
Advance Unedited Version

Distr.: General
15 March 2023

Original: English

Human Rights Council

Fifty-second session

27 February–31 March 2023

Agenda item 4

Human rights situations that require the Council's attention

Report of the Independent International Commission of Inquiry on Ukraine*

Summary

In the present report, submitted pursuant to Human Rights Council resolution 49/1, the Independent International Commission of Inquiry on Ukraine outlines the main findings since the outset of its mandate. The body of evidence collected shows that Russian authorities have committed a wide range of violations of international human rights law and international humanitarian law in many regions of Ukraine and in the Russian Federation. Many of these amount to war crimes and include wilful killings, attacks on civilians, unlawful confinement, torture, rape, and forced transfers and deportations of children.

The Commission has concluded that Russian armed forces have carried out attacks with explosive weapons in populated areas with an apparent disregard for civilian harm and suffering. It has documented indiscriminate and disproportionate attacks, and a failure to take precautions, in violation of international humanitarian law.

In addition, the Commission has found that the Russian armed forces' waves of attacks, starting 10 October 2022, on Ukraine's energy-related infrastructure and the use of torture by Russian authorities may amount to crimes against humanity. It recommends further investigations.

The Commission has documented a small number of violations committed by Ukrainian armed forces, including likely indiscriminate attacks and two incidents that qualify as war crimes.

Finally, the Commission recommends that all violations and crimes be investigated and those responsible be held accountable, either at the national or the international level. It calls for a comprehensive approach to accountability that includes both criminal responsibility and the victims' right to truth, reparation, and non-repetition.

* The present report was submitted late in order to reflect the most recent developments.

I. Introduction

1. In [resolution 49/1](#) of 4 March 2022, the Human Rights Council established an Independent International Commission of Inquiry to investigate all alleged violations and abuses of human rights and violations of international humanitarian law, and related crimes in the context of the Russian Federation's aggression against Ukraine. On 30 March 2022, the President of the Human Rights Council [appointed](#) Erik Møse (Norway), Jasminka Džumhur (Bosnia and Herzegovina) and Pablo de Greiff (Colombia) to serve as independent members of the Commission, with Mr. Møse serving as chair.

2. On 12 May 2022, the Human Rights Council, in [resolution S-34/1](#), requested the Commission to focus on the events in Kyiv, Chernihiv, Kharkiv and Sumy regions in late February and in March 2022. Corresponding findings are in the Commission's report submitted on 18 October 2022 to the General Assembly.¹ The present report reflects the findings of the Commission since its creation.

3. In line with its independence and impartiality, the Commission has assessed whether the situation in Ukraine is an act of "aggression against Ukraine by the Russian Federation", as stated in resolution 49/1. In accordance with the definition of aggression provided in General Assembly resolution 3314 (XXIX), it has found reasonable grounds to conclude that the invasion and Russian armed forces'² attacks against Ukraine's territory and armed forces qualify as acts of aggression against Ukraine.³

4. To conduct its investigations, the Commission has travelled eight times to Ukraine and visited 56 cities, towns, and settlements. It also travelled to Estonia and Georgia to meet people who fled from areas affected by the armed conflict. The Commission conducted 610 interviews with 595 persons (348 women and 247 men) in person and remotely; inspected sites of destruction, graves, places of detention and torture, as well as weapon remnants; and consulted documents, photographs, satellite imagery and videos.

5. The Commission is grateful for the access and written responses to its queries received from Ukrainian officials. It regrets that its attempts to establish meaningful communication with the Russian Federation have been unsuccessful, as its notes verbales and letters have remained unanswered. A Russian governmental institution has referred material to the Commission, which it has examined.

6. In its work, the Commission is guided by the principles of independence, impartiality, objectivity, and integrity. It has adopted a victim-centred approach and committed to the "do no harm" principle. Consistent with the standard of proof followed by most international commissions of inquiry, namely, "reasonable grounds to conclude," the Commission has reached determinations when, based on a body of verified information, an objective and ordinary prudent observer would conclude that the facts took place as described.

7. Owing to the large number of relevant events, security and logistical constraints, as well as particular challenges related to the investigations of certain issues, the Commission has concentrated on samples of allegations and cases which illustrate specific patterns.

8. The Commission expresses its gratitude to all those who shared testimonies and other valuable information, responded to its call for submissions – including 38 letters from teenage children, and facilitated its work. It appreciates the assistance provided by Governments, United Nations agencies, other international organizations, and non-governmental entities.

II. Legal framework

9. Pursuant to resolution 49/1, international human rights law, international humanitarian law, and international criminal law constitute the law applicable to the mandate of the Commission.

¹ [A/77/533](#).

² For the purposes of the present report, "Russian armed forces" will refer to all combatants who have been identified as such or as directly affiliated with the Russian armed forces.

³ [A/RES/3314\(XXIX\)](#), Annex, articles 1-4.

10. Ukraine and the Russian Federation are party to eight and seven United Nations core international human rights instruments, respectively. They are also bound by various international humanitarian law instruments, including the four Geneva Conventions of 1949. The situation in Ukraine is an international armed conflict, pursuant to common article 2 of said Conventions.

11. Neither Ukraine nor the Russian Federation are State Parties to the Rome Statute of the International Criminal Court (ICC). However, the ICC has jurisdiction in Ukraine, pursuant to two declarations lodged by Ukraine and referrals by State Parties. The Rome Statute and its Elements of Crimes provide detailed elements for some of the alleged crimes. Where the ICC was found to lack jurisdiction, the Commission has applied the elements of crimes within the Rome Statute so long as they reflect customary international law.

III. Background

A. Political and military context

12. On 24 February 2022, Russian Federation President Vladimir Putin announced his decision to conduct a “special military operation” in Ukraine to seek its “demilitarization and de-Nazification”. On the same day, Russian troops crossed various border points into Ukraine, including through Belarus, and launched attacks by land, air, and sea.

13. International and regional bodies and States condemned in the strongest terms the invasion and imposed far-reaching economic sanctions.⁴ They also expressed serious concern at the risks of spread or escalation of the armed conflict and the “unacceptable nuclear rhetoric” used by Russian officials.⁵ Condemnation was also voiced at Belarus, which allowed the Russian Federation to use its territory and infrastructure to conduct hostilities in Ukraine.⁶

14. Ukrainian cities and localities became the scenes of heavy warfare. Humanitarian relief could hardly reach areas most impacted by the fighting, depriving civilians of basic needs. Mariupol was one of the worst-hit cities, with thousands estimated to have been killed and large sectors of the city destroyed. Some attacks, including those that targeted the country’s critical infrastructure, have affected the entire country, including areas far from the frontlines.

15. Populations under occupation reported grave human rights violations. Amid widespread condemnation for the events in Bucha, Kyiv region, the General Assembly adopted a resolution calling for the Russian Federation to be suspended from the Human Rights Council.⁷

16. In September, Russian authorities⁸ in the occupied areas of Donetsk, Kherson, Luhansk, and Zaporizhzhia regions held so-called referendums on their incorporation into the Russian Federation. On 30 September 2022, President Putin and the de facto authorities of the four regions signed “treaties” regarding their “accession” to the Russian Federation.⁹ The General Assembly found the attempted annexation illegal and called for its immediate reversal.¹⁰

⁴ For example, [A/RES/ES-11/1](#).

