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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Visit to Ukraine

Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Alice Jill Edwards^{*}, ^{}**

Summary

The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Alice Jill Edwards, visited Ukraine from 4 to 10 September 2023. In the present report, the Special Rapporteur focuses on the procedures and practices of investigation and prosecution of crimes of torture allegedly committed in the context of the full-scale armed attack by the Russian Federation against Ukraine. She also reviews the treatment and conditions of detention of prisoners of war, individuals accused of war-related crimes and those otherwise facing charges in connection with the conflict. The Special Rapporteur provides recommendations for strengthening the investigation and prosecution of alleged cases of torture or ill-treatment, improving accountability and bringing justice to victims and survivors.

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

^{**} The summary of the report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in the language of submission only.



Annex

Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Alice Jill Edwards, on her visit to Ukraine.

I. Introduction

1. At the invitation of the Government, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment conducted an official visit to Ukraine from 4 to 10 September 2023.
2. The visit focused on the procedures and practices of investigation and prosecution of crimes of torture and other cruel, inhuman or degrading treatment or punishment,¹ including rape and other sexual violence, allegedly committed within the context of the full-scale armed attack by the Russian Federation against Ukraine. The Special Rapporteur also reviewed the treatment and conditions of detention of prisoners of war, individuals accused of war-related crimes, and those otherwise facing charges in connection with the conflict.²
3. The Special Rapporteur wishes to note that the specific areas of focus for her visit should not be taken to imply that she does not recognize other challenges, or positive developments and good practices, in other areas of concern under her mandate.³
4. She also wishes to note that the information related to the Russian Federation contained in the report was either directly received by her during the visit to Ukraine or is based on reliable allegations brought to her attention while discharging her mandate, mainly by civil society organizations. To ensure an in-depth analysis of the issues raised during the visit, the Special Rapporteur also consulted a wide range of publicly available documentation, including reports from international actors and intergovernmental organizations.
5. The Special Rapporteur wishes to express her sincere gratitude to the Government of Ukraine for the invitation to visit the country and the full cooperation extended to her during the visit, notwithstanding the complex operating environment and the challenges and limitations, both logistical and security-related, inherent in a situation of international armed conflict. She frequently had to spend time in underground shelters as air raid sirens sounded at all hours of the day and night.
6. She had the honour to meet with the Minister of Justice, the Deputy Minister of Justice, the Deputy Minister of Internal Affairs, members of the Supreme Court, the Prosecutor General and the head of the specially established war crimes units within the Office of the Prosecutor General. She also met with representatives of the Coordination Headquarters for the Treatment of Prisoners of War, the State Bureau of Investigation, the Security Service of Ukraine, the National Police, and the Ukrainian Parliament Commissioner for Human Rights (Ombudsman), incorporating the national preventive mechanism.
7. The Special Rapporteur travelled to Lviv and Kyiv. She visited two places of deprivation of liberty, namely penal colony No. 19 and the prisoner of war camp Zakhid-1, located in Lviv and Zaklad, respectively. She met and interviewed inmates and prisoners of

¹ The visit did not cover allegations of abductions of Ukrainian children and their deportation to the Russian Federation, which are currently being investigated by the International Criminal Court.

² In the report, “detention” includes all situations of deprivation of personal liberty.

³ See, for instance, [A/HRC/40/59/Add.3](#); [CCPR/C/UKR/CO/8](#); and Council of Europe, “Report to the Ukrainian Government on the visit to Ukraine carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 4 to 13 August 2020”, 15 December 2020. The Special Rapporteur also notes that in 2022, the European Court of Human Rights found a violation of the prohibition of torture or other inhuman or degrading treatment or lack of effective investigation thereof in a total of 60 cases brought against Ukraine (see https://www.echr.coe.int/documents/d/echr/Stats_violation_2022_ENG).

war who requested to talk to her in private, in full compliance with the terms of reference for country visits by special procedure mandate holders.⁴

8. The Special Rapporteur wishes to continue the constructive dialogue that characterized her exchanges with the national authorities during her visit and reiterates her availability to provide them with technical assistance and advice, as appropriate, in the implementation of the recommendations in the present report.

9. The Special Rapporteur also met with representatives of the United Nations system and the diplomatic community. She wishes to thank the Office of the United Nations Resident Coordinator in Ukraine, the United Nations Development Programme in Ukraine and the Office of the United Nations High Commissioner for Human Rights (OHCHR) for their support.

10. The Special Rapporteur also met with representatives of civil society, non-governmental organizations, victims and survivors to whom she is deeply grateful for having shared their traumatic experiences and the challenges facing them in rebuilding their lives and obtaining redress.

11. In preparation for the visit, the Special Rapporteur sought to obtain the cooperation of the Government of the Russian Federation. On 21 July 2023, she sent a letter to the Permanent Mission of the Russian Federation to the United Nations Office and other international organizations in Geneva, inviting the Government of the Russian Federation to share any documentation or information on Russian prisoners of war reportedly held in Ukraine. The goal was to enable the Special Rapporteur to check on the circumstances of those prisoners directly. A follow-up letter was sent by email on 30 August 2023. No reply was received from the Government of the Russian Federation. The Special Rapporteur also shared draft excerpts of the present report with the Russian authorities.

12. The Special Rapporteur requested to carry out a country visit to the Russian Federation, with similar scope to that of her visit to Ukraine, in 2024. The Government of the Russian Federation declined her request in a note verbale dated 27 November 2023. The Special Rapporteur reiterates nonetheless her readiness to engage with the relevant authorities and expresses the hope to receive an official invitation to visit the Russian Federation soon.

II. Context of the visit

13. On 24 February 2022, the Russian Federation launched a full-scale armed attack against Ukraine, stating that it was a “special military operation” intended to protect the people of Donbas and to “demilitarize and denazify Ukraine”.⁵

14. The attack was widely condemned by the international community.⁶ The Secretary-General described it as “an affront to our collective conscience”, and as a violation of the Charter of the United Nations and international law, with dramatic humanitarian and human rights consequences.⁷

⁴ See <https://www.ohchr.org/en/special-procedures-human-rights-council/terms-reference-country-visits-special-procedures>.

⁵ See President of the Russian Federation, Vladimir Putin, address of 24 February 2022.

⁶ See United Nations Regional Information Centre for Western Europe, “The UN and the war in Ukraine: key information”, 9 March 2022; “UNRIC library backgrounder: Ukraine”, available at <https://unric.org/en/unric-library-backgrounder-ukraine/>; and Scott R. Anderson and others, “The world reacts to Russia’s invasion of Ukraine”, *Lawfare*, 24 February 2022.

⁷ Remarks of the Secretary-General at the resumed eleventh emergency special session of the General Assembly, 22 February 2023, available at <https://ukraine.un.org/en/220466-secretary-general-remarks-general-assembly-emergency-special-session-ukraine>. See also General Assembly resolution ES-11/1. By its order of 16 March 2022, the International Court of Justice indicated among its provisional measures that the Russian Federation should immediately suspend the military operations commenced on February 24, 2022 in the territory of Ukraine (see <https://www.icj-cij.org/node/106135>).

