. Survivors from Mariupol described the trauma and fear that haunted them. When asked about justice, one young woman replied: "We lived happily in wonderful Mariupol … but someone's decision caused us to lose everything, our lives, our friends, our houses, our relatives … nothing could replace our loss … all this cannot be returned".

24. The Commission previously found that Russian armed forces had committed indiscriminate attacks affecting the Mariupol Drama Theater[10] and maternity ward No. 3, in violation of international humanitarian law. During the current mandate, the Commission found that Russian armed forces had committed an indiscriminate attack and the war crime of excessive damage affecting hospital No. 2. In these cases, Russian armed forces failed to take all requisite feasible precautions under international humanitarian law. The current findings confirm the need to continue investigations, including regarding whether the conduct of hostilities and the siege may constitute crimes against humanity.[11]

2. Attacks with explosive weapons

25. During its second mandate, the Commission continued its examination of attacks with explosive weapons in populated areas. It documented examples of such attacks, which caused numerous civilian casualties and affected civilian objects such as residential buildings, functioning medical institutions, historical buildings, including churches, a railway station, a restaurant, a café, supermarkets, a warehouse for civilian use and a gas station.[12]

26. Attacks with explosive weapons in populated areas remain the leading cause of death and injury among the civilian population in Ukraine. As at 15 February 2024, 8,898 had been killed and 18,818 injured in such attacks, according to OHCHR. The actual number is likely higher.

27. Particularly tragic was the attack that hit a café in the village of Hroza, Kharkiv Province, on 5 October 2023, killing 36 women, 22 men and 1 boy, at a time when a large number of civilians had gathered for a memorial service.[13] The Commission interviewed devastated villagers who knew most of the persons who had perished and lost several family members in the strike.

28. Also significant was the 29 December 2023 wave of attacks, one of the largest in the past two years, which affected locations in at least eight cities across Ukraine and led to the killing of over 50 persons, according to reports. The next day, a strike in central Belgorod, in the Russian Federation, reportedly killed 25 persons.

29. For the present report, the Commission investigated attacks affecting cultural objects, which are protected under international humanitarian law.[14] Two waves of attacks, on 20 and 23 July 2023, in Odesa Province damaged 29 cultural buildings, according to Ukrainian authorities (see paras. 41–45). Most of the buildings affected were located within the perimeter of the historic centre of the city of Odesa, which is inscribed on the World Heritage List. Another attack, on 6 July 2023, in Lviv, struck a building and damaged several others

[9] In the present report, several quotations are also provided in the original language to convey the exact words of the interlocutors.

[10] Conference room paper of the Commission of Inquiry, paras. 201–207.

[11] A/HRC/52/62, para. 35.

[12] A/78/540, paras. 27–39.

[13] OHCHR, "Attack on funeral reception in Hroza, 5 October 2023" (2023).

[14] Protocol I Additional to the Geneva Conventions of 1949, art. 53; and Convention for the Protection of Cultural Property in the Event of Armed Conflict, arts. 4 and 5.

within the historical perimeter, which is also inscribed on the World Heritage List, killed 8 women and 1 man, and injured 45 civilians.

30. Explosive weapon attacks affecting health-care facilities have both an immediate and a long-lasting impact and deprive communities of much-needed health services. The Commission describes such attacks in Dnipro, Dnipropetrovsk Province (see paras. 38 and 39) and Mariupol (see para. 17), and collected information regarding an attack that reportedly damaged a hospital in Donetsk city (see para. 48).

3. Attacks with explosive weapons in territories under Ukrainian Government control

31. The Commission found that the attacks it investigated, which are detailed below, were indiscriminate, in violation of international humanitarian law, as, among other things, they were not directed at specific military objectives. In most incidents, the Commission identified no military presence at the sites of the attacks or in their immediate vicinity. In the case of the attack in Kramatorsk, Donetsk Province, the Commission found that, while there was some military presence, the attack caused a combination of loss of civilian lives, injury to civilians and damage that was excessive in relation to a possible military advantage, and it was therefore disproportionate. In all cases, the attacking forces failed to take feasible precautions, such as verifying that the object attacked was not civilian, in violation of international humanitarian law.

32. The Commission concluded that almost all of the attacks were committed by the Russian armed forces. The attack in Sloviansk, Donetsk Province, was likely committed by the Russian armed forces. In each case, the Commission carefully considered a range of factors in reaching its conclusions.

33. Based on photographs of the weapon remnants, the Commission found that different types of missiles were used in each attack. Missiles have a wide area effect when fired in populated areas and can cause harm and damage to civilians and civilian objects. The Commission considered whether the damage described could have resulted from a physical interception by Ukrainian armed forces and, on examining the available evidence for each case, it determined that this was unlikely.

(a) Attacks affecting civilian objects

Sloviansk, 14 April 2023

34. On 14 April 2023, around 4 p.m., strikes with explosive weapons in Sloviansk killed 6 men, 3 women and 1 boy, injured 13 persons at various locations and damaged various buildings. According to Ukrainian authorities, a total of seven projectiles were fired. The Commission's investigation focused on a residential building at Parkovyi Lane 6, where the two top floors were destroyed and the deaths occurred. It determined that the likely weapon used was a 5V55 anti-aircraft guided missile launched from an S-300 air defence missile system. Such missile systems were found in both States' arsenals. Recent credible reports indicate that the Russian armed forces adapted the system for ground targets. Based on a range of factors, the Commission concluded that Russian armed forces likely committed the attack.

Kryvyi Rih city, 13 June 2023

35. On 13 June 2023, after 3 a.m., missiles hit four sites in Kryvyi Rih, Dnipropetrovsk Province, killing 8 men, 2 women and 1 adolescent boy and injuring over 30 persons. The Commission focused its investigation on the attack at a warehouse, which was staffed at the time and was severely damaged. The Ministry of Defence of the Russian Federation reported that a wave of attacks was carried out during that night.[15] The Commission determined that the likely weapon was a Kh-101 cruise missile. Such missiles were used by the Russian armed forces and were not known to be part of the Ukrainian stockpile. Ukrainian armed forces

[15] Russian Federation, Ministry of Defence, Telegram post, 13 June 2023, available at https://t.me/mod_russia_en/7854.

declared that they had intercepted 10 of the 14 missiles launched that night.[16] The Commission determined that it was unlikely that the damage to the warehouse was caused by physical interception.