⁵ [SC/15036](#); UN News. “Ukraine war: Risks of spillover ‘remain all too real’, Security Council hears”, 16 November 2022.

⁶ European Union (The Council), [EU restrictive measures against Belarus](#).

⁷ [A/RES/ES-11/3](#).

⁸ For the purposes of the present report, “Russian authorities” will refer to Russian military and civilian occupying authorities, as well as all associated de facto authorities, armed groups, and private military and security companies.

⁹ The Kremlin. “[Signing of treaties on accession of Donetsk and Lugansk people's republics and Zaporozhye and Kherson regions to Russia](#)”, 30 September 2022.

¹⁰ [A/RES/ES-11/4](#).

17. On 10 October 2022, President Putin announced attacks on the energy infrastructure of Ukraine. Since then, waves of missile and drone attacks have affected the gas, heating, and electricity infrastructure of the country.

18. Zaporizhzhia Nuclear Power Plant remains under the control of the Russian armed forces. The deployment of military personnel and assets at the facility, as well as shelling in close proximity, sparked fears of a major nuclear accident.¹¹

19. Attempts to engage the Russian Federation and Ukraine in meaningful negotiations have not yielded success with each party rejecting the conditions put forward by the other.

B. Impact on the civilian population

20. In one year, this armed conflict has had a devastating toll on the civilian population. As of 15 February 2023, OHCHR had recorded 8,006 civilians killed and 13,287 injured in Ukraine since 24 February 2022. Of adult civilian casualties whose sex was known, 61.1 per cent were men and 39.9 per cent were women. OHCHR believes that the actual figures are considerably higher.¹² In addition to the human losses, the armed conflict in Ukraine has caused a population displacement not seen in Europe since the Second World War. As of 21 February 2023, UNHCR reported about eight million refugees from Ukraine across Europe, of which around 90 per cent were women and children.¹³ In addition, about 5.4 million people are currently displaced across Ukraine.¹⁴ Nearly 18 million people in Ukraine are in need of humanitarian assistance and faced particularly harsh conditions during winter months.¹⁵ The conflict has impacted people's right to health, education, adequate housing, food, and water. Some vulnerable groups, such as older persons, children, persons with disabilities, and persons belonging to minorities, have been particularly affected. No region of the country has been spared by the conflict.

IV. Violations of international law

21. The Commission's aim was to ensure a broad thematic and geographic coverage in its investigations. It has focused on investigating behaviour during the conduct of hostilities and violations of personal integrity, including summary executions, torture and ill-treatment, detention, and sexual and gender-based violence. The Commission has also looked into violations of the laws of occupation and transfers of children. It has found that violations of human rights and international humanitarian law, as well as related crimes, have been committed across Ukraine, and in the Russian Federation.

22. In all the cases examined, the Commission has sought to identify individual perpetrators of violations and crimes, the units deployed in the concerned areas, and their chain of command. It has attempted to determine whether the crimes were committed in furtherance of orders or policies at a higher level. The Commission has developed a separate list of identified perpetrators and military units responsible for crimes and violations.

A. Violations committed during the conduct of hostilities

1. Overview

23. The Commission has investigated 25 individual attacks with explosive weapons in populated areas in nine regions of Ukraine, both in territory controlled by the Government of Ukraine and areas controlled by Russian authorities. All those attacks involved weapons which predictably cause civilian harm in populated areas and impacted civilians or civilian

¹¹ UN News, "Overnight blasts near Ukraine nuclear plant are 'playing with fire!' – UN nuclear chief.", 20 November 2022.

¹² OHCHR, "[Türk deplores human cost of Russia's war against Ukraine as verified civilian casualties for last year pass 21,000](#)", 21 February 2023.

¹³ UNHCR, Ukraine [refugee situation](#).

¹⁴ IOM Displacement [Tracking Matrix](#).

¹⁵ OCHA. Ukraine: [Situation Report](#), 10 February 2023.

objects. Many of the attacks were determined to be indiscriminate as they, among other things, used a method or means which could not be directed at a specific military objective or their effects could not be limited as required. Russian armed forces launched or likely launched the majority of the attacks. Several attacks were disproportionate, as they were initiated with an apparent disregard for the presence of large concentrations of civilians or objects with special protection, which caused excessive harm and suffering. A small number of indiscriminate attacks were likely committed by Ukrainian armed forces.¹⁶

24. The Commission has also documented the barrage of attacks targeting Ukraine's energy infrastructure starting 10 October 2022. It has found these attacks to be disproportionate, widespread, and systematic.

25. Furthermore, the Commission has investigated instances where parties to the armed conflict have failed to protect civilians or civilian objects against the effects of hostilities.

26. The use of explosive weapons with wide area effects in populated areas has been one of the main causes of civilian casualties. OHCHR estimated that 90.3 per cent of civilian casualties have been caused by explosive weapons.¹⁷ Such attacks have damaged or destroyed thousands of residential buildings, over 3000 educational institutions¹⁸ and more than 600 medical facilities.¹⁹ The systematic targeting of energy-related installations has, during certain periods, deprived large portions of the civilian population of electricity, water and sanitation, heating, and telecommunications, and has hampered access to health and education.

27. In all places it has visited, the Commission has documented considerable civilian harm and observed first-hand the damage to buildings and infrastructure. It was struck by the extent of the destruction in the cities of Kharkiv, Chernihiv, and Izium. While it has not been able to visit the city of Mariupol, it has interviewed over 30 civilians who were in the city during the Russian armed forces' siege and bombardment. They reported intensive shelling and airstrikes, including on civilian buildings, and described explosive weapons use during this period as "*constant*" and "*never-ending*". Photos, videos, and satellite imagery corroborate the widespread destruction of residential areas. Civilians were in addition left without basic services during that period.

2. Unlawful attacks in territory controlled by the Government of Ukraine

28. The Commission has investigated attacks carried out with explosive weapons in populated areas controlled by the Government of Ukraine.²⁰ Some of these were conducted in the context of Russian armed forces' attempts to capture towns or cities, while others struck areas far from frontlines. The attacks investigated are a small fraction of the total number.

29. According to international humanitarian law, attacks which are not directed at a specific military objective or employ a method or means of combat which cannot be directed at a specific military objective, or effects of such methods or means cannot be limited, are indiscriminate.²¹ The attacks documented have impacted civilian objects, including residential buildings, hospitals, schools, a hotel, shops, a theatre, a pharmacy, a kindergarten, and a train station.

30. In some of the situations examined, the Commission could not identify a military objective. When objects of military value that might have been the intended targets of the attacks were present in the vicinity of some of the impact sites, the Commission has generally found that Russian armed forces used weapons that struck both military and civilian objects without distinction. It has identified four types of weapons, the use of which in populated areas led to indiscriminate attacks: unguided bombs dropped from aircraft; inaccurate long-

¹⁶ For the purposes of the present report, "Ukrainian armed forces" will refer to all combatants identified as such or as directly affiliated with the Ukrainian armed forces.