15. As at 10 September 2023, OHCHR had recorded 27,149 civilian casualties, with 9,614 killed and 17,535 injured, in Ukraine since 24 February 2022. The actual numbers, however, were believed to be considerably higher.⁸ It was estimated that at least 17.6 million people would be in need of humanitarian assistance in 2023,⁹ amounting to approximately 40 per cent of the total population.¹⁰ As at 15 February 2024, statistics from the Office of the United Nations High Commissioner for Refugees (UNHCR) showed that approximately 6 million Ukrainians had sought refuge abroad,¹¹ making this one of the fastest-moving refugee exoduses of all time and the third largest refugee population globally.¹² At the time of the Special Rapporteur's visit, torture and other cruel, inhuman or degrading treatment or punishment, especially of Ukrainian civilians and prisoners of war detained by Russian armed forces in temporarily occupied territories of Ukraine, were alleged to be widespread and systematic.

16. The Special Rapporteur deplores the senseless loss of life, human suffering and destruction caused by the full-scale invasion of Ukraine by the Russian Federation.¹³ The visit provided a useful opportunity to help identify and discuss some of the main challenges in preventing and responding to conflict-related torture and other ill-treatment, with a view to strengthening victims' protection and access to justice, ensuring accountability and avoiding impunity.

17. The Special Rapporteur stands ready to support the efforts of the Government of Ukraine to make progress regarding the above-mentioned challenges and hopes that the recommendations in the present report will help the authorities attain those objectives.

III. Applicable international legal framework

A. Absolute prohibition of torture, and duty to investigate

18. The prohibition of torture and other cruel, inhuman or degrading treatment or punishment is an erga omnes and jus cogens norm. It is absolute and non-derogable, and it applies in all contexts without exception, including in war. There can be no justifications for torture or other inhuman treatment. The orders of a superior officer or public authority do not exonerate subordinate or public officials from criminal liability. There can be no temporal limits on prosecution (also known as "statutes of limitations"), amnesties or immunities.¹⁴

19. Attached to the peremptory and absolute prohibition of torture are obligations to criminalize and investigate all acts of torture and other cruel, inhuman or degrading treatment or punishment, to prosecute or extradite suspects, to punish those responsible and to provide remedies to victims.¹⁵

20. At the time of the Special Rapporteur's visit, the situation in Ukraine was characterized as an international armed conflict between the Russian Federation and Ukraine, pursuant to common article 2 of the four Geneva Conventions of 12 August 1949.¹⁶

⁸ See OHCHR, "Ukraine: civilian casualty update", 11 September 2023.

⁹ See Office for the Coordination of Humanitarian Affairs, *Ukraine: Humanitarian Needs Overview 2023* (2022).

¹⁰ See <https://ukraine.un.org/en/219422-un-and-partners-appeal-us56-billion-help-millions-affected-war-ukraine>.

¹¹ See <https://data.unhcr.org/en/situations/ukraine>.

¹² See <https://www.unhcr.org/refugee-statistics/>.

¹³ This includes the initiation, in February and March 2014, of the temporary occupation of the Autonomous Republic of Crimea and the city of Sevastopol.

¹⁴ See A/77/502.

¹⁵ See A/HRC/52/30.

¹⁶ For a comprehensive overview of the applicable legal framework see, among others, Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights, "The legal framework applicable to the armed conflict in Ukraine" (2023), available at <https://www.osce.org/odihr/548614>; Moscow Mechanism, *Report on Violations and Abuses of*

21. Torture, cruel treatment and outrages upon human dignity committed during armed conflict are war crimes; they constitute crimes against humanity when committed as part of a widespread or systematic attack, with knowledge of the attack, directed against a civilian population.¹⁷

22. Both Ukraine and the Russian Federation are bound by international humanitarian law, in particular treaty provisions and customary rules of international humanitarian law applicable to international armed conflicts, primarily the four Geneva Conventions of 1949, the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), the Convention respecting the Laws and Customs of War on Land and the Regulations annexed thereto (Hague Regulations).¹⁸

23. Both countries therefore have an obligation to enact legislation to provide penal sanctions for persons committing, or ordering to be committed, torture and inhuman treatment; to search for such persons to bring them to justice; and to prosecute suspects of acts of torture as having committed grave breaches under universal jurisdiction.¹⁹

24. The obligation to prosecute or extradite alleged perpetrators of torture as a war crime or crime against humanity is also considered to form part of customary law, applicable within the context of an international armed conflict.²⁰ This requires Ukraine and the Russian Federation to establish jurisdiction and investigate war crimes and crimes against humanity allegedly committed by their nationals or armed forces, or on their territory, and, if appropriate, to prosecute the suspects.²¹ States may discharge their obligation to investigate war crimes and prosecute the suspects by setting up international or mixed tribunals²² or by cooperating with such tribunals.

25. With regard to international human rights law, both Ukraine and the Russian Federation are parties to the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other core human rights instruments.²³

26. Article 2 (2) of the Convention against Torture states that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.

International Humanitarian and Human Rights Law, War Crimes and Crimes Against Humanity, related to the Forcible Transfer and/or Deportation of Ukrainian Children to the Russian Federation, 4 May 2023; OHCHR, “Situation of human rights in Ukraine in the context of the armed attack by the Russian Federation: 24 February–15 May 2022” (2022); [A/77/533](#); and [A/HRC/40/59/Add.3](#). See also communication RUS 8/2023, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28124>.

¹⁷ See [A/77/502](#); and International Criminal Court, “Elements of crimes” (The Hague, 2013), available at <https://www.icc-cpi.int/sites/default/files/Publications/Elements-of-Crimes.pdf>.

¹⁸ See OHCHR, “Situation of human rights in Ukraine in the context of the armed attack”.

¹⁹ See [A/HRC/52/30](#).

²⁰ *Questions relating to the Obligation to Prosecute or Extradite (Belgium v. Senegal)*, Judgment of 20 July 2012, *ICJ Reports 2012* (concerning the case against Hissane Habré), para. 68, as referred to in [A/HRC/52/30](#).

²¹ See [A/HRC/52/30](#).

²² *Ibid.*

²³ These include the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities. Ukraine is also a party to the International Convention for the Protection of All Persons from Enforced Disappearance and has ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. On 1 March 2022, Ukraine notified the Secretary-General of its derogation from certain human rights obligations, in accordance with article 4 of the International Covenant on Civil and Political Rights and article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) for the duration of martial law.