Kramatorsk, 27 June 2023

36. On 27 June 2023, around 7.30 p.m., a strike hit Ria Pizza Restaurant located at Vasylia Stusa Street 45, in Kramatorsk, killing 4 men, 4 women and 3 girls and injuring 64 persons; it destroyed the premises. According to a variety of sources, a mixed group of civilians and military personnel were present in the restaurant at its busiest hour. The Ministry of Defence of the Russian Federation reported having carried out a strike in Kramatorsk on that day.[17] Some days later, Sergey Lavrov, the Minister for Foreign Affairs of the Russian Federation, declared: "If we spot 'meetings' of this sort (like the one held in Kramatorsk the other day), we will destroy them."[18] The Commission determined that the likely weapon of the attack was a 9M727 cruise missile of the Iskander-K type. Such missiles were used by the Russian armed forces and were not known to be part of the Ukrainian stockpile.

Conclusion

37. The Commission concluded that the Russian armed forces attack affecting the restaurant in Kramatorsk was disproportionate and violated international humanitarian law. It further found that Russian armed forces committed an indiscriminate attack affecting a civilian warehouse in Kryvyi Rih, in violation of international humanitarian law, and likely committed such an attack hitting a residential building in Sloviansk.

(b) Attacks affecting protected objects: a medical institution

Dnipro, 26 May 2023

38. The Commission finalized its investigation into the attack that struck a medical clinic at Universal'nyi Lane 6 in Dnipro on 26 May 2023 at about 10.30 a.m., killing 3 men and 1 woman and injuring over 30 others, including patients and medical staff.[19] The attack destroyed the clinic and a neighbouring veterinary unit. The clinic was providing psychological care, including to patients suffering from conflict-related stress. The Commission determined that the attack was carried out with an Iskander-K cruise missile. Such missiles were used by Russian armed forces in Ukraine and were not known to be part of the Ukrainian stockpile.

39. The Commission concluded that Russian armed forces committed an indiscriminate attack affecting a functional clinic in Dnipro, in violation of international humanitarian law, under which, as a medical clinic, it also has special protection.

(c) Attacks affecting protected objects: cultural objects

40. The Commission investigated two waves of attacks which affected, among other things, objects located within the perimeter of the historic centre of Odesa city, which was inscribed on the World Heritage List. Such places have special protection under international humanitarian law (see para. 29).

Odesa city, 20 July 2023

41. On 20 July 2023, after 1 a.m., a wave of attacks hit Odesa Province, severely damaging, among other things, a building at Kanatna Street 1B, in Odesa city. The blast

[16] Air Force of the Armed Forces of Ukraine, Telegram post, 13 June 2023, available at https://t.me/kpszsu/2561 (in Ukrainian).

[17] Russian Federation, Ministry of Defence, Telegram post, 29 June 2023, available at https://t.me/mod_russia_en/8143.

[18] Russian Federation, Ministry of Foreign Affairs, "Briefing on a wide range of international issues, including humanitarian aspects in the context of developments in Ukraine", Moscow, 30 June 2023, available at https://mid.ru/en/foreign_policy/international_safety/1894785/.

[19] A/78/540, para. 25.

affected neighbouring buildings, namely, the Archaeological Museum, the Literature Museum and a kindergarten. All of them were located within the historic centre. The attacks killed one man and injured two men, one woman and one boy.

42. The Ministry of Defence of the Russian Federation reported that a wave of attacks had been carried out during that night.[20] The Commission determined that the attack at Kanatna Street was carried out with a Kalibr-type cruise missile. Such missiles were used by Russian armed forces in Ukraine and were not known to be part of the Ukrainian stockpile. According to Ukrainian armed forces, the strike involved 38 missiles and unmanned aerial vehicles, of which 18 were destroyed.[21] In the attack in question, the Commission determined that it was unlikely that the damage described was caused by physical interception.

Odesa city, 23 July 2023

43. On 23 July 2023, starting at approximately 1 a.m., another wave of explosions hit several locations in Odesa Province and damaged 44 buildings, most of which were historical buildings in the historic centre of Odesa city. The Commission's investigations focused on the attacks at the Transfiguration Cathedral at Soborna Square 3 and two residential buildings, at Preobrazhenska Street 4 and Viyskovyy Descent 18, respectively, which were severely damaged. The attacks killed 1 man and 1 woman and injured 19 others, including 3 children.

44. The Ministry of Defence of the Russian Federation reported having launched a wave of attacks.[22] It also posted a message regarding the attack affecting the Transfiguration Cathedral, stating that the "most probable cause of its destruction was the fall of a Ukrainian anti-aircraft guided missile".[23] The Commission determined that, for the three sites, the likely weapons employed were Onyx anti-ship cruise missiles. Such missiles were used by Russian armed forces and were not known to be part of the Ukrainian stockpile. Ukrainian authorities stated that, of 19 missiles, 9 had been destroyed. In the attacks in question, the Commission determined that it was unlikely that the damage described was caused by a physical interception.

Conclusion

45. The Commission found that the Russian armed forces committed indiscriminate attacks affecting several buildings and the Transfiguration Cathedral in Odesa city, which were all located within the historic centre. An aggravating feature was that the attacks hit cultural objects that have special protection under international humanitarian law.

(d) Concluding observations

46. In each of its reports, the Commission has reviewed multiple cases of attacks with explosive weapons committed by the Russian armed forces that constituted violations of international humanitarian law. Those attacks were indiscriminate, including some being disproportionate. The Commission also found that Russian armed forces failed to take feasible precautions to, among other things, verify that the objects of the attacks were not civilian. Certain attacks amounted to the war crime of excessive incidental death, injury or damage. The continuation of such attacks, for over two years of armed conflict, further demonstrates a pattern of disregard for the requirement to maintain the distinction between military objectives and civilians, as previously underscored by the Commission.

[20] Russian Federation, Ministry of Defence, Telegram post, 20 June 2023, available at https://t.me/mod_russia_en/8495.

[21] General Staff of the Armed Forces of Ukraine, Facebook post, 21 July 2023, available at https://m.facebook.com/story.php?story_fbid=pfbid0S1iZQpiQDwAuQFn3Rf7HFQLg159vdUerYPvTY7JxTAmSQhWm3V12c98vY3DN7Sbml&id=100069092624537.

[22] Russian Federation, Ministry of Defence, Telegram post, 23 July 2023, available at https://t.me/mod_russia_en/8547.

[23] Russian Federation, Ministry of Defence, Telegram post, 23 July 2023, available at https://t.me/mod_russia_en/8550.