¹⁷ See footnote 12.

¹⁸ UNICEF, "[War has hampered education for 5.3 Million children in Ukraine](#)", 24 January 2023.

¹⁹ Figures provided by the World Health Organization for the period 24 February 2022 to 1 February 2023 (<https://extranet.who.int/ssa/Index.aspx>).

²⁰ For the purposes of the present report "Ukrainian authorities" will refer to Ukrainian civilian and military authorities, as well as all associated persons and groups.

²¹ Additional Protocol I to the Geneva Conventions, article 51(4)-(5).

range anti-ship missiles of the Kh-22 or Kh-32 types, which have been found to be inaccurate when striking land targets; cluster munitions, which, by design, spread small submunitions over a wide area; and multiple launch rocket systems, which cover a large area with inaccurate rockets.

31. The circumstance of the attacks launched or likely launched by Russian armed forces that the Commission investigated has led it to determine that a majority of them were indiscriminate. These include widely reported instances such as the 16 March 2022 attack carried out during the siege of Mariupol on the city's Drama Theatre that killed and injured a large number of people; the 8 April 2022 attack on the Kramatorsk train station, in which 59 people were killed and 92 were injured; and the 27 June 2022 attack on a shopping mall in Kremenchuk, that killed 21 and injured dozens.

32. In several attacks, the Commission found that Russian armed forces failed to take feasible precautions to verify whether civilians were present.²² Hundreds of civilians had gathered in the areas impacted by the attacks on the Kramatorsk train station and the Mariupol Drama Theatre. Similarly, there were hundreds of civilians in residential areas in Chernihiv city during attacks on 3 March 2022, which killed at least 20 people and injured many others. Irrespective of whether there was a military objective, an assessment of the targets should have alerted the Russian armed forces to the presence of large numbers of civilians.

33. That the attacks impacted civilian buildings, such as functioning medical institutions, also manifests the failure to take precautions. This includes the attack on 9 March 2022 on the Mariupol Primary and Sanitation Aid Centre No. 3, often referred to as Maternity Ward No. 3, in which at least one pregnant woman and her unborn child were killed. Even if the Russian armed forces had military objectives in conducting the attacks, the special protected status of medical institutions should have led them to take extra care.

34. The Commission has concluded that Russian armed forces have committed, and in some cases are likely to have committed, indiscriminate and disproportionate attacks, which are violations of international humanitarian law.²³ The multiple examples of such attacks and the failure to take feasible precautions show a pattern of disregard on the part of Russian armed forces for the requirement to minimize civilian harm.

35. The Commission has also assessed whether the bombardment of Mariupol and the conduct of the siege in the city may constitute a crime against humanity.²⁴ However, as the Commission has not had access to the Donetsk region, including Mariupol, it does not have a sufficient basis to make such determination and recommends further investigations in this regard.

3. Unlawful attacks in areas controlled by Russian armed forces

36. The Commission has found instances where Ukrainian armed forces likely used cluster munitions and rocket-delivered antipersonnel landmines to carry out attacks in Iziium city, Kharkiv region, from March to September 2022, when it was controlled by Russian armed forces. Ukraine, unlike the Russian Federation, is a state party to the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and their Destruction, which bans all use of anti-personnel landmines.

37. The three following examples illustrate the use of weapons that bear the characteristics of cluster munitions in the city of Iziium during that period. On 9 May 2022, an attack struck a residential area, killing three people and injuring six. On 14 July 2022, an attack hit the area around the central market, injuring two older women. On 16 July 2022, several submunitions impacted a residential area, including a kindergarten, where about 250 people had sought shelter, killing two older persons.

38. Witness testimonies also indicate that antipersonnel high-explosive landmines were used in populated areas from July 2022, and in particular before Russian armed forces withdrew. They led to grave civilian injuries. After inspection of unexploded landmines, photographs, and weapon remnants, the Commission has identified them as antipersonnel high-explosive landmines (PFM), also called "butterfly mines", likely delivered by Uragan

²² See Additional Protocol I to the Geneva Conventions, article 57(2).

²³ Additional Protocol I to the Geneva Conventions, article 51(4)-(5).

²⁴ See Rome Statute, article 7(1).

rockets. Ukrainian armed forces were at that time stationed within striking distance of such rockets.

39. After considering the context of these incidents, notably that attacks struck an area during a period when it was controlled by Russian armed forces, the weapons systems used, the fact that the attacks were repeated, and have impacted civilians or civilian objects, the Commission found it likely that Ukrainian armed forces have committed indiscriminate attacks, in violation of international humanitarian law.²⁵

4. Attacks against Ukrainian energy-related infrastructure

40. The Commission has investigated the barrage of attacks on energy-related installations in Ukraine which Russian armed forces launched as of 10 October 2022. Critical energy-related infrastructure in Ukraine came under attack from the early stages of the invasion. However, when President Putin declared that “at the proposal of the Defence Ministry and in accordance with the plan of Russia’s General Staff, a massive strike was launched with long-range precision air, sea and land-based weapons against Ukrainian energy, military and communications facilities”, the attacks changed in several important ways.²⁶

41. First, the intensity of attacks increased significantly, with at least 13 waves of attacks between 10 October 2022 and 1 February 2023 using hundreds of long-range missiles and drones equipped with explosives. Second, the geographical scope widened, with attacks affecting 20 of Ukraine’s 24 regions. Finally, while attacks prior to 10 October 2022 focused mainly on fuel installations and electric infrastructure related to the railway system, attacks after that date targeted systematically powerplants and other infrastructure critical for the transmission of electricity and the generation of heat across Ukraine. Based on these factors, the Commission has found that the attacks on energy infrastructure since 10 October 2022 were widespread and systematic and that the objective was to disrupt the energy system of the entire country, with the predictable effects on the heating system.

42. The disruption of electric substations, power plants, and other installations which produce the energy and the heating indispensable to the survival of the population, has inflicted significant harm to civilians. Entire regions and millions of people have for periods been left without electricity or heating, particularly during winter, and consequently, with an impaired access to, notably, water, sanitation, food, healthcare, and education. Despite public information about the civilian harm after the first few attacks, Russian armed forces continued to target energy infrastructure.

43. The Commission has concluded that these attacks by the Russian armed forces were disproportionate and that they constituted the war crime of excessive incidental death, injury, or damage.²⁷ It has also found that the attacks have been widespread and systematic and may amount to a crime against humanity of other inhumane acts. Further time and resources are needed to investigate the attacks to clarify if their accumulated impact becomes comparable, as it possibly can, given their magnitude, to one of the enumerated acts of crimes against humanity, and to what extent the policy was directed against the civilian population.²⁸

5. Endangering civilians

44. During the conduct of hostilities, Russian armed forces have exposed civilians to significant risks. The Commission has found that, on repeated occasions, they deliberately positioned their troops or equipment in residential areas, and have, at times, forced civilians to remain there or in the proximity of their positions.