27. Both Ukraine and the Russian Federation therefore have an explicit duty to establish all acts of torture as offences under domestic law,²⁴ to exercise jurisdiction over such offences, to receive complaints and examine them promptly and impartially, and to investigate allegations promptly and impartially. All accused persons must be protected from torture and other coercive or abusive treatment during questioning, and no information or confessions extracted through the use of torture or other ill-treatment shall be invoked as evidence in any proceedings, except in proceedings to establish torture or other ill-treatment.²⁵ States have an obligation to prosecute or extradite accused persons to stand trial and, pursuant to the Convention against Torture, to cooperate in such investigations and provide mutual legal assistance. The Convention may also serve as an extradition treaty between States parties. Victims are to be protected from reprisals or intimidation during investigations and have an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible.²⁶

28. At the regional level, the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, apply to Ukraine.²⁷

29. As far as international criminal law is concerned, neither Ukraine nor the Russian Federation is party to the Rome Statute of the International Criminal Court. The Court has, however, claimed jurisdiction over crimes allegedly committed in Ukraine, irrespective of the perpetrator, pursuant to two declarations lodged by Ukraine and various referrals by States parties to the Rome Statute.²⁸ In May 2022, Law No. 2236-IX was adopted in Ukraine to enable cooperation of the national authorities with the International Criminal Court in accordance with the Rome Statute.

B. Treatment of prisoners of war

30. Prisoners of war have a special protected status under international humanitarian law. The standards of treatment are covered extensively in the Geneva Convention relative to the Treatment of Prisoners of War, including under articles 13 and 15 and, regarding penal sanctions for grave breaches of the Convention, articles 129 and 130; and in articles 35–47 and 75 of the Protocol Additional to the Geneva Conventions of 1949.

31. Both Ukraine and the Russian Federation are therefore obliged to treat all prisoners of war in their power humanely, at all times, from the moment of their capture until their release and repatriation. The prisoners of war must always be protected, in particular against acts of violence or intimidation, insults and public curiosity.

32. Such prohibitions, which include any physical or psychological abuse or threat thereof, are not exhaustive. Other forms of ill-treatment not listed in article 13 but mentioned in article 130 of the Convention, such as wilful killing and torture, are also prohibited.²⁹ Furthermore, it is stated in article 17 of the Convention that, when interrogated, prisoners of

²⁴ In Ukraine, the right to be free from torture is protected by article 28 of the Constitution and article 127 of the Criminal Code. The Special Rapporteur notes that the definition of torture contained in the Criminal Code was brought into line with that of the Convention against Torture in December 2022 (draft law No. 5336). On that matter, see also OHCHR, “Report on the human rights situation in Ukraine, 1 August 2022 to 31 January 2023”, 24 March 2023; and on the shortcomings of the previous definition, see [A/HRC/40/59/Add.3](#).

²⁵ Convention against Torture, art. 15.

²⁶ See [A/HRC/52/30](#).

²⁷ On 16 March 2022, the Committee of Ministers of the Council of Europe decided to terminate the membership of the Russian Federation of the Council of Europe. As from 16 September 2022, the country was no longer considered a party to the European Convention on Human Rights or subject to the jurisdiction of the European Court of Human Rights.

²⁸ See <https://www.icc-cpi.int/situations/ukraine>.

²⁹ Article 130 of the Third Geneva Convention also refers to “wilfully causing great suffering or serious injury to body or health, compelling a prisoner of war to serve in the forces of the hostile Power, or wilfully depriving a prisoner of war of the rights of fair and regular trial prescribed in this Convention”.

war are required to provide only certain specific information³⁰ and cannot be punished if they refuse to do so.³¹

33. Article 13 of the Convention is complemented by article 121, under which the Detaining Power is required to open an official enquiry into the death or serious injury of a prisoner of war; and, depending on the results of such enquiry, to take all measures for the prosecution of the person or persons responsible.

IV. Allegations of torture and other ill-treatment or punishment

A. Ukrainian civilians and prisoners of war held by the Russian Federation

34. During the visit, the Special Rapporteur heard credible allegations of physical and psychological torture and other inhuman acts perpetrated against Ukrainian civilians and prisoners of war held in occupied territories of Ukraine, and in the Russian Federation, by the armed forces of the Russian Federation and potentially by other actors supporting the Russian military campaign.

35. The individuals interviewed by the Special Rapporteur included returned Ukrainian civilians and service personnel. The length of time they had been held varied considerably, ranging from around 50 days to nine months. They gave distressing testimonies of the methods of torture allegedly used against them.

36. A common form of torture reported to the Special Rapporteur was the use of electric charges applied to the ears and genitals. Other forms of torture and inhuman treatment, ranging from verbal abuse and beatings to mock executions at gunpoint and simulated drowning, were also reported. She heard of individuals being required to hold stress positions, threatened with rape or death or filmed while being forced to confess to crimes or allegiance to Ukraine or to sign referendum voting forms.

37. The use of “humiliation ceremonies” during which captives were abused and ridiculed appeared to be commonplace. One individual described how he was required to run the gauntlet by being forced to run down a corridor approximately 70 m long while being punched and beaten by Russian personnel. Another individual recalled how he and other prisoners were set upon by dogs, while Russian officials laughed and filmed them. He described how one of the dogs had mauled his leg, which caused him to fall over and lose consciousness.

38. One woman detainee recalled how her eyes were covered by masking tape after an interrogation session and she was then told to find her way back to her cell. The route was down several corridors and flights of stairs. If she touched the wall her captors would beat and shove her, laughing when she fell over.

39. Another individual said that he had been hung by his feet from the ceiling and forced to watch another detainee hanging from his arms being beaten in front of him, and forced to mop up the blood afterwards.

40. In most cases, persons deprived of liberty were not allowed to receive any visits, including from lawyers, family members or the International Committee of the Red Cross (ICRC), which was tantamount to enforced disappearance. Family members would learn about prisoners’ whereabouts only after their release or from other released prisoners who had seen their relative in captivity. At the time of writing, the fate and whereabouts of many

³⁰ Namely their surname, first name, rank, date of birth, and their army, regimental, personal or serial number.

³¹ Article 17 of the Third Geneva Convention provides that “no physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to any unpleasant or disadvantageous treatment of any kind”.

who were believed to be held in detention by Russian armed forces remained unknown. Medical care was not available for prisoners in the vast majority of cases.

41. Those interviewed also recounted dire and often abusive detention conditions. Detainees were crowded into basements and cells, including in unofficial facilities such as commercial, administrative and civilian buildings. As well as experiencing congested conditions, the detainees were poorly fed. Many described being constantly cold. One interviewee recounted that he had often been required to stand all day because of the crowded conditions. Another said that 15 people had been kept together in one unhygienic room and forced to share one bar of soap between them.

42. Several other interviewees said that they had lost dangerous amounts of weight, including, in one case, up to 40 kg, as a result of starvation during months of detention. Allegations of deaths in custody were also brought to the attention of the Special Rapporteur.

43. The Special Rapporteur heard reports of threats of sexual torture, as well as sexual torture allegedly perpetrated by Russian soldiers and other personnel against both men and women. Several male former prisoners of war reported that they had electrodes attached to their testicles. One described being beaten in his anus. Another said he had been beaten on the genitals and sprayed in his eyes and mouth with pepper spray.