47. The Commission has previously found that the repeated waves of attacks on the energy infrastructure, starting in October 2022, were systematic, widespread and part of a policy, citing, among other things, statements by the highest authorities of the Russian Federation, and therefore that they might amount to a crime against humanity.[24] The Commission is not in a position at this point to reach that conclusion, but it encourages further investigation to determine the accumulated impact on the civilian population of the attacks, and to what extent the policy was directed against the civilian population.[25]

4. Attacks carried out in areas under the control of Russian authorities

48. The Commission has continued to examine attacks with explosive weapons that have affected areas under Russian control. According to information received from a Russian authority and open sources, on 16 April 2023, an attack hit the Central Market and other locations in Donetsk city, killing one woman and injuring four persons. In addition, according to open sources, on 28 April 2023, an attack affected the Donetsk Regional Trauma Hospital, a passenger bus and several other locations in Donetsk city, killing seven persons. As mentioned above, hospitals have special protection under international humanitarian law.

49. Videos and photographs circulating in the aftermath show damage or destruction at various locations, including the hospital, which appears consistent with the effect of explosive weapons. Based on those images, the Commission assessed that BM-21 Grad-type rockets, present in both parties' stockpiles, were likely used for both waves of attacks. An analysis of footage of the impact sites also revealed that in both situations the attacks likely came from a north-western direction, where, at that time, both parties were positioned on the line of contact.

50. The Commission has been unable to conclude its investigations of the attacks because it has no access to the relevant areas and its requests for information from the Russian Federation have remained unanswered (see para. 7). It recommends further investigation into those incidents. The Commission reiterates the importance of access to relevant locations of events and information. It takes the opportunity to remind States of the international legal obligation to ensure the protection of civilian lives and objects.

5. Unlawful seizure of cultural property

51. The Commission has examined information related to the seizure of cultural property by Russian authorities in areas under their control, and documented two cases in Kherson city, Kherson Province. Investigations show that from the end of October 2022 to early November 2022, during the last days of the occupation of Kherson city, Russian authorities transferred cultural objects from the Kherson Regional Art Museum and archival documents from the State Archives of Kherson Province to the Autonomous Republic of Crimea (Crimea). According to estimates of staff of both institutions, over 10,000 objects from the Museum and 70 per cent of the documents from the main building of the State Archive, were removed. Several Russian-appointed local authorities publicly confirmed the transfers, stating that their aim was to preserve the objects from the effects of the armed conflict. For instance, on 30 October 2022, the Russian-run Ministry of Culture of Kherson Province declared that it had actively contributed to the evacuation of the valuables of the museums of Kherson Province and that "if such measures are not taken, the culture and history of our Motherland could be erased by the actions of the Kiev regime".[26]

52. However, in the case concerning the removal of the archival documents, the Commission did not find any indication that Russian authorities engaged with the Ukrainian authorities regarding the purported preservation measures, as legally required.[27] Furthermore, on 18 March 2023, the Russian Federation adopted a law[28] which stipulated that museum collections and archival documents, among others things, of the territories of Donetsk,

[24] A/HRC/52/62, paras. 40–43.
[25] Rome Statute of the International Criminal Court, art. 7 (1) (k).
[26] Kherson Province, Ministry of Culture, Telegrampost, 30 October 2022, available at https://t.me/kultkherson/453.
[27] Convention for the Protection of Cultural Property in the Event of Armed Conflict, art. 5.
[28] Russian Federation, Federal Law No. 63-FZ of 18 March 2023.

Kherson, Luhansk and Zaporizhzhia Provinces[29] would become part of the Museum Fund and the Archival Fund of the Russian Federation. The law has the effect of appropriating such objects. The Commission concluded that Russian authorities violated international humanitarian law relating to cultural property and committed the war crime of seizing the enemy's property.[30]

B. Personal integrity violations

53. During its second mandate, the Commission gathered further evidence of violations and crimes committed by Russian authorities in areas they controlled. It has documented the war crimes of torture, wilful killing, rape and other sexual violence, and unlawful confinement, as well as the corresponding human rights violations. One victim was subjected to forced labour.

54. Consistent with previously described patterns, a majority of violations and crimes occurred during or after house searches, as Russian authorities looked for persons supporting the Ukrainian armed forces. Interlocutors reported that Russian armed forces at times conducted searches using lists of names prepared in advance.

55. The Commission has also investigated cases in which Ukrainian authorities committed human rights violations against persons suspected of collaboration with Russian authorities.

1. Wilful killings

56. The Commission has continued to collect and examine credible reports of wilful killings committed by Russian authorities. It investigated the summary executions of four civilian men from 38 to 52 years of age, in Novopetrivka village, Mykolaiv Province. The victims were last seen in the custody of members of the Russian armed forces, who had previously visited their houses and suspected them or their relatives of cooperating with the Ukrainian armed forces. The victims' bodies were found later with gunshot injuries to the head and other body parts. Two of them had their hands tied behind their backs. The body of one of the victims was found almost one year later. The victim's wife had asked the Russian armed forces at least twice about his fate, but they did not provide her with information. In that case, in addition to the war crime of wilful killing, the Russian armed forces also committed the human rights violation of enforced disappearance.[31]

57. Furthermore, the Commission found that the victims were subjected to the war crime of torture or inhuman treatment prior to execution. Russian soldiers beat two of the victims at their house. In another case, Russian soldiers interrogated the victim and tortured him, including by using tools to file his teeth and pliers on his fingers. In a third case, the victim's body was found with multiple traumas, bruises, fingers cut, cuts on the torso and burn marks on one hand.

2. Torture

58. The Commission previously found that Russian authorities had committed torture in seven provinces of Ukraine and in the Russian Federation.[32] It has continued to gather evidence of widespread and systematic use of torture by Russian authorities, in both Ukraine and the Russian Federation. The Commission has documented additional cases in Kherson, Kyiv, Mykolaiv and Zaporizhzhia Provinces of Ukraine and in Belgorod, Kursk and Tula Provinces of the Russian Federation. The victims were men and women, with the majority

[29] The concerned territories of the four provinces had been unlawfully annexed by the Russian Federation in 2022 (A/HRC/52/62, para. 90).

[30] Convention for the Protection of Cultural Property in the Event of Armed Conflict, arts. 4 and 5; Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), art. 147; and Regulations respecting the Laws and Customs of War on Land, arts. 23 (g) and 56.

[31] Declaration on the Protection of All Persons From Enforced Disappearance.

[32] A/HRC/52/62, para. 71.

being men from 21 to 58 years of age. Most victims of wilful killings and rape had also been subjected to torture (see paras. 57 and 86).