45. Military operations near or from within the Zaporizhzhia Nuclear Power Plant, in Enerhodar, Zaporizhzhia region, have significantly endangered the plant, prompting the risk of a serious nuclear incident. On 4 March 2022, Russian armed forces launched an attack on the facility and heavy fighting erupted as they attempted to take control of it. Videos show

²⁵ Additional Protocol I to the Geneva Conventions, article 51(4)-(5).

²⁶ The Kremlin, “[Meeting with permanent members of the Security Council](#)”, 10 October 2022.

²⁷ Additional Protocol I to the Geneva Conventions, articles 51(4)-(5), 57(2)(a)(iii)-(b) (prohibition of indiscriminate attacks) and 85(3)(b)-(5) (war crime of excessive incidental death, injury, or damage).

²⁸ See Crime against humanity of other inhumane acts, Rome Statute, article 7(1)(k).

that a fire broke out as a consequence of the attack and inflicted damage to parts of the plant. In addition, Russian armed forces placed military equipment in and near the facility and have been launching attacks from there. Satellite imagery from 29 August 2022 appears to show military equipment less than 150 meters from a reactor.

46. The Commission has also documented that in territory controlled by Ukrainian armed forces, on some occasions, there was a lack of separation between armed forces and civilians, which placed civilians at risk. This was the case, for example, in the city of Chernihiv, where Ukrainian Territorial Defence Forces had set up headquarters in school 18 and had some of their members at school 21. Those schools were also used to distribute humanitarian aid to the population. On 3 March 2022, an airstrike hit both schools and killed civilians and military personnel.²⁹

47. The Commission has concluded that the parties have endangered civilians by not taking requisite precautions to the maximum extent feasible, such as avoiding locating military objectives within or near densely populated areas, and have thereby violated international humanitarian law.³⁰ Additionally, it follows from international humanitarian law that the Russian armed forces must avoid locating any military objectives in the vicinity of a nuclear power plant, and for both parties, that the plant should not be made the object of attack.³¹

B. Personal integrity violations

1. Personal integrity violations committed by Russian authorities

48. The Commission has documented patterns of wilful killings, unlawful confinement, torture, rape, and unlawful transfers of detainees in the areas that came under the control of Russian authorities in Ukraine. Violations were also committed against persons deported from Ukraine to the Russian Federation.

49. The Commission noted certain elements which are common to the different patterns of violations that it has identified:

50. In cases of summary executions and torture, perpetrators mostly targeted persons for any form of real or perceived support of Ukrainian armed forces³² or for any action directed against Russian armed forces.

51. During Russian armed forces' initial control of localities in Ukraine, many of the wilful killings, unlawful confinement, rapes, and sexual violence were committed in the context of house-to-house searches, which were aimed at locating supporters of the Ukrainian armed forces or finding weapons.

52. Furthermore, when Russian authorities controlled areas during longer periods of time, they established dedicated detention facilities, used more diverse methods of torture, and in addition, targeted persons who refused to cooperate. A wider array of perpetrators have been involved in the commission of unlawful confinement, torture, and sexual and gender-based violence, according to victims and witnesses, including the Federal Security Service of the Russian Federation, the National Guard of Russia and its subordinate units, and Russian-aligned armed groups from the so-called Donetsk and Luhansk People's Republics.

(a) Summary executions

53. Evidence collected shows a widespread pattern of summary executions in areas that Russian armed forces controlled in 17 localities of the Chernihiv, Kharkiv, Kyiv, and Sumy regions, with the highest number in the Kyiv region, including in the town of Bucha. The Commission has confirmed the execution of 65 men, two women, and a 14-year-old boy.

²⁹ [A/77/533](#), paras. 55.

³⁰ Additional Protocol I to the Geneva Conventions, article 58.

³¹ Additional Protocol I to the Geneva Conventions, article 56.

³² Members of the former Anti-Terrorist Operation, which was run in parts of the Donetsk and Luhansk regions between 2014 and 2018 and Ukrainian Territorial Defense Forces, were among those specifically targeted.

Most of the cases documented in the areas which the Commission visited took place during the first few months of the armed conflict.

54. In over half of the executions investigated, witnesses last saw the victims in the custody of Russian armed forces. In a few cases, eyewitnesses saw Russian armed forces carry out the executions. The Commission has in these situations concluded that Russian armed forces were responsible. In the remaining cases, the victims' bodies were found at or near locations that Russian armed forces used as bases. The Commission has then concluded that Russian armed forces were likely responsible.

55. Detention, interrogation, torture, or ill-treatment often preceded execution. Some victims were found with hands or feet tied. According to medical records and photographs, the most common method of killing was a gunshot to the head at close range.

56. The Commission has concluded that Russian armed forces have committed wilful killings of civilians or persons *hors de combat* in areas which came under their control, which are war crimes and violations of the right to life.³³

(b) Attacks against civilians on the move

57. The Commission has found a pattern of attacks against civilians on the move in Kharkiv, Kyiv, and Sumy regions when they were under Russian armed forces' control. It documented 18 such cases in February and March 2022, in which 14 men, eight women, one girl and three boys were killed, and six other civilians were injured. Among the cases it has examined, most were committed in the Kyiv region. In many of these instances, the Commission found enough evidence to conclude that Russian armed forces were responsible for these attacks.

58. The attacks occurred when civilians were trying to evacuate or while carrying out routine activities. In all the cases, the victims were wearing civilian clothes, were not armed, and were driving civilian cars, some with signs "children" on the windows. Several attacks occurred in or around the same location, such as the E40 highway in Kyiv and Kharkiv regions. The Commission interviewed survivors of attacks, as well as witnesses and relatives of those who were killed, and reviewed footage showing yet more damaged cars on this highway. The attacks were thus not isolated, suggesting that some military units were responsible for multiple incidents. Some of them seemed deliberate, for example when soldiers opened fire on civilian cars that posed no risk because they had stopped or were driving away from them. In other cases, there were no indications that the attackers took steps to verify that the target was a military objective.³⁴

59. The Commission has concluded that Russian armed forces have committed or are likely to have committed indiscriminate attacks against civilians and civilian objects, which are violations of international humanitarian law and violations of the right to life.³⁵ In some cases, they did not do everything feasible to verify that the objectives to be attacked were not civilians or civilian objects. The attacks that appear to intentionally target civilians amount to war crimes.³⁶

(c) Unlawful confinement

60. The Commission has established a pattern of widespread unlawful confinement in areas controlled by Russian armed forces, targeting broad categories of persons. Victims were men and women of all ages and children. The Commission identified detention facilities where Russian authorities detained large numbers of people for long periods of time in Chernihiv, Donetsk, Kharkiv, Kherson, Kyiv and Zaporizhzhia regions, in Ukraine, and in the Russian Federation. It focused its investigations on 14 such places. Procedural requirements for detention were not met. Conditions of detention were consistently inhuman. In numerous cases, the confinement was prolonged, with the longest instance over nine

³³ For example, Geneva Convention IV, article 147; International Covenant on Civil and Political Rights, article 6(1).

³⁴ See Additional Protocol I to the Geneva Conventions, article 57(2).