44. Many interviewees recounted hearing women screaming and crying. The Special Rapporteur also heard that many women had allegedly been subjected to violence in their own homes carried out by Russian personnel or those cooperating with the Russian Federation, which made documenting such cases extremely difficult. Shame and stigma, as well as other threats and risks, including possible accusations of collaboration with the enemy, may have prevented victims of such violence coming forward. A not-for-profit organization reported an increased demand for the morning-after pill in territories over which Ukraine had regained control.

45. The Special Rapporteur wishes to continue her enquiries into allegations of sexual torture and other forms of sexual violence. She expresses her readiness to undertake a further technical visit to Ukraine focused on this aspect in order to assist the authorities, victims and survivors in dealing with these issues. She welcomes the establishment of a new conflict-related sexual violence unit within the Office of the Prosecutor General and recommends that all investigators be adequately trained.³²

46. The Special Rapporteur found the allegations she heard to be consistent with those brought to her attention prior to the visit and which she had communicated to the Government of the Russian Federation in June 2023,³³ as well those that she continued to receive after her visit. In June 2023, the Special Rapporteur had noted that the reported targeting of Ukrainian civilians and prisoners of war by members of the Russian army through repeated, similar conduct, across a range of temporarily occupied towns and regions, constituted a consistent pattern indicative of State policy.

47. The Special Rapporteur also studied multiple credible, corroborated and consistent reports of other international actors. In its reports of August 2022 and March 2023, the Independent International Commission of Inquiry on Ukraine documented patterns of torture and ill-treatment in areas occupied by Russian armed forces, concluding that Russian authorities had committed a wide range of war crimes, including torture and inhuman

³² Available protocols and guidelines include the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol); the Nairobi Declaration on Women's and Girls' Right to a Remedy and Reparation; the Global Code of Conduct for Gathering and Using Information about Systematic and Conflict-Related Sexual Violence; the United Kingdom of Great Britain and Northern Ireland Foreign and Commonwealth Office, International Protocol on the Documentation and Investigation of Sexual Violence in Conflict, 2nd ed. (2017); and Institute for International Criminal Investigations, "Guidelines for investigating conflict-related sexual and gender-based violence against men and boys", February 2016.

³³ See communication RUS 8/2023.

treatment.³⁴ In July 2023, the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE) identified a consistent trend of alleged violations perpetrated against Ukrainian prisoners of war held by the Russian authorities, including torture and ill-treatment.³⁵ In March and June 2023, OHCHR documented regular practices of torture and ill-treatment inflicted on Ukrainian prisoners of war, as well as patterns of conduct of Russian armed forces leading to the torture and ill-treatment of Ukrainian civilians.³⁶ In July 2022, the Commissioner for Human Rights of the Council of Europe reported that she had been confronted with compelling evidence of patterns of violations of, among other things, the prohibition of torture and ill-treatment and the right to liberty and security of person, including abductions and arbitrary or incommunicado detention.³⁷ Comparable allegations were also reported by non-governmental organizations.³⁸

48. The Special Rapporteur observes that the Russian Federation has repeatedly denied accusations of conflict-related torture and other human rights violations. She notes, however, that, thus far, the Government has provided no response to the letter regarding the allegations that she addressed to the authorities in June 2023, in which she sought information on any investigation being carried out in relation to the asserted pattern of torture or ill-treatment, and on the existence of any directive, policy or law applicable to Russian military personnel to prevent torture and other ill-treatment.

49. She further observes that the Russian authorities have refused to grant access for Ukrainian civilians and prisoners of war held by Russian armed forces on Russian territory, or in the temporarily occupied territory of Ukraine, to any international human rights or humanitarian observers to independently verify the location and conditions of such persons.

50. Based on the information gathered and received, the Special Rapporteur is of the view that the allegations of torture and other ill-treatment are reliable, concordant and of sufficient volume to exclude the possibility that they were isolated or ad hoc acts. The methods, purposes and targets were consistent, and the mirroring of the same practices across different regions further indicates that torture is a part of the war policy of the Russian Federation. The torture described is neither random nor aberrant behaviour. The Special Rapporteur considers that the body of interviews and other documentation reflect a repetitive and continuing situation whereby torture and other ill-treatment or punishment was carried out in an

³⁴ See [A/77/533](#) and [A/HRC/52/62](#); see also the conference room paper of the Independent International Commission of Inquiry on Ukraine on its detailed findings during the first year of its mandate, available at https://www.ohchr.org/sites/default/files/2023-08/A_HRC_52_CRP.4_En%28003%29.pdf.

³⁵ See OSCE Office for Democratic Institutions and Human Rights, “Third interim report on reported violations of international humanitarian law and international human rights law in Ukraine” (2023).

³⁶ See OHCHR, *Detention of civilians in the context of the armed attack by the Russian Federation against Ukraine: 24 February 2022–23 May 2023* (2023); and OHCHR, “Treatment of prisoners of war and persons hors de combat in the context of the armed attack by the Russian Federation against Ukraine: 24 February 2022–23 February 2023” (2023).

³⁷ See Commissioner for Human Rights of the Council of Europe, “Memorandum on the human rights consequences of the war in Ukraine”, 8 July 2022.

³⁸ See, among others, Human Rights Centre ZMINA, “‘Women’s cells’ of Kherson torture chamber: analytical report based on the testimonies of detainees”, June 2023; Human Rights Centre ZMINA, Media Initiative for Human Rights and World Organisation against Torture, “Torture and other forms of ill-treatment committed in the context of armed conflict by the representatives of the Russian Federation in the territory of Ukraine: submission for the fourth cycle of the universal periodic review of the Russian Federation”, April 2023; Human Rights Centre ZMINA, *Torture and Ill-Treatment of Civilian Population in Ukrainian Territories That Were under Russian Occupation (on the Example of Kyiv, Kharkiv, Kherson Regions)* (2023); Human Rights Watch, “Ukraine: Russian torture center in Kherson”, 13 April 2023; Vadym Chovgan, Mykhailo Romanov and Vasyl Melnychuk, “‘Nine circles of hell’: places of detention in Ukraine under the Russian occupation – March 2022–December 2022” (Dignity – Danish Institute against Torture, 2023); Global Rights Compliance, “New torture chamber evidence uncovered from liberated Kherson”, 2 March 2023; International Partnership for Human Rights, Truth Hounds and Global Diligence, “Unlawful confinement and torture in Dmyr, Kozarovychi, and Katyuzhanka, Ukraine” (2022); Human Rights Watch, “Ukraine: torture, disappearances in occupied South”, 22 July 2022; and Human Rights Watch, “Ukraine: Russian forces’ trail of death in Bucha”, 21 April 2022.

organized and systematic manner, within the framework of a higher order policy requiring coordination, planning and organization, as well as direct authorization, deliberate policy or official tolerance from superior State authorities.

B. Russian prisoners of war and Ukrainian alleged collaborators detained in Ukraine

51. The Special Rapporteur received several allegations of mistreatment of Russian prisoners of war by Ukrainian authorities over the course of her visit. They included the use of intimidatory tactics and of physical violence during the transfer from the front line or after being brought in for questioning, including in non-official places of detention.