59. During its current mandate, the Commission focused on cases of torture in 11 detention facilities, 7 in areas under Russian control in Ukraine and 4 in the Russian Federation.[33] It examined credible reports concerning torture in numerous additional detention places in areas under Russian control. The geographic spread of those locations demonstrated and confirmed the Commission's previous finding that the practice of torture was widespread.

60. The Commission continued to document cases of torture against civilians and prisoners of war. In the present report, it has focused on prisoners of war. Russian authorities tortured civilians they suspected of cooperating with Ukrainian armed forces, to extract information. In the case of prisoners of war, perpetrators also used torture to punish and intimidate. The Commission found similar methods of torture across different detention facilities. These elements taken together confirmed that Russian authorities used torture systematically.

61. Finally, the Commission continued its investigations on whether torture was committed in furtherance of a policy.

(a) Torture of Ukrainian prisoners of war

62. In most cases investigated, Russian armed forces confined large groups of Ukrainian prisoners of war as they seized control of localities in Ukraine. They transferred and detained them for periods spanning from 9.0 to 15.5 months, in up to seven different locations in the Russian Federation and in Ukraine. In the Russian Federation, these included pre-trial detention facility No. 1 (SIZO-1) in Kursk city, Kursk Province;[34] pre-trial detention facility No. 2 (SIZO-2) in Staryi Oskol city and correctional colony No. 6 in Valuyki town, both in Belgorod Province; and correctional colony No. 1 in Donskoy town, Tula Province. Credible reports regarding such treatment in additional places of detention were also examined.

63. Victims explained that in Ukraine, torture was perpetrated by the Russian armed forces. In the Russian Federation, members of the special purpose units of the Federal Penitentiary Service of the Russian Federation and regular personnel of that Service, referred to as prison guards, committed torture. The victims stated that interrogations were led, in addition, by members of the Federal Security Service[35] of the Russian Federation.

64. Victims' accounts disclose relentless, brutal treatment, inflicting severe pain and suffering for almost the entire duration of their detention, with blatant disregard for human dignity, leading to long-lasting physical and mental trauma. One Ukrainian soldier, who was detained and tortured by Russian authorities in several detention facilities, recounted his experience in correctional colony No. 1 in Donskoy town. He stated that Federal Penitentiary Service personnel beat him on the way to and from interrogation, which broke his collarbone. They forced him to do repeated jumps regardless of a surgery to his foot. He developed gangrene. They beat him on his buttocks in the isolation ward, causing bleeding from his anus. In the yard, they beat him on his face and injured foot, leading to bleeding. They knocked out some of his teeth. He begged them to kill him. Another time, they beat him until he could not feel his feet and was unable to stand. He was bleeding. He said "I lost any hope and will to live" and that he had attempted suicide in his cell using his uniform. Perpetrators found him and beat him until he had a broken tailbone and toe and was bleeding. He was also tortured with electric shocks for two weeks. As of January 2024, he had undergone 36 hospitalizations since his release.

65. In most facilities, the prisoners of war underwent a brutal "admission procedure", with beatings and electric shocks. One victim recalled being greeted with "welcome to hell". Torture occurred during interrogation sessions, where detainees were questioned about the Ukrainian armed forces and their military units. Torture was also employed to intimidate and

[33] A/78/540, para. 54.

[34] Conference room paper of the Commission of Inquiry, paras. 561–563.

[35] The Federal Security Service of the Russian Federation is an executive body with the authority to implement government policy as regards national security.

punish. Victims reported torture “everywhere”, in cells, corridors, the courtyard and the bathhouse. A perpetrator told a victim: “We will now teach you how to fight against the Russians.” Another victim heard a prison guard stating: “Our goal is that you never return to war.” According to detainees, particularly harsh treatment was inflicted on prisoners of war from Mariupol or western Ukraine, on those who were not fluent in Russian and when Russian armed forces lost control of areas in Ukraine.

66. Methods of torture used recurrently included severe and repeated beatings with various instruments on different parts of the body. One victim recounted that during beatings, perpetrators said: “When will you finally die?” Electric shocks using various tools were administered on various parts of the body, including when detainees went to the bathhouse and were wet. Another victim stated that he was in shock, as was every other fellow prisoner of war: “It was barbaric. It was unbearably painful. I was almost all the time on the floor, as my wounds were bleeding, but those animals were laughing and ordering me to stand up.”

67. Former male detainees reported threats of rape, objectionable touching during invasive body searches and torture on the genitals. One victim of beatings and electric shocks to the genitals said that one of the perpetrators told him: “I will beat everything out of you, so you can’t make children.” A similar statement was made to another detainee. A victim recounted perpetrators’ attempts to cut his penis, in order to “prevent him from having more children”. Victims reported additional methods of torture used repeatedly and for months in the documented detention facilities.

68. In several of the facilities investigated, conditions of detention were inhuman or degrading. Medical support was mostly denied or inadequate. The food was poor and scarce and, in some places, only 2 to 7 minutes were allowed for eating. Victims reported deep suffering from hunger and resorted to eating worms, soap, paper and remnants of dog food, leading to a sharp decline in body weight. In some of the facilities, access to showers and toilets was limited, or a hole in the ground served as the toilet.

69. As a consequence of torture, former prisoners of war reported difficulties breathing, sleeping and walking; broken bones and teeth; bleeding, swelling and infected or gangrened body parts; poor eyesight; and trauma to body organs. Victims developed post-traumatic stress disorder and anxiety, and some attempted suicide. One former detainee stated: “No creature alive deserves to be treated like Russians treat Ukrainians in their detention facilities. Over there, you don’t feel like a human being anymore.”

Perpetrating entities

70. Interviews with prisoners of war, persons who declared themselves to be former members of a special purpose unit operating under the Federal Penitentiary Service, and a former Russian soldier indicated that the treatment of prisoners of war appeared to have been encouraged, or at a minimum tolerated, by higher-ups within the respective organizational hierarchies and that there was an apparent sense of impunity.

71. One former member of a special purpose unit recounted that, at an early stage of the full-scale invasion, a general who was the regional head of the Federal Penitentiary Service held a meeting with staff members to be deployed to facilities in the Russian Federation where Ukrainian prisoners of war were detained. He stated that “Nazis aren’t humans” and instructed them to “work harshly and with no pity”(“*работать жестко и не жалеть*”). The interlocutor clarified that this implied the use of physical violence against detainees, such as beatings with rubber batons, electrocution with tasers and other methods. Based on his familiarity with the workings of the Service, he reported that such treatment could not have happened without his unit commander’s permission because of the hierarchical nature of the penitentiary service.