³⁵ Additional Protocol I to the Geneva Conventions, article 51(4)-(5); International Covenant on Civil and Political Rights, article 6(1).

³⁶ Additional Protocol I to the Geneva Conventions, articles 85(3)(a)-(5).

months. Relatives were not informed, and reasons for confinement were not properly communicated.

61. Russian authorities confined persons of different occupations with a majority of young or middle-aged men, including any person formerly associated with Ukrainian armed forces,³⁷ local officials, state personnel, current and former law enforcement employees, activists and journalists, education personnel, employees of the Zaporizhzhia Nuclear Power Plant, volunteers evacuating civilians, and others. They also confined people who were influential in their communities to coerce them and the local residents to cooperate. Some were confined together with their relatives, including children, or as a group.

62. Unlawful confinement started at checkpoints or filtration points staffed by Russian armed forces, or in the street. Russian authorities also detained people during house searches (see para. 51) or at their workplace. Detention was often a precursor to torture and executions.

63. Perpetrators generally accused the detainees of real or perceived assistance to Ukrainian armed forces or found something that in their view looked suspicious during phone searches. In numerous cases, Russian authorities detained people without any valid grounds, such as having relatives in Ukrainian security or law enforcement agencies, refusing to cooperate, participating in protests against the occupation, holding pro-Ukrainian views, or for wearing certain types of tattoos.

64. Among the detention facilities which the Commission has identified, some were improvised. These were more common during the first weeks of occupation. Others were established in permanent structures, such as police stations. Conditions were lacking in all. Cells were overcrowded, with people forced to sleep on the floor or in turns. At times, men, women, and children were held together. Lack of light and ventilation, difficulties to breathe, absence of heating in freezing temperatures were reported. Sanitary conditions were inadequate, with, at times, buckets or a bottle as a toilet and limited or no possibility to wash. In one case, ten older people died as a consequence of the inhuman conditions in a school basement, while the other detainees, including children, had to share the same space with the bodies of the deceased.

65. Such conditions of detentions can disproportionately affect people depending on their gender. Some women restricted their water and food intake out of shame to use the toilet in front of others. When water was available, there was no privacy. Menstruating women suffered because of lacking hygiene. This can lead to serious infections and diseases.

66. Numerous persons detained in areas that were under Russian control are still missing. Family members who reached out to Russian authorities reported that they most often did not get a response or were not informed about the whereabouts of the victims.

67. Based on the large number of cases it has documented, the Commission has concluded that Russian authorities have unlawfully detained wide categories of civilians and other protected persons, frequently in absence of valid reasons or without respect of procedural requirements. Detention conditions were generally inhuman. Such confinements constitute war crimes and are violations of the right to liberty and security of persons.³⁸

(d) Unlawful transfers and deportations of detainees

68. The Commission has reviewed situations in which Russian armed forces transferred detainees within Ukraine or deported them to the Russian Federation.³⁹ Victims were both men and women. In the Russian Federation, some of the detainees were confined in pre-trial facilities in Kursk and Bryansk regions. A large number of Ukrainians were detained there. According to former detainees, Russian authorities had labelled some of the detained persons as prisoners of war. However, after a review of their circumstances, the Commission found that they retained their civilian status.

69. The investigations have identified several instances of transfers and deportations in March 2022. In two cases, the victims were first detained in a makeshift detention facility in Dymyer village, then transferred to another such facility in the Hostomel aerodrome, both in

³⁷ Members of the former Anti-Terrorist Operation were among those specifically targeted.

³⁸ Geneva Convention IV, article 147; International Covenant on Civil and Political Rights, article 9(1).

³⁹ [A/77/533](#), para. 80.

Kyiv region, then deported through Belarus, alongside with other detainees, to a detention facility in Bryansk region, in the Russian Federation. In another case, a young woman was first detained in a makeshift detention facility in Novyi Bykiv village, in Chernihiv region, and then deported with other detainees to a detention facility in Kursk region, in the Russian Federation. There, the three victims were interrogated, accused of support to Ukrainian armed forces, and were subjected to torture. In two other cases, two men, and then one other man were first confined in a makeshift detention facility in Boromlia village, in Sumy region, and subsequently deported with other detainees to the Russian Federation, in a place not far from the border. There, Russian authorities held them in a basement together with other detainees from Ukraine and interrogated them.

70. The Commission has concluded that Russian authorities have committed unlawful transfers and deportations of civilians and of other protected persons within Ukraine or to the Russian Federation, respectively. This is a war crime.⁴⁰

(e) Torture and inhuman treatment

71. The Commission has found a widespread pattern of torture and inhuman treatment committed by Russian authorities against people they detained in Chernihiv, Donetsk, Kharkiv, Kherson, Kyiv, Sumy, and Zaporizhzhia regions, in Ukraine, and in the Russian Federation. Torture has been prevalent against certain categories of people. Most victims were men; both civilians and prisoners of war were tortured. As Russian authorities consolidated control over certain areas, the Commission found that more diverse, but similar methods of torture were used systematically in detention facilities which they held across various regions of Ukraine.

72. Torture was particularly severe against current or former members of Ukrainian armed forces and associated persons, and their relatives. Local officials, law enforcement personnel, employees of Zaporizhzhia Nuclear Power Plant, and civilians with pro-Ukrainian views have also been victims of torture.

73. The aim was to obtain information about Ukrainian armed forces, extract confessions, force victims to cooperate, or inflict punishments. Torture usually was combined with long interrogation sessions. Victims often had their hands tied or handcuffed, legs tied, eyes blindfolded with hoodie or tape, or with clothes or bags placed on their heads. According to some former detainees, Russian authorities referred to them as “*nazis*”, “*fascists*”, and “*terrorists*”, and forced them to undergo “*denazification sessions*” consisting of severe beatings.

74. Perpetrators inflicted severe physical and mental pain and suffering. During the first weeks of the armed conflict and in makeshift detention facilities in Ukraine, victims described beatings with rifle butts or batons, electric shocks with tasers, rape, and prolonged exposure to cold. In some cases, torture was followed by executions (see para. 55).

75. In areas under prolonged Russian control, and in more permanent detention facilities, additional methods of torture were used. One such method was electrocution with a military phone called ‘*Tapik*’ connected to an electricity cable with clips applied on feet, fingers, or men’s genitals. The perpetrators referred to this as “*call to Lenin*” or “*call to Putin*”. Other methods included hanging detainees to the ceiling with hands tied, called “*parrot position*”, strangling with cables, suffocating with plastic bags or gas masks, rape, and other sexual violence (see paras. 81 and 82). Victims witnessed the death of co-detainees following severe torture.

76. In the Russian Federation, confinement at times started with an abusive “*acceptance procedure*”. Victims reported electric shocks with a taser, beatings with a baton, suffocation with plastic bags, and forced nudity in front of others (see para. 81). A former detainee underwent beatings as a “*punishment for speaking Ukrainian*” and for “*not remembering the lyrics of the anthem of the Russian Federation*”. One woman said that she passed out a few times from beatings, but perpetrators woke her up to continue.