52. The Special Rapporteur stresses that such practices are unlawful and calls on the Ukrainian authorities to ensure that all such allegations are fully investigated, in accordance with international standards, and those found responsible brought to justice.

V. Conditions of detention and treatment of prisoners of war and other conflict-related detainees

A. Russian prisoners of war held by Ukraine

53. The Special Rapporteur visited camp Zakhid-1, the largest camp for prisoners of war in Ukraine, located in the village of Zaklad, on the outskirts of Lviv. At the time of the visit, the number of persons held in the facility did not exceed the number of places for which the facility was designed.³⁹

54. The Special Rapporteur found that sincere efforts were being made by the Ukrainian authorities to treat Russian prisoners of war held there with respect.⁴⁰

55. She was informed that the camp was visited by representatives of ICRC and that the staff received training from ICRC personnel on a regular basis. Furthermore, an electronic registry of prisoners of war for the facilitation of information-sharing with ICRC had been established.

56. The authorities explained that, following the arrival of a prisoner, the induction procedure would involve the prisoner taking a hot shower, being given a haircut and undergoing a medical examination. Prisoners would then spend two weeks in a quarantined area to avoid any possible spread of infectious disease before joining the other prisoners in accommodation in barrack-style buildings, where they were provided with all necessary bedding, clothing, hygiene items and meals.

57. At the camp, prisoners were engaged in paid work, such as repairing pallets, chopping wood, making paper bags or working in the kitchen, for eight hours each day, from 7.30 a.m. to 12.30 p.m. and from 1.30 to 4.30 p.m., with a one-hour lunch break. After work, they had access to outdoor space, including a football pitch, a well-stocked library and television. Prisoners were able to spend their earnings at the prison shop, which was stocked with a wide variety of food and non-food items.

58. At the time of the Special Rapporteur's visit, the facility was clean and orderly. Prisoners were being fed well, reportedly three times a day, and were receiving medical attention. The camp had accessible air raid shelters. The Special Rapporteur also found that efforts had been made to introduce greenery in various locations.

59. She noted that some of the camp's outdoor walls were adorned with portraits of Ukrainian historical figures and military heroes, as well as quotations and narratives from

³⁹ The camp has an overall capacity of 548 inmates. At the time of the visit, it housed 319 prisoners of war, exclusively men, of various ages.

⁴⁰ The camp is funded from the national budget of Ukraine and contributions from donors, including the local community, ICRC and the Government of Canada.

Ukrainian history. These apparently remained from the time when the facility had been used as an ordinary prison. The Special Rapporteur is concerned, however, that the display of such images might be perceived by prisoners as being provocative or intended to humiliate them. She recommends that the posters be covered up and replaced with more neutral images.

60. The Special Rapporteur was informed that prisoners were able to practise their faith. There was a church on site, which was accessible every day and where services were held on Sundays. Muslim prisoners were taken separately to a mosque located outside the camp. A priest and an imam had agreed to visit prisoners periodically.

61. Prisoners were able to contact their families in the Russian Federation once every two or three weeks on average, depending on the camp occupancy level, using Internet protocol telephony, which allowed for cross-border communication.

62. The Special Rapporteur also visited the health facility and saw that good care was being provided to a large number of prisoners injured in battle, many with serious injuries.

63. Furthermore, she was informed that different systems, including an online form, were available to prisoners for submitting complaints, either on their conditions of detention or on the treatment received in the camp.

64. Prisoners interviewed by the Special Rapporteur included conscripts, soldiers and former convicts, with the latter group explaining that they had signed contracts with the Russian army, following recruitment by the Ministry of Defence, in exchange for the quashing of their criminal convictions. Several former convicts said that their convictions had been for very serious offences, including murder, and they had served only a small proportion of their sentence. One individual reported that he had been able to check the status of his conviction on the Internet and found that his criminal conviction had been removed from his record.

65. Prisoners expressed being generally satisfied with the overall conditions and treatment in the prison. They confirmed that they were allowed to call their families occasionally and that the food was good, and most of them were aware of the possibility of submitting complaints in writing. A number said they had not been expecting this level of treatment.

66. Several prisoners said that they just wanted to go home and were anxious owing to the uncertainties surrounding possible prisoner exchanges. One complained about being forced to work excessive hours (allegedly from 7 a.m. to 7 p.m.) in addition to being required to carry out general maintenance, such as taking care of green spaces. A number of the former convicts expressed their desire to remain in the camp and not be exchanged until their contract with the Russian army had expired.

67. The authorities informed the Special Rapporteur that they were applying Resolution of the Cabinet of Ministers of Ukraine of 5 April 2022 No. 413, which provided that the duration of working hours for prisoners of war should not exceed the hours of the working day established for employees of a certain industry within the corresponding region of Ukraine. The Special Rapporteur notes that international standards provide that the duration of daily labour of prisoners of war should not be excessive and should include a rest of not less than one hour in the middle of the day's work.⁴¹

68. The Special Rapporteur asked the prisoners she interviewed whether they had been tortured or ill-treated while at the camp. None of them said that they had been. A few of them, however, reported instances of abusive treatment, including verbal abuse and having been beaten following their capture in combat, during their transfer to various detention facilities or while in custody in such places, before their arrival at Zakhid-1.

69. The Special Rapporteur notes that responsibility for the overall treatment of prisoners of war has been assumed by the Ministry of Justice of Ukraine, although the camp was managed day-to-day by staff and officers of the Ukrainian armed forces. Those responsible for the management of the camp expressed the view that the handling of prisoners of war had significantly and continuously improved since the beginning of the conflict, something acknowledged also by international actors. One of the next steps, for instance, was the

⁴¹ Third Geneva Convention, art. 53.

establishment, in the near future, of mixed medical commissions for prisoner exchanges. The Government had even faced criticism from some segments of the population who found it difficult to accept that Russian prisoners of war received good treatment in Ukraine while Ukrainian prisoners of war were being tortured in the Russian Federation. The Government, however, was determined to ensure that no prisoner of war would be tortured or ill-treated.

70. With regard to camp Zakhid-1 in particular, the understanding of the authorities was that ill-treatment only happened occasionally. They were aware that the risk of torture for prisoners was higher during the first hours after their capture and during transfer to various places of detention. Those two distinct phases, however, involved different institutional responsibilities. Representatives of the Ministry of Justice explained that they had procedures in place for the reporting of allegations of torture or ill-treatment to the Office of the Prosecutor General of Ukraine, the National Police of Ukraine or the Security Service of Ukraine. Individuals were also able to report allegations of violations to the Ombudsman.

B. Alleged collaborators of the Russian Federation detained in Ukraine

71. In Lviv, the Special Rapporteur visited penal colony No. 19, where she interviewed Ukrainian nationals, both men and women, detained on charges of collaboration with the enemy and high treason.⁴² She wishes to thank the prison's managers, who made it possible for her to conduct interviews in one of the food storage rooms of the facility's basement, also used as a bomb shelter, during an air-raid alert declared at the time of her visit to the facility.