72. Another former member of a special purpose unit was aware that the above-mentioned regional head of the Federal Penitentiary Service had held a meeting with staff before their deployment. Separately, he heard how a commander of a special purpose unit had said that “fascists” would be brought to a detention facility in the Russian Federation and that the special purpose unit “will need to work with them harshly”(“*надо с ними жестко поработать*”). The interlocutor also heard how the head of another special purpose unit mentioned that he had just returned from deployment at a detention facility in the Russian

Federation and described the ruthless use of force against Ukrainian detainees by his unit, stating that everything was allowed and that they worked on detainees as on a boxing bag.

73. A former prisoner of war detained in the Russian Federation stated that, regardless of rotations of Federal Penitentiary Service personnel, torture continued "again and again". Another victim heard newly arrived Service members asking if they were allowed to treat the detainees from Ukraine brutally. The response of outgoing personnel was: "green light to destroy them".

74. The above-mentioned former Russian soldier reported that he saw the deputy commander of his military unit beat and carry out multiple mock executions of Ukrainian prisoners of war at a makeshift location in Ukraine. He underscored that the deputy commander did not try to hide this treatment and other military officers seemed well-aware of his treatment of prisoners of war. The witness noted that a Federal Security Service officer was involved in interrogations and that he also seemed aware of the treatment of the prisoners of war.

(b) Torture of civilians in Ukraine

75. In Ukraine, the Commission continued to gather evidence of torture committed by Russian authorities in areas they controlled. Many of the victims were detained in the context of house searches. Perpetrators were generally looking for persons they suspected of collaborating with or supporting the Ukrainian authorities. In addition to the detention facilities identified previously,[36] the Commission investigated torture committed in the police department in Melitopol city and the district police in Vasylivka town, both in Zaporizhzhia Province; in the temporary detention centre in Kherson city, Kherson Province; and in other places of detention. According to former detainees, perpetrators of torture were Russian armed forces, members of the Federal Security Service and detention facility guards.

76. In detention, torture was committed to extract information about the Ukrainian armed forces and persons cooperating with them. Perpetrators used torture methods which the Commission has described in its previous reports, including beatings using various tools and the administration of electric shocks with tasers and the so-called "tapik".[37] The Commission has also investigated incidents of rape of women in detention (see, for instance, paras. 86, 87 and 92).

Perpetrating entities

77. The Commission has previously reported that in areas under Russian control for longer periods, victims mentioned that special services from the Russian Federation had operated in some of the detention facilities, and notably that members of the Federal Security Service had led interrogations and inflicted torture.[38] The Commission further confirmed this pattern, for instance in the temporary detention centre in Kherson city. A victim tortured there noted that the way in which interrogations were held and torture was committed was part of a "well-established procedure that they repeated with everyone".

78. According to former detainees, around July 2022, prison guards from the Russian Federation that looked "professional" replaced the Russian armed forces who had initially run the facility and members of the Federal Security Service, referred to as "investigators", conducted the interrogations. They gave orders to the guards concerning treatment to be inflicted on the detainees, including in preparation for interrogations, which mainly meant beating and administering electric shocks. For instance, one victim overheard conversations in which representatives of the Federal Security Service instructed the guards to "work" with a detainee, after which he understood that the guards would submit the detainee to such treatment. Another victim heard an order being given to "do what is needed to prepare them", after which he was submitted to beatings and electric shocks. On the next day, he was brought for interrogation and asked whether he was ready to talk.

[36] Conference room paper of the Commission of Inquiry, para. 507.
[37] A/HRC/52/62, para. 75.
[38] Conference room paper of the Commission of Inquiry, para. 523.

(c) Concluding observations

79. Over the course of its two mandates, the Commission has reported on the widespread and systematic use of torture by Russian authorities, both in Ukraine and in the Russian Federation. In the present report, it provides new findings about the torture of prisoners of war, which is a war crime.

80. The consistency of the evidence regarding the torture of both civilians and prisoners of war, throughout its reports, as well as the common elements observed in the documented cases, show the systematic nature of the practice. Practices and techniques used across different detention centres – including commonly used names for certain torture methods and devices – all of which are designed to cause immense pain and degradation, are routinely applied to detainees. Their use in several provinces of Ukraine and of the Russian Federation, mainly in various detention facilities, demonstrates the widespread nature of the torture.

81. The evidence collected appears to show practices that call for organization and a division of labour involving different institutions. Recently analysed information is suggestive of the hierarchical nature of the services involved in the commission of torture, the knowledge of superiors and a prevailing sentiment of impunity. These are elements in the Commission's ongoing investigations of whether torture was committed pursuant to a policy, to determine, as a consequence, whether it may amount to a crime against humanity. The Commission recommends further investigations.

3. Arbitrary arrest, detention and ill-treatment of alleged collaborators by Ukrainian authorities

82. The Commission has previously expressed concern about the treatment of alleged collaborators and has outlined three such cases.[39] For the current report, it investigated two additional cases in which victims were arbitrarily arrested and detained, and one of them was also ill-treated, in violation of international human rights law.

83. On 7 March 2022, in a village of Kyiv Province, armed persons came to the house of a man whom they suspected of cooperating with Russian authorities, arrested him and took him to an office of the Security Service of Ukraine in Kyiv city. According to the victim, at the time of the arrest and initial detention, perpetrators did not inform him of the reasons for the arrest and of the charges brought against him. The arrest of the victim was officially registered only on 14 March 2022. On the next day, he was transferred to a detention facility. The Commission found that the victim was arbitrarily arrested and detained, at least from 7 to 14 March 2022, and that members of the Security Service of Ukraine were involved.

84. In the second case, on 14 March 2022, in Kyiv city, a woman who was critical of human rights violations allegedly committed by the Ukrainian authorities was arrested at a relative's apartment by men in uniform, who brought her to a police station. According to the victim, at the time of the arrest and initial detention, perpetrators did not inform her of the reasons for the arrest and of the charges brought against her. At the police station, after she asked for the protocol of arrest and to see her lawyer, the perpetrators hit her repeatedly and conducted a mock execution to coerce her to share the password of her phone. She was detained in several locations until 16 March 2022, when she was transferred to another detention facility and provided with an arrest protocol. At times during her detention, the Security Service of Ukraine was involved. The Commission found that the victim was arbitrarily arrested and detained, at least from 14 to 16 March 2022, and ill-treated.