77. Based on the cases it has documented, the Commission has concluded that Russian authorities have committed torture and cruel or inhuman treatment, which is a war crime and a violation of the prohibition against torture and other cruel, inhuman or degrading treatment

⁴⁰ For example, Geneva Convention IV, article 147.

or punishment.⁴¹ In addition, the targeting of specific categories of persons and the consistent use of the same methods of torture across several regions they controlled in Ukraine for extended periods of time, led the Commission to find that Russian authorities used torture in a systematic and widespread manner. These circumstances, involving also elements of planning and available resources, indicate that the Russian authorities may have committed torture as crimes against humanity. The Commission recommends further investigations to ascertain whether torture committed by Russian authorities in detention facilities they held in Ukraine and torture of detainees deported from Ukraine to the Russian Federation has been committed in furtherance of a specific policy in this regard.⁴²

(f) Sexual and gender-based violence

78. The Commission has documented cases of sexual and gender-based violence involving women, men, and girls, aged from 4 to 82, in nine regions of Ukraine, and in the Russian Federation.⁴³ It has found that Russian authorities have committed sexual violence in two main situations: during house searches and against victims they had confined. In addition, the Commission documented situations in which Russian authorities imposed forced nudity, in detention, at checkpoints, and filtration points.

79. As Russian armed forces took control of localities in Ukraine and undertook house-to-house searches to find people who had supported the Ukrainian armed forces (see para. 51), in some instances, soldiers committed rapes and sexual violence as they broke into the victims' houses. The Commission has documented such violations in Chernihiv, Kharkiv, Kherson, and Kyiv regions, with a majority in Kyiv region, mainly during the first two months of the armed conflict. Most victims were women alone at home.

80. Rapes were committed at gunpoint, with extreme brutality and with acts of torture, such as beatings and strangling. Perpetrators at times threatened to kill the victim or her family, if she resisted. In some cases, more than one soldier raped the same victim, or rape of the same victim was committed several times. In one incident, the victim was pregnant and begged, in vain, the soldiers to spare her; she had a miscarriage a few days later. Perpetrators also, in some instances, executed or tortured husbands and other male relatives. Family members, including children, were sometimes forced to watch perpetrators rape their loved ones.

81. The Commission has found numerous instances of sexual and gender-based violence committed by Russian authorities during unlawful confinement in Donetsk, Kharkiv, Kherson, Kyiv, and Luhansk regions, in Ukraine, and in the Russian Federation (see paras. 74 and 75). The cases of sexual and gender-based violence in confinement affected mostly men, both civilians and prisoners of war. The evidence collected shows that sexual violence amounting to torture, and the threat of such, have been important aspects of the torture exercised by Russian authorities, with methods including rape, electric shocks on genitals, traction on the penis using a rope, and emasculation. The Commission also analysed signs of such acts on bodies of deceased victims. According to survivors, perpetrators aimed to extract information or confessions, to force cooperation, to punish, intimidate, or humiliate them, as individuals or as a group.

82. Among the incidents documented by the Commission, two women interviewed separately, who had been detained in facilities maintained by Russian authorities in two different locations of the Kharkiv region, described how soldiers ordered them to undress fully, touched them all over their bodies, and raped them. The Commission also analysed a video showing how Russian armed forces emasculated and then shot a captured Ukrainian soldier.

83. Turning to forced nudity, in a variety of situations, Russian armed forces ordered people to undress and remain naked, including for prolonged periods, which can be a form of sexual violence. Cases were identified in Donetsk, Kharkiv, and Kyiv regions, in Ukraine, and in the Russian Federation. Victims were men, women, and one 17-year-old boy. Such acts were committed during confinement, or filtration points and checkpoints, among other

⁴¹ For example, Additional Protocol I to the Geneva Conventions, article 75(2)(a)(ii); Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, article 2.

⁴² See Rome Statute, article 7(1)(f).

⁴³ [A/77/533](#), paras. 88-98.

reasons, to humiliate the victims during torture and detention or to verify the presence of tattoos. The forced nudity went beyond what would be acceptable in the framework of a security verification.

84. For instance, the Commission documented instances of forced nudity for hours, performed in a humiliating way, imposed upon new detainees at their arrival to the Olenivka penal colony in Donetsk region and in detention facilities in the Russian Federation. In another situation, Russian armed forces detained a priest, undressed him fully, beat him, and ordered him to parade naked for one hour in the streets of his village.

85. Based on the evidence it has collected, the Commission has concluded that in areas they controlled, some members of Russian armed forces committed the war crime of rape and sexual violence, which can amount to torture.⁴⁴ Rape and torture are war crimes, and violations of the corresponding human rights obligations. Acts of forced nudity can be a form of sexual violence and may constitute the war crime of outrages upon personal dignity.⁴⁵

2. Personal integrity violations by Ukrainian authorities

(a) Torture and wounding of prisoners of war

86. The Commission described previously two incidents in Mala Rohan, Kharkiv region, and Dmytrivka, Kyiv region, in which Ukrainian armed forces or forces affiliated with them, shot, wounded, and tortured captured soldiers of the Russian armed forces.⁴⁶ In a letter to the Commission covering this issue, the Office of the Prosecutor General of Ukraine noted that it had initiated pre-trial investigations in those cases. It further stated that no objective data supporting the involvement of Ukrainian military servicemen had been established at that time, but the investigations were continuing.⁴⁷ The Commission has, however, found that the persons responsible for the violations either officially belonged to the Ukrainian armed forces or fought closely with them when the incidents took place.

(b) Alleged torture and ill-treatment of collaborators

87. Since 24 February 2022, the Ukrainian authorities have opened thousands of investigations into allegations of collaboration and treason in the context of the armed conflict.⁴⁸ The Commission has collected dozens of accounts from lawyers, former detainees, and detainees' relatives related to detentions under charges of high treason, collaborative activity, and support for the aggressor state. There have been allegations that in detention, Ukrainian authorities committed torture, ill-treatment, violated procedural rights, and detained persons in inhuman conditions.

88. Witnesses reported beatings, mock executions, and threats to harm the detainee or the detainee's family. In some situations, there were reportedly no arrest warrants, and some detainees were held incommunicado, sometime for several days. They reported sleep and food deprivation.

89. The Commission is concerned about these allegations. However, at the time of the writing of this report, it has not been in a position to corroborate these allegations, and it recommends further investigations.

C. Violations of the laws of occupation

90. The Commission has examined the context and circumstances in which Russian authorities organized and held so-called referendums between 23 and 27 September 2022 in the occupied areas of Donetsk, Kherson, Luhansk, and Zaporizhzhia concerning their annexation to the Russian Federation. It has found that the holding of the so-called

⁴⁴ For example, Geneva Convention IV, article 27.

⁴⁵ For example, Geneva Convention IV, article 27; Additional Protocol I to the Geneva Conventions, article 75(2)(b).

⁴⁶ [A/77/533](#), paras. 86-87.

⁴⁷ Letter from the Office of the Prosecutor General of Ukraine to the Commission, 27 January 2023.