72. None of those interviewed by the Special Rapporteur reported allegations of torture or other ill-treatment or punishment by the penitentiary staff. Some felt, however, that the conditions they were held in were worse than those provided to the general prison population and that they were being punished through those poorer conditions. Some of those suspected of collaboration alleged that they had been arrested without a warrant by members of the Secret Service of Ukraine; held incommunicado for periods between a few hours or days and, in one case, three months; interrogated, beaten or threatened with physical violence and, in one case, with electric shocks; forced to sign documents; and subsequently brought to trial on fabricated charges, without adequate legal assistance. In one instance, the interrogation carried out by the Security Service of Ukraine was allegedly filmed and posted on the Internet. Others reported that they had been blindfolded, transported to a remote location, interrogated and then brought to an official place of detention.

73. The Special Rapporteur visited the medical unit of the facility, staffed by medical personnel. She found that the medical intake procedure was adequate. She welcomes the growing drug rehabilitation programme administered in the facility. She received complaints about the challenges faced in coordinating transfers for specialized treatment to the central hospital.

74. The Special Rapporteur considers that the general conditions of detention in the facility were poor, including because of poor infrastructure, overcrowding in the dormitories visited, the very limited time detainees were allowed to spend out of their cells (approximately 30 minutes each day) and the reported low quality of the food. One detainee also said he had been beaten on one occasion by other inmates.

75. Those interviewed said that the issue of collaboration was a taboo subject in Ukraine, politicized and was having the effect of intimidating Ukrainians into silence, and they expressed a lack of trust in the justice system. Judges and lawyers were reluctant to work on such cases, which were often tried in haste. It was reported that at least one lawyer representing an alleged collaborator had himself been arrested on collaboration charges.⁴³ Authorities explained to the Special Rapporteur the legislation of Ukraine relating to free legal aid and measures adopted to increase legal awareness among persons deprived of liberty. They also reported that, between February 2022 and December 2023, lawyers had

⁴² The facility has a maximum capacity of 1,702 inmates. At the time of the visit, it housed 839 individuals held on common crime charges and 14 persons detained on conflict-related grounds.

⁴³ See also [CCPR/C/UKR/CO/8](#), para. 23.

been appointed in 3,825 cases for persons suspected or accused of crimes against national security.

76. The Special Rapporteur warns against any political interference or undue influence over the judiciary and the legal profession in Ukraine. She recalls that international human rights law requires that States create independent and impartial legal systems that guarantee that no one is above the law, no one is outside the protection of the law and no one is excluded or harmed by the law.⁴⁴

77. She calls on the Government of Ukraine to take all necessary actions to ensure that judges, lawyers and prosecutors are able to perform their professional functions effectively, without pressure of any kind.⁴⁵ In that regard, the Special Rapporteur stresses that everyone has the right to due process and a fair trial, which includes the presumption of innocence; access to effective legal assistance; and access to judicial review of detention and to remedies, as appropriate. Furthermore, individuals facing criminal charges have the right to be informed at the time of arrest of the reasons for their arrest, of any charges brought against them, and of their rights and how to avail themselves of such rights. Court hearings must be fair and public, and conducted by a competent, independent and impartial tribunal established by law.

78. The Special Rapporteur calls on the Government of Ukraine to ensure that all allegations of torture or other ill-treatment or punishment raised by individuals suspected of collaboration be impartially investigated, and that the results of such investigations be made public and any perpetrators be held accountable.

79. Furthermore, the Special Rapporteur recalls that incommunicado detention was known to facilitate the perpetration of torture and other ill-treatment and could in itself constitute a form of such abuse. She reiterates that all persons deprived of liberty must be treated with respect for their inherent dignity at all times, which includes ensuring the requisite contact with the outside world. The Special Rapporteur urges the Ukrainian authorities to review all allegations of incommunicado detention and bring such practice to an end. A detailed and accessible register of all persons deprived of liberty, including those arrested or in transit, regardless of the detaining authority, should be kept, and families of detainees should be promptly and systematically informed about the fact and place of detention.⁴⁶

80. With regard to the general conditions of detention observed during the visit, the Special Rapporteur notes that penal colony No. 19 is one of the oldest in the country. She considers that, owing to the challenges posed by the current infrastructure, due to the age of the facility, international standards cannot be met fully.

81. She acknowledges that efforts have been made to renovate some parts of the prison. During her inspection of the accommodation, however, she noted that the detainees were kept in communal cells that were unnecessarily overcrowded, as the centre was not at full occupation and renovated cells were being kept empty. Rule 113 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) provides that untried prisoners should have separate cells. On the day of the visit, the cells inspected were hot and appeared to lack adequate ventilation.

82. The Special Rapporteur notes with concern that special cells with improved conditions of detention are available for a fee in the facility. The scheme allows some prisoners to pay for a better, larger cell, which would normally contain a refrigerator and a television set. According to the prison administration, the scheme helps to fund renovations to the prison. The Special Rapporteur notes that such a system gives rise to discrimination in treatment based on a person's ability to pay, which is prohibited under rule 2 of the Nelson Mandela Rules.

⁴⁴ See [A/HRC/53/31](#).

⁴⁵ See Human Rights Committee, general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial; Basic Principles on the Independence of the Judiciary; Guidelines on the Role of Prosecutors; and Basic Principles on the Role of Lawyers.

⁴⁶ See [A/HRC/40/59/Add.3](#).

83. The Special Rapporteur noted the existence of prison evacuation plans and of procedures for protecting prisoners, including the use of basements as air raid shelters. Only the top floors of the facility, however, which were considered to be most at risk, were identified for evacuation in the event of an air raid alert.

84. The Special Rapporteur was informed that a number of penitentiary institutions had had to be evacuated owing to the conflict. This had resulted in the transfer of approximately 12 per cent of the national prison population and in the increase of space-related and other challenges in the prison system. Nevertheless, the Special Rapporteur recalls the standards developed by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on personal living space for prisoners and urges the authorities to apply them without delay.⁴⁷ Given the extraordinary circumstances, the authorities may consider various ways to decongest prisons, such as the early release of those whose terms of imprisonment are nearing completion or who have committed certain non-violent offences, or to expand the use of alternatives to imprisonment and take measures to limit detaining unconvicted persons.

85. The Special Rapporteur also found a lack of meaningful daily activities for prisoners, with some detainees reporting being held in cells for 22 hours or more each day on a continuous basis and frequently with less than one hour spent outside each day. She stresses that, pursuant to rule 105 of the Nelson Mandela Rules, recreational and cultural activities should be provided in all prisons for the benefit of the mental and physical health of prisoners. She also points out that, under rule 111 of the same Rules, unconvicted prisoners are presumed to be innocent and should be treated as such.

86. The Special Rapporteur welcomes the daily presence of an on-site psychologist. She emphasizes, however, that the best way to ensure prisoners' mental health is through dignified treatment, including humane conditions of accommodation, regular access to meaningful daily activities, exercise time outside, visits by relatives and legal counsel, and updated information about their legal proceedings. She also found that the provision of food and drink was adequate and that the facility had appropriate stocks in the event of emergencies.