4. Sexual and gender-based violence

85. The Commission has previously documented cases of sexual and gender-based violence by Russian authorities in nine provinces of Ukraine and in the Russian Federation.[40] During the current mandate, it investigated additional cases in Kherson, Kyiv, Mykolaiv and Zaporizhzhia Provinces in Ukraine. Victims were girls and women from 15 to 83 years of

[39] A/HRC/52/62, para. 89, and A/78/540, paras. 70–73.
[40] A/HRC/52/62, para. 78.

age.[41] Consistent with patterns identified previously, members of the Russian authorities committed rapes and other sexual violence during house searches and in detention.

86. In the cases investigated, of which examples are given below, the Commission found that the war crime of rape, and in some cases the war crime of sexual violence, had been committed. Those acts also amounted to torture. Perpetrators committed additional acts of violence against all the victims and a family member, which also amounted to torture. Those acts also constituted human rights violations. In addition, one victim was unlawfully confined, transferred and subjected to forced labour in violation of international human rights law and international humanitarian law.[42]

87. Russian authorities, mostly in groups, conducted house searches, sometimes on multiple occasions. Some of the soldiers were intoxicated. They threatened and intimidated victims and their family members with weapons, including by shooting near their heads or legs. Perpetrators raped the victims in their homes, or forcibly took them to premises they had occupied in the vicinity or to locations they used as a temporary base, or raped them during confinement. Russian authorities also voiced threats of rape towards men in detention (see para. 67). Some of the victims were subjected to rape repeatedly, sometimes by the same perpetrator and sometimes by a group of perpetrators. In most cases, in addition to rape and sexual violence, perpetrators beat, kicked or otherwise inflicted severe pain on the victims.

88. As previously documented, Russian authorities were searching for persons suspected of cooperating with Ukrainian armed forces or of having a pro-Ukrainian position. In two cases, the circumstances suggested that the women were subjected to sexual violence as punishment for support to the Ukrainian authorities.

Case descriptions

89. In March 2022, in a village in Kyiv Province, two Russian soldiers broke into a house and took turns repeatedly raping a 42-year-old woman who was three months pregnant and the 17-year-old girlfriend of her son. They used weapons to threaten the victims and their family members. The soldiers subsequently returned with the woman's son, ordered all three into a room and again took turns raping the woman and the girl, while forcing the young man to witness the rapes. They fired two shots near his head. Perpetrators later took the three victims to an empty house, threatened the young man with a knife and again raped the woman and the girl.

90. In April 2022, in a village in Kherson Province, a Russian armed forces officer came to a house, searched it, grabbed a 15-year-old girl who lived there, stated that he needed to interrogate her and ordered her to accompany him. He drove her to an abandoned shop, forced her to undress and drink alcohol, punched her in the face and raped her.

91. In September 2022, in another village in Kherson Province, three Russian soldiers came to the house of a married couple, looking for a 54-year-old woman who lived there, and directed her to follow them to a house which they used as their base. There, one soldier told her: "We will make sure to show you what happens to the Nazis and Ukrainian armed forces fans like you." They beat her and administered electric shocks. Then two of the soldiers raped her in turns. According to the victim, this lasted for hours.

92. In October 2022, in a city in Zaporizhzhia Province, Russian authorities searched the house of a 50-year-old woman whose husband served in the Ukrainian armed forces. They confined her in a police station, invoking her pro-Ukrainian position and her husband's role. During interrogation, they asked her to provide information, beat her, placed a plastic bag over her head, strangled her with a wire, undressed her fully, touched her and threatened to rape her. The victim stated that she was "shivering with shame". After being transferred to a detention facility in a different village, she was interrogated by the head of the police department. He ordered her to undress, beat her, then raped her with a stick and threatened to kill her. In January 2023, Russian authorities transferred her to a checkpoint and subjected

[41] A/78/540, para. 76.

[42] Fourth Geneva Convention , art. 51; and International Covenant on Civil and Political Rights, art. 8 (3).

her to forced labour digging trenches. According to the victim, two Russian soldiers took her to another house and raped her at least five times.

93. These crimes left victims with serious physical and mental health challenges, long-lasting trauma, stigmatization and feelings of shame, including towards their own families. While some victims said that they had received much-needed support, others spoke of blame and stigma by some community members and decided not to report the crimes. Two victims who reported the crimes stated that the interrogation by the Ukrainian police was disrespectful and intimidating, and a source of additional trauma. They consequently withdrew their complaints.

94. These incidents have also been highly traumatizing for family members. Some of them felt a deep sense of guilt for not having been able to protect their loved ones. Such violent events have also ruptured family relations. One victim broke up with her fiancé because he stigmatized her after the rape. Another victim who was raped while her fiancé was forced to watch, could no longer look at him, and she ended the relationship.

5. Transfers of children

95. The Commission has continued to investigate allegations concerning the transfer and deportation of children from Ukraine to the Russian Federation or to Russian-occupied areas in Ukraine.[43] It has focused on the transfer of 46 children from Kherson Regional Children's Home to Crimea on the orders of Russian authorities on 21 October 2022. The institution hosted children, from infants to children 5 years of age. On a video filming the transfer of the children, Igor Kastyukevich, a Russian politician, stated that the children were being evacuated for safety reasons.[44] In Crimea, a large number of the children were accommodated in the Yolochka orphanage in Simferopol. The mother of one of them stated that she had not been informed of the transfer. She succeeded in travelling to Crimea to bring back her son in October 2023.

96. Several social media declarations made by Russian authorities in 2023 referred to the continuous presence of a group of children from Kherson Regional Children's Home in Crimea months after the initial transfer. On 26 July 2023, a social media post of the Russian-run Ministry of Labour and Social Protection of Kherson Province referred to a recent visit by the Russian-appointed Minister of Labour and Social Policy of Kherson Province to the Yolochka orphanage in Simferopol. In the post, it was stated that: "In October 2022, our children were evacuated from Kherson to Crimea to undergo rehabilitation in local sanatoriums and medical institutions … A major renovation of a building is planned in the Kherson region. In the future, our children will be accommodated there after their return from Crimea."[45] The ministry posted again about the children in Crimea on 6 August 2023. In November 2023, a Ukrainian authority informed the Commission that, except for isolated cases, the majority of the children had not yet returned to a territory under Ukrainian Government control.

97. The Commission, on examination of this and other sources of information, concludes that the transfer of a group of children from the Kherson Regional Children's Home to Crimea was not temporary and hence amounted to the war crime of unlawful transfer.