⁴⁸ See <https://www.gp.gov.ua/>.

referendums disregarded the Ukrainian Constitution, which regulates the organisation of a referendum in Ukraine.⁴⁹ This was therefore in violation of international humanitarian law which prescribes that an Occupying Power must respect the laws in force in the territory it occupies.⁵⁰ Moreover, the Commission concludes that the annexation of the four regions is unlawful, based upon principles of international law holding that "[n]o territorial acquisition resulting from the threat or use of force shall be recognized as legal".⁵¹

91. In addition, the Commission has found that the conduct of the so-called referendums occurred in a general climate of fear and coercion. Some interlocutors reported that prior to the vote, Russian authorities carried out visits to private residences to ask people what they would do in relation to the referendum. During voting days, interlocutors saw "electoral staff" accompanied by armed personnel going from door to door with ballot boxes.

92. Pursuant to the so-called annexation "treaties" between the Russian Federation and the four occupied regions, Russian citizenship was granted in the concerned areas. The Commission was informed of situations in which local residents felt compelled to apply for Russian passports. Civilians of retirement age, in particular, applied for Russian passports, after messages from representatives of Russian authorities suggesting that they would need to hold a Russian passport to receive or continue to receive pensions. Civil servants and other employees of state services who sought to keep their employment under the Russian administration were required to apply for Russian passports as a condition to maintain their positions.

93. According to testimonies, Russian authorities detained local officials and employees in the occupied areas to force them to cooperate. In March 2022, the Mayor of Melitopol in Zaporizhzhia region was detained at the Palace of Culture of Melitopol. Furthermore, in August 2022, the head of a rural community in the Kherson region was detained by Russian armed forces who broke into her home. The Commission has obtained the names of 27 heads of territorial communities of Kherson region who were reportedly detained by Russian authorities. There were also cases of detention, ill-treatment and expulsion from their hometowns of school principals and teachers to force them to apply Russian curricula in schools. Threatening and intimidating messages were sent to parents to force them to enrol their children in schools operating under the Russian system in occupied areas.

94. The Commission has concluded that Russian authorities have exercised physical or moral coercion against civilians in occupied areas, in violation of international humanitarian law.⁵² They have in addition unlawfully confined persons, which is a war crime.⁵³

D. Forced transfers and deportations of children

95. Ukrainian and Russian officials have declared that hundreds of thousands of children have been transferred from Ukraine to the Russian Federation since 24 February 2022, with figures that vary greatly. A data collection system maintained by the Government of Ukraine indicated that 16,221 children had been deported to the Russian Federation as of the end of February 2023.⁵⁴ The Commission has not been able to verify these figures.

96. According to statements, and media reports, Russian officials have taken legal and policy measures regarding Ukrainian children transferred to the Russian Federation. These include the granting of Russian citizenship and the placement of children in foster families, which appears to create a framework in which some of the children may end up remaining permanently in the Russian Federation. In this regard, in May 2022, President Putin signed a decree facilitating applications for Russian citizenship for some categories of children.⁵⁵ In a media interview in July 2022, Ms. Lvova-Belova, Presidential Commissioner for

⁴⁹ Constitution of Ukraine, articles 72-73.

⁵⁰ Hague Regulations, articles 42-43.

⁵¹ [A/RES/2625\(XXV\)](#); also [A/RES/3314\(XXIX\)](#), Annex, article 5(3).

⁵² Geneva Convention IV, article 31.

⁵³ Geneva Convention IV, article 147.

⁵⁴ See [Діти війни \(childrenofwar.gov.ua\)](#).

⁵⁵ See Decree of the President of the Russian Federation of 30 May 2022 No. 330 on Amendments to the Decree of the President of the Russian Federation dated 24 April 2019, No. 183 "On Determining for Humanitarian Purposes the Categories of Persons Entitled to Apply for Citizenship of the Russian Federation in a Simplified Manner", article 1.

Children's Rights, declared that "now that the children have become Russian citizens, temporary guardianship can become permanent".⁵⁶

97. The Commission has identified three main situations in which Russian authorities have transferred Ukrainian children from one area they controlled in Ukraine to another or to the Russian Federation. Transfers affected children who lost parents or temporarily lost contact with them during hostilities; who were separated following the detention of a parent at a filtration point; and children in institutions. It has reviewed incidents concerning the transfer of 164 children aged from four to 18 years from the Donetsk, Kharkiv and Kherson regions.

98. International humanitarian law prohibits the evacuation of children by a party to the armed conflict, with the exception of a temporary evacuation where compelling reasons relating to the health or medical treatment of the children or, except in occupied territory, their safety, so requires. The written consent of parents or legal guardians is required.⁵⁷ In none of the situations which the Commission has examined, transfers of children appear to have satisfied the requirements set forth by international humanitarian law. The transfers were not justified by safety or medical reasons. There seems to be no indication that it was impossible to allow the children to relocate to territory under Ukrainian Government control. It also does not appear that Russian authorities sought to establish contact with the children's relatives or with Ukrainian authorities. While the transfers were supposed to be temporary, due to a variety of reasons, most became prolonged, and parents or legal guardians and children encountered an array of obstacles in establishing contact, achieving family reunification, and returning the children to Ukraine.

99. In a separate situation, large numbers of children from areas that came under Russian Federation control in Kharkiv, Kherson, and Zaporizhzhia regions travelled temporarily with parental consent to vacation camps in Crimea or in the Russian Federation. Parents and children stated that, when these areas returned to Ukrainian Government control, Russian authorities required the parents or the legal guardians to travel in person to pick up their children. This involved long and complicated travel and security risks. Not all parents have therefore been able to do so, which led to prolonged or even indefinite family separations.

100. Parents or children told the Commission that during the children's stay in the Russian Federation or in Russian-controlled areas in Ukraine, on some occasions, social services told the children that they would be placed in institutions, accommodated in foster families, or be adopted. Parents also told the Commission that in some places of transfer children wore dirty clothes, were screamed at, and called names. Meals were poor and some children with disabilities did not receive adequate care and medication. Children expressed a profound fear of being permanently separated from parents, guardians, or relatives.

101. In all the incidents examined by the Commission, the onus to trace and find parents or family members fell primarily on the children. Parents and relatives encountered considerable logistical, financial, and security challenges in retrieving their children. In some cases, it took weeks or months for families to be reunited. Witnesses told the Commission that many of the smaller children transferred have not been able to establish contact with their families and might, as a consequence, lose contact with them indefinitely.

102. The Commission has concluded that the situations it has examined concerning the transfer and deportation of children, within Ukraine and to the Russian Federation respectively, violate international humanitarian law, and amount to a war crime.⁵⁸ It has found that Russian authorities violated their obligation under international humanitarian law to facilitate in every possible way the reunion of families dispersed as a result of the armed conflict.⁵⁹ Such conduct may also amount to the war crime of unjustifiable delay in the repatriation of civilians.⁶⁰ In addition, the citizenship and family placement measures which may have a profound implication on a child's identity are in violation of the right of a child

⁵⁶ Ms. Lvova-Belova, Telegram [communication](#), 5 July 2022.

⁵⁷ Additional Protocol I, article 78(1).