87. The Special Rapporteur took note of the Government's plans to build a new penitentiary and close penal colony No. 19. She was informed that such plans had been delayed owing to the war. The Special Rapporteur encourages the authorities and the national preventive mechanism (Ombudsman) to look further into those issues and remedy the situation as quickly as possible.

VI. Investigation of torture and other ill-treatment

A. Duty of Ukraine to investigate

88. According to information provided by the Government, at the time of the Special Rapporteur's visit, over 103,000 open cases of alleged war crimes, including torture and other ill-treatment or punishment, had been registered in Ukraine. The Special Rapporteur acknowledges the challenges that such a massive volume of work would pose for any country. She found the work undertaken in relation to the proceedings all the more impressive given that it was being carried out "in real time".

89. The Special Rapporteur was briefed on the multiple challenges faced in ensuring accountability and achieving justice for victims, including the inaccessibility of currently occupied areas; the loss of critical evidence owing to deterioration and lapse of time between the alleged perpetration of a crime and the point at which the investigation could begin, namely when that occupied territory had been liberated; the identification of perpetrators, including tracing responsibility back up the chain of command; the damage or destruction of

⁴⁷ See Council of Europe, "Living space per prisoner in prison establishments: CPT standards", 15 December 2015.

critical infrastructure, including tribunals, court buildings⁴⁸ and spaces used as places of detention; and the need to reform the criminal justice system and to secure adequate financial and human resources. A further challenge to prosecutions is that the removal of accused persons from a given jurisdiction following a prisoner exchange is likely to result in impunity for those persons.

90. The Government reported that several law enforcement agencies and authorities were involved in the domestic investigation of conflict-related torture and other ill-treatment or punishment, under the general coordination of the Prosecutor General.

91. The National Police of Ukraine and the Security Service of Ukraine, for instance, had created dedicated units for investigating international crimes.⁴⁹ An inter-agency working group for the investigation of war crimes had been established. The Office of the Prosecutor General had created nine regional war crimes units, with mobile investigation capacity, including DNA laboratories, a conflict-related sexual violence unit and a specialized environmental prosecutor's office. Cases involving children were investigated by the department for the protection of the interests of children interest and combating domestic violence. The national preventive mechanism continued to conduct regular visits to places of detention.⁵⁰

92. Efforts were being made to strengthen national forensic expertise and testing capacities, including through the establishment of a DNA database and a fingerprint registry, and to upgrade technology and evidence-gathering techniques.⁵¹ Legislative and procedural reforms had been adopted and strategy documents produced on combating torture and other related areas of criminal justice.⁵²

93. With regard to fair trial rights, it was noted that Russian nationals were provided with free legal aid by lawyers from the Ukrainian Bar Association, organized through the Coordination Centre for Legal Aid Provision. The Office of the Prosecutor General also reported that several investigations had been opened against Ukrainian perpetrators.

94. The Special Rapporteur wishes to highlight the resilience of Ukraine and its institutional ability to react promptly to the difficult circumstances caused by the armed attack by the Russian Federation. She acknowledges the efforts being undertaken by the Government and stresses the importance of its continued engagement in order to ensure comprehensive accountability for conflict-related violations, including the provision of adequate reparation and rehabilitation to victims.

95. She further acknowledges the Government's efforts to ensure that all victims of torture have an explicit right to rehabilitation, without discrimination of any kind. She stresses that rehabilitation should be aimed at restoring, to the extent possible, victims' independence and physical, mental, social and vocational ability, as well as ensuring their full inclusion and participation in society.

96. The Special Rapporteur was informed about the initial process of victims' rehabilitation, involving both physical and psychological therapies provided to returned prisoners of war immediately upon their return, organized by the Coordination Headquarters

⁴⁸ The Special Rapporteur was informed that since 24 February 2022, 116 court buildings had been damaged and 13 destroyed.

⁴⁹ The Secret Service of Ukraine noted that, since the beginning of the conflict, it had identified 87 Russian servicemen allegedly responsible for torture and was currently investigating 39 other torture-related cases.

⁵⁰ The national preventive mechanism reported having conducted 525 visits to places of detention between February 2022 and September 2023, resulting in a number of disciplinary sanctions for State officials and the opening of criminal proceedings.

⁵¹ These included the establishment of a web platform to properly document war crimes and crimes against humanity committed by the Russian army in Ukraine (<https://warcrimes.gov.ua/en>) and the launch of an app, eyeWitness to Atrocities, which allowed for the reporting of alleged crimes using a smartphone.

⁵² In October 2021, a strategy to counter torture in the criminal justice system and an action plan for its implementation had been adopted. The strategy was designed to counter all forms of torture and ill-treatment under the European Convention on Human Rights.

for the Treatment of Prisoners of War. This allowed returned prisoners of war, as well as civilians released from detention by the Russian Federation, to be medically assessed, for a plan to be established for their rehabilitation and recovery, and for referrals to be made on their behalf to judicial authorities, as appropriate. The Special Rapporteur commends the early access to rehabilitative care, stressing that early treatment would help complainants become more reliable witnesses, should their cases proceed to court.⁵³ She also welcomes the establishment by the Government, with the support of the United Nations Population Fund, of 11 survivor relief centres for survivors of sexual violence, which offer various services, including psychosocial counselling. She encourages the Government and the international community to continue their commitment to rehabilitation in the long term.⁵⁴

97. In this regard, the Special Rapporteur notes that she heard allegations that some Ukrainian civilians who had been reportedly tortured or ill-treated when deprived of liberty by members of the Russian armed forces could not have full access to the medical assistance needed for the treatment of physical and psychological traumas suffered. She calls on the Government of Ukraine to continue efforts to ensure that no victim of torture or ill-treatment is left without medical care and that all are provided with adequate medical or rehabilitative services.

98. The Special Rapporteur is aware that ensuring accountability for war-related crimes is an extremely complex task. At the time of the visit, the Office of the Prosecutor General reported that 35 cases had concluded in convictions for torture or other cruel treatment, out of a total of 57 convictions for all convictions related to the conflict. The number of individuals that had been held accountable thus far was extremely limited when compared with the overall estimated number of alleged violations.⁵⁵

99. The Special Rapporteur considers it of paramount importance that the Ukrainian authorities receive the necessary support and resources to ensure the adequacy of conflict-related investigations under their responsibility. She welcomes the swift mobilization of the international community in setting up various mechanisms to support national efforts.⁵⁶ She calls for continued assistance to be provided to the Government of Ukraine, including through capacity-building and technical advice for law enforcement and investigative authorities.

100. In this regard, the Special Rapporteur reiterates her availability, under her mandate, to work jointly with the international community and support the efforts of the Government, the national preventive mechanism (Ombudsman) and civil society to promote accountability and justice, as appropriate.

B. Duty of the Russian Federation to investigate

101. The Special Rapporteur calls on the Government of the Russian Federation to take measures to immediately end and prevent all acts that may amount or contribute to torture

⁵³ A/HRC/52/30.