C. Incitement to commit genocide

98. The Commission has previously expressed concerns about allegations of genocide in Ukraine. Its investigations are ongoing. It has examined allegations that raise issues under the Convention on the Prevention and Punishment of the Crime of Genocide, in particular whether the rhetoric transmitted in Russian state and other media constitutes direct and public incitement to commit genocide. The Commission has reviewed many public statements that

[43] A/HRC/52/62, paras. 95–102.

[44] Igor Kastyukevich, Telegram post, 21 October 2022, available at https://t.me/kastyukevich_live/2480 (in Russian).

[45] Kherson Province, Ministry of Labour and Social Protection, Telegram post, 26 July 2023, available at https://t.me/socialpolitics_ks/1782 (in Russian).

use dehumanizing language and call for hate, violence and destruction. It is concerned about statements by individuals supporting the full-scale invasion of Ukraine by the Russian Federation and calling for the killing of a large number of persons. The Commission recommends continued investigations into this important matter and underlines the responsibility of States to prevent such utterances.

III. Conclusions and recommendations

99. **During its second mandate, the Commission has found further evidence that, in the context of their full-scale invasion of Ukraine, Russian authorities have committed a wide array of violations of international human rights law and international humanitarian law, as well as war crimes. These included indiscriminate attacks affecting civilians and civilian objects, in violation of international humanitarian law, and the war crimes of torture, wilful killing, rape and sexual violence, and the transfer of children, which violate international human rights law. The evidence gathered reinforced the Commission's previous findings that Russian authorities had used torture in a widespread and systematic way.**

100. **The Commission documented a few cases in which Ukrainian authorities committed human rights violations against persons they accused of collaborating with Russian authorities.**

101. **The armed conflict, the loss of life, and the damage and destruction and consequent deprivation of the most basic necessities have continued to deeply affect civilians. In the present report, the Commission has provided an initial assessment of the impact of the heavy fighting in and siege of Mariupol, which led to large-scale death, injury and destruction, as well as unbearable suffering.**

102. **The Commission strongly condemns the violations and corresponding crimes. It reiterates the importance of ensuring that perpetrators are identified and held accountable. The Commission also underscores the importance of other dimensions of accountability, such as truth, reparations and guarantees of non-recurrence. Due consideration of the rights and needs of the victims should be at the centre of these processes.**

103. **The Commission considers that the recommendations that it made previously remain relevant to a very large extent.** [46] **The Commission makes additional recommendations, as set out below, with a view to strengthening accountability and preventing further violations.**

104. **The Commission recommends that the parties to the armed conflict:**

(a) **Ensure the timely, effective, thorough, independent, impartial and transparent investigation of all allegations of international crimes and violations of international human rights law and international humanitarian law, including sexual and gender-based violence and violence against children, and the prosecution of such crimes and violations;**

(b) **Ratify international instruments to which they are not yet party to strengthen the protection of civilians in armed conflict.**

105. **The Commission recommends that the Russian Federation immediately:**

(a) **Cease aggression and all acts of violence committed against civilians and prisoners of war in violation of applicable international human rights and international humanitarian law;**

(b) **End the use of torture and other forms of ill-treatment against both civilians and prisoners of war;**

[46] A/HRC/52/62, paras. 112–115, and A/78/740, paras. 108–112.

(c) **Take all possible measures to prevent sexual and gender-based violence perpetrated against civilians and prisoners of war;**

(d) **Take all feasible precautions to protect civilians, considering that the leading cause of death since the beginning of the full-scale invasion remains the use of explosive weapons;**

(e) **Cease attacks affecting civilian infrastructure, particularly protected objects such as health-care facilities and cultural property;**

(f) **Comply strictly with international humanitarian law and respect the temporary nature of any transfer or evacuation of children by ensuring their expeditious return and refrain from adopting measures that would have a contrary effect;**

(g) **Release or return to Ukraine all Ukrainian civilians who have been deported to or detained in the Russian Federation.**

106. **The Commission further recommends that the Russian Federation:**

(a) **Ensure that all perpetrators, in particular commanders and other superiors and those ordering, soliciting or inducing the commission of international crimes, are held accountable in accordance with international human rights standards;**

(b) **Take the necessary measures to prevent the commission of such violations and crimes, in particular through unequivocal instructions to all branches of the armed forces and other entities participating in the armed conflict, with a view to ensuring that military discipline and respect for international human rights and international humanitarian law are upheld, along with the principle of command responsibility;**

(c) **Refrain from placing any impediment to humanitarian assistance in occupied territories;**

(d) **Abide by international humanitarian law applicable to occupied territories, including respect for cultural objects;**

(e) **Cooperate fully with all international monitoring and investigative bodies, with a view to enabling investigations into violations and related crimes committed by all parties in the occupied territories and on the territory of the Russian Federation.**

107. **The Commission recommends that Ukraine:**

(a) **Comprehensively address mental health and psychosocial needs resulting from the armed conflict by ensuring access to the relevant services, allocating resources to those services and enhancing their institutional coordination, legal regulation, monitoring and evaluation;**

(b) **Ensure that its efforts towards a comprehensive reparations programme are harmonized with regional and international initiatives on the establishment of a future international compensation mechanism, including the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine, established by the Council of Europe, and that emerging programmes are designed through meaningful consultations with victims;**

(c) **Continue building capacity for gender-sensitive and survivor-centred legal processes of accountability and provide reparative justice, including medical and psychosocial support to all victims, prioritizing victims of sexual and gender-based violence;**

(d) **Finalize an investigatory and prosecutorial strategy, building on its Strategic Plan on the Implementation of Powers of the Office of the Prosecutor General in the Area of Prosecution for International Crimes for 2023–2025, and ensure due process and transparent monitoring;**

(e) **Harmonize its legislation relating to war crimes where it is not in conformity with international standards and amend its criminal code to clarify the**

definition of "collaborative activity" to avoid legal uncertainty and harm to social cohesion.