⁵⁸ Geneva Convention IV, article 147.

⁵⁹ Additional Protocol I to the Geneva Conventions, article 74.

⁶⁰ Additional Protocol I to the Geneva Conventions, article 85(4)(b)-(5).

to preserve his or her identity, including nationality, name and family relations without unlawful interference, as recognised by international human rights law.⁶¹

V. Accountability measures

103. The Commission is mandated to make recommendations, in particular, on accountability measures.⁶² “Accountability measures” is a broad term covering not only criminal responsibility, but also non-judicial measures.

104. The ICC is investigating alleged war crimes, crimes against humanity, and genocide in Ukraine.⁶³ It does not have jurisdiction for the crime of aggression in Ukraine. Suggestions have been made to establish a special tribunal on aggression. Any such tribunal would have to coordinate with the ICC. Furthermore, it should have the required international legitimacy, both with respect to its establishment and functioning. Discussions about a new tribunal should be combined with efforts to amend the ICC Statute, so that the Court’s jurisdiction over aggression is identical to the other three crimes.

105. In addition to judicial measures, there are other dimensions of accountability, including truth, reparations, and guarantees of non-recurrence.⁶⁴ Full satisfaction of victim rights must await cessation of hostilities, but measures can be taken already to contribute to the eventual satisfaction of these rights. Priority should be given to a victims' registry and institutional support, including mental health and psychosocial services.

106. The Commission encourages robust coordination of the many national and international accountability actors. Minimizing duplication and victim re-traumatization while increasing efficient use of resources is achievable. Practical steps include mapping the actors conducting investigations, which could facilitate the establishment of an index of sharable evidence.

VI. Conclusions and recommendations

107. **The armed conflict in Ukraine has had devastating effects at various levels, most notably on individuals, communities, the society, the environment, and the economy of Ukraine. It has affected considerably the enjoyment of almost all human rights. People live in a climate of unbearable uncertainty and fear. Scores of survivors are coping with the immediate consequences of violent events and large-scale damage. In addition to the many physical injuries that will need time to heal, the deep psychological impact will have long-lasting effects.**

108. **The Commission is concerned with the number, the geographic spread, and the gravity of human rights violations and corresponding international crimes which it has documented during its mandate. These have affected men, women, boys and girls of all backgrounds and ages.**

109. **It has concluded that Russian authorities have committed numerous violations of international humanitarian law and violations of international human rights law, in addition to a wide range of war crimes, including the war crime of excessive incidental death, injury, or damage, wilful killings, torture, inhuman treatment, unlawful confinement, rape, as well as unlawful transfers and deportations. The Commission has also found that the Russian armed forces’ waves of attacks, starting 10 October 2022, on Ukraine’s energy-related infrastructure and the use of torture by Russian authorities may amount to crimes against humanity.**

110. **In a limited number of cases, the Commission has found that the Ukrainian armed forces were likely responsible for violations of international humanitarian law and human rights law, and for some incidents which qualify as war crimes. They include**

⁶¹ Convention on the Rights of the Child, article 8(1).

⁶² [HRC resolution 49/1](#), para. 11(e).

⁶³ ICC, [Statement of ICC Prosecutor, Karim A.A. Khan QC, on the Situation in Ukraine: Receipt of Referrals from 39 State Parties and the Opening of an Investigation](#), 2 March 2022.

⁶⁴ [A/RES/60/147](#); [A/RES/40/34](#).

indiscriminate attacks and two incidents of wounding and torture of Russian prisoners of war.

111. Beyond sharing their deep loss and trauma with the Commission, survivors have highlighted the importance of identifying those responsible and bringing them to account. One man, whose father was executed by Russian armed forces in a village of the Kharkiv region, told the Commission: *“They punished innocent people; now those who are guilty, if they are still alive, need to be punished to the fullest extent.”*

112. The Commission recommends that the parties to the conflict:

(a) Respect and ensure compliance with all obligations stipulated in relevant treaties and customary international law regarding international humanitarian law, international human rights law and international criminal law;

(b) Comply with all the obligations enshrined in international humanitarian law, including keeping accurate records of all people under the control of each party and exchanging information on that basis;

(c) Ensure that the International Committee of the Red Cross has unrestricted access to carry out its work in accordance with its mandate under international law;

(d) Protect and respect the space for humanitarian action from disinformation, politicisation, and polarization;

(e) Take all feasible measures, in line with international standards, to locate all those disappeared or missing – women, men, girls and boys, establish their fate and ensure communication with their families;

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

(g) Hold all perpetrators accountable through judicial proceedings in accordance with international human rights standards;

(h) Take all necessary steps in order to ensure that all victims’ right to truth is satisfied and that they eventually obtain redress and remedy, including compensation and rehabilitation;

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

113. The Commission recommends that the Russian Federation immediately:

(a) Cease aggression and all acts of violence committed against civilians in violation of applicable international human rights and international humanitarian law and end the use of torture and other forms of ill-treatment, including sexual and gender-based violence;

(b) Take all feasible precautions to protect civilians and civilian infrastructure and end massive attacks against energy-related infrastructure in Ukraine;

(c) Provide reliable and comprehensive information about the number and the whereabouts of all children that have been transferred within or deported from Ukraine to the Russian Federation for whatever reason; facilitate effective communication between children and their families, and promptly and proactively initiate their return to Ukraine in accordance with their best interests and with international obligations using technical assistance from international organisations; and prevent any further transfers within and deportation of children from Ukraine;

(d) Release or return to Ukraine all Ukrainian civilians who have been deported to the Russian Federation and are detained there as a consequence of the armed conflict.

114. The Commission further recommends that the Russian Federation:

(a) Ensure that all perpetrators, including commanders and other superiors, and those ordering, soliciting or inducing the commission of international crimes, are held accountable;

(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 ensure that military discipline and respect for international human rights and humanitarian law are upheld along with the principle of command responsibility;

(c) Limit the use of private military and security companies in the conflict, as experience shows that these, on the one hand, lying outside formal lines of command, and on the other, having a great incentive to compete with one another, and with regular forces, frequently engage in violations of international law, and are generally less accountable than regular forces;

(d) Respect international humanitarian law applicable to occupied territories and refrain from placing any impediment to humanitarian assistance in those territories;

(e) Cooperate fully with all international monitoring and investigative bodies.

115. The Commission recommends that Ukraine:

(a) As a preliminary step towards a comprehensive reparations program, establish a victim registry as an 'institutional portal' for better coordination of available government services to victims;

(b) In light of its operational roadmap on prioritized multisectoral mental health and psychosocial support actions comprehensively address mental health and psychosocial needs resulting from the armed conflict by tackling access and allocation of resources to the relevant services as well as enhancing their institutional coordination, legal regulation, monitoring, and evaluation;

(c) Harmonise its legislation related 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;

(d) Taking into account both the enormous case load and limited resources, develop an investigatory and prosecutorial strategy, which will prioritise cases on the basis of clear criteria and ensure due process and transparent monitoring.

116. 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) Further integrate the human rights dimensions of the armed conflict in Ukraine more fully into the Security Council's agenda.