⁵⁴ See report of the OSCE Workshop on Rehabilitation of Victims of Torture, Vienna, 12 October 2016, available at https://cti2024.org/wp-content/uploads/2020/11/OSCE-CTI-workshop-on-rehabilitation-for-victims-of-torture_October-2016_FINAL.pdf.

⁵⁵ See also OHCHR, "Detention of civilians in the context of the armed attack".

⁵⁶ In May 2022, the European Union, the United States of America and the United Kingdom of Great Britain and Northern Ireland announced the creation of the Atrocity Crimes Advisory Group to coordinate assistance for and support the war crimes units of the Office of the Prosecutor General; in April 2022, the Council of Europe set up an expert advisory group to support the Office of the Prosecutor General; also in April 2022, the Council of the European Union amended the mandate of the European Union Advisory Mission for Civilian Security Sector Reform in Ukraine to include the provision of support, including advice, training, funds and equipment, to Ukrainian authorities to help the investigation and prosecution of international crimes; in March 2022, Eurojust announced its support for the establishment of a joint Lithuanian, Polish and Ukrainian investigation team, which Estonia, Latvia and Slovakia subsequently also joined. Several member States of the European Union Member States, including France and Germany, have also opened investigations at the national level.

and other cruel, inhuman or degrading treatment or punishment of Ukrainian civilians and prisoners of war by its own armed forces.

102. She notes that there is no publicly available official information on Ukrainian civilians and prisoners of war currently being held by the Russian Federation. She urges the Government of the Russian Federation to release all conflict-related detainees who may be arbitrarily or unlawfully deprived of liberty. Those held in custody should be kept only in official places of detention, duly registered and recorded, always treated with humanity, and provided with all the protections required under international human rights and humanitarian law. These include access to medical assistance, judicial review of deprivation of liberty and remedies, and the possibility to communicate with relatives and be visited by human rights monitoring and humanitarian actors.

103. Information on the fate and whereabouts of conflict-related detainees should be adequately collected, including in cases where individuals may have died while deprived of liberty. Evidence on the cause of any such deaths, in particular of injuries possibly resulting from torture or other ill-treatment, should be made available. The procedures in the Minnesota Protocol on the Investigation of Potentially Unlawful Death should be followed.

104. Furthermore, at the time of the Special Rapporteur's visit, there appeared to be no indication that any investigation had been conducted by the Russian Federation into allegations of torture or other ill-treatment perpetrated against Ukrainian civilians and prisoners of war detained by its own or affiliated armed forces and any other associated personnel, or that investigations, if any had taken place, had complied with international standards and had led to accountability being established.

105. The Special Rapporteur stresses that a prompt response by the authorities in investigating allegations of torture and other ill-treatment or punishment is essential in maintaining public confidence in their adherence to the rule of law and in preventing any appearance of collusion in or tolerance of unlawful acts,⁵⁷ as collusion or tolerance would instead favour the perpetuation of such acts. The Special Rapporteur emphasizes the importance of the presence of independent observers at any subsequent trials.

106. The Special Rapporteur therefore calls on the Government of the Russian Federation to investigate all conflict-related allegations of torture or other ill-treatment or punishment, in accordance with international standards, including the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol); to prosecute individuals allegedly responsible for such acts, including those with command responsibility, in compliance with due process and fair trial guarantees; and to ensure redress for victims.

107. She reiterates her availability, under her mandate, to provide technical assistance and advice to the Russian Federation.

VII. Conclusions and recommendations

108. **The Special Rapporteur appreciates the commitment of the Government of Ukraine to the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment. She welcomes the openness of the national authorities to external and independent scrutiny and expresses the wish to continue the constructive dialogue that characterized her visit. The Special Rapporteur reiterates her availability, under her mandate, to provide technical assistance and advice in the implementation of the recommendations formulated in the present report.**

A. Recommendations for Ukraine

109. **The Special Rapporteur recommends that Ukraine:**

⁵⁷ European Court of Human Rights, *Bouyid v. Belgium*, application No. 23380/09, Judgment, 28 September 2015, para. 121.

(a) Continue to take all possible measures to investigate and prosecute, where appropriate, alleged perpetrators of conflict-related torture and other ill-treatment or punishment, irrespective of their nationality, promptly, impartially, effectively and thoroughly; and provide victims and their families with access to effective remedies and full reparation;

(b) Increase awareness and train all relevant personnel on the 2022 revised edition of the Istanbul Protocol, including by translating the Protocol into Ukrainian, and on the Principles on Effective Interviewing for Investigations and Information-Gathering (the Méndez Principles), including by using the Training Manual on Investigative Interviewing for Criminal Cases of the Convention against Torture Initiative, which is available in Ukrainian.⁵⁸ Existing investigative procedures and protocols should be in line with the Istanbul Protocol and the Méndez Principles;

(c) (Ensure continuing non-interference in the work of the National Preventive Mechanism (the Office of the Ombudsman), and provision of adequate funding for both its workload specifically relating to the war, including the growing number of allegations of torture and other ill-treatment, and relating to human rights compliance in general;

(d) Take effective measures to reduce the risk of torture and other ill-treatment or punishment being committed by its armed forces and other State officials, including through education and training, the review of interrogation rules and enforcement of such rules, and complaints procedures and protection from reprisal and intimidation;

(e) Guarantee the protection of complainants, including lawyers representing Russian nationals or persons accused of collaboration, against any form of reprisal and ensure that any cases of reprisal are effectively investigated and that perpetrators are prosecuted and, if convicted, appropriately punished;

(f) Continue to cooperate with the international community, including by permitting international observers and forensic experts to provide advice on and review investigations and prosecutions.

B. Recommendations for the Russian Federation

110. The Special Rapporteur recommends that the Russian Federation:

(a) Issue a strong and unequivocal directive to all its armed forces and associated groups, and other officials under its command or authority, including penitentiary and law enforcement officials, stressing that torture and ill-treatment is never permissible, and that anyone responsible for such acts will be investigated and punished; and remind all officials that any such conduct cannot be excused by superior orders or public policy;

(b) Investigate and prosecute, where appropriate, all alleged conflict-related acts of torture and other ill-treatment;

(c) Provide effective remedies and adequate compensation to victims and survivors of acts of torture and other ill-treatment;

(d) Publish reliable information on Ukrainian civilians and prisoners of war currently held by its own armed forces or other authority on a transparent and regular basis;

(e) Allow international monitors access to visit all places where Ukrainian nationals are deprived of their liberty;

⁵⁸ See <https://cti2024.org/resource/cti-training-tool-1-2017-investigative-interviewing-for-criminal-cases-ukrainian/> (in Ukrainian).

(f) **Permit international observers to monitor all investigations and trials of persons accused of torture and other ill-treatment or punishment.**

111. **The Special Rapporteur looks forward to continuing discussions on a possible country visit in 2024.**

C. Recommendation for the international community

112. **The Special Rapporteur encourages the international community to continue to provide technical assistance and support to the Ukrainian authorities to ensure that alleged conflict-related crimes of torture or ill-treatment are investigated and prosecuted, as appropriate, in accordance with international standards.**