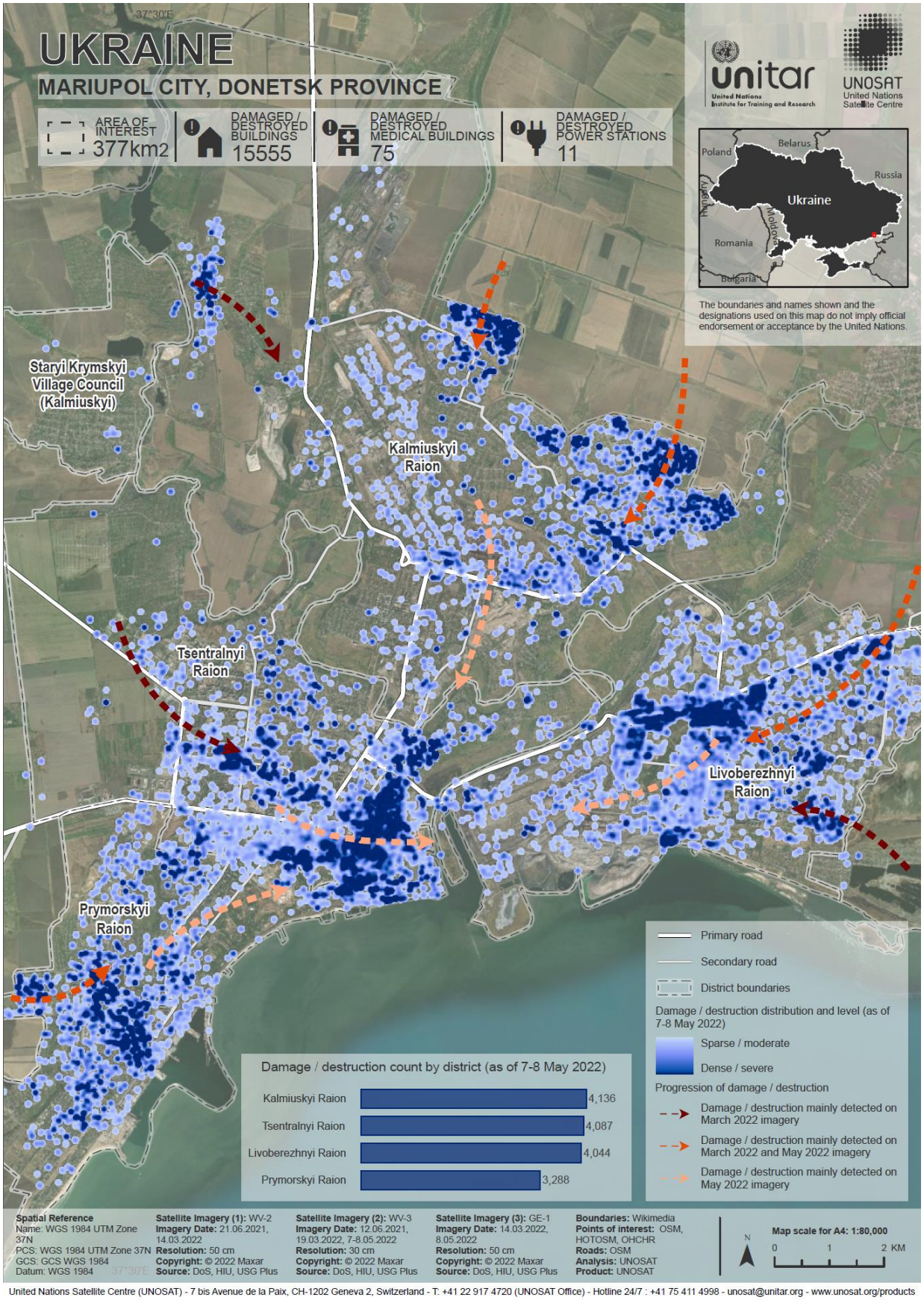
108. **The Commission recommends that other States and regional and international organizations:**

(a) **Strengthen national, regional and international accountability mechanisms, both judicial and non-judicial, including by improving their coordination and supporting the effective participation of civil society and groups representing victims and survivors;**

(b) **Ensure meaningful consultations with victims in the operationalization of the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine, established by the Council of Europe;**

(c) **Integrate the human rights dimensions of the armed conflict in Ukraine more fully into the agenda of the Security Council.**

Annex


UKRAINE
MARIUPOL CITY, DONETSK PROVINCE
AREA OF INTEREST 377km2
DAMAGED / DESTROYED BUILDINGS 15555
DAMAGED / DESTROYED MEDICAL BUILDINGS 75
DAMAGED / DESTROYED POWER STATIONS 11
unitar United Nations Institute for Training and Research
UNOSAT United Nations Satellite Centre
Poland
Belarus
Russia
Ukraine
Hungary
Moldova
Romania
Bulgaria
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.
Staryi Krymskyi Village Council (Kalmiuskyi)
Kalmiuskyi Raion
Tsentralnyi Raion
Livoberezhnyi Raion
Prymorskyi Raion
Primary road
Secondary road
District boundaries
Damage / destruction distribution and level (as of 7-8 May 2022)
Sparse / moderate
Dense / severe
Progression of damage / destruction
Damage / destruction mainly detected on March 2022 imagery
Damage / destruction mainly detected on March 2022 and May 2022 imagery
Damage / destruction mainly detected on May 2022 imagery
Damage / destruction count by district (as of 7-8 May 2022)
Kalmiuskyi Raion 4,136
Tsentralnyi Raion 4,087
Livoberezhnyi Raion 4,044
Prymorskyi Raion 3,288
Spatial Reference
Name: WGS 1984 UTM Zone 37N
PCS: WGS 1984 UTM Zone 37N
GCS: GCS WGS 1984
Datum: WGS 1984
Satellite Imagery (1): WV-2
Imagery Date: 21.06.2021, 14.03.2022
Resolution: 50 cm
Copyright: © 2022 Maxar
Source: DoS, HIU, USG Plus
Satellite Imagery (2): WV-3
Imagery Date: 12.06.2021, 19.03.2022, 7-8.05.2022
Resolution: 30 cm
Copyright: © 2022 Maxar
Source: DoS, HIU, USG Plus
Satellite Imagery (3): GE-1
Imagery Date: 14.03.2022, 8.05.2022
Resolution: 50 cm
Copyright: © 2022 Maxar
Source: DoS, HIU, USG Plus
Boundaries: Wikimedia
Points of interest: OSM, HOTOSM, OHCHR
Roads: OSM
Analysis: UNOSAT
Product: UNOSAT
N
Map scale for A4: 1:80,000
0 1 2 KM
United Nations Satellite Centre (UNOSAT) - 7 bis Avenue de la Paix, CH-1202 Geneva 2, Switzerland - T: +41 22 917 4720 (UNOSAT Office) - Hotline 24/7 : +41 75 411 4998 - unosat@unitar.org - www.unosat.org/products