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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Independent International Commission of Inquiry on Ukraine*

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Independent International Commission of Inquiry on Ukraine, submitted in accordance with paragraph 19 of Human Rights Council resolution 52/32, on the situation of human rights in Ukraine stemming from the Russian aggression.

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

Report of the Independent International Commission of Inquiry on Ukraine

Summary

The present report is submitted to the General Assembly by the Independent International Commission of Inquiry on Ukraine pursuant to Human Rights Council resolution 52/32, which renewed the Commission's initial mandate for one additional year.

As the armed conflict continues in its second year, it has further contributed to suffering and hardship for thousands of affected civilians. The Commission has found new evidence that Russian authorities have committed violations of international human rights and international humanitarian law, and corresponding crimes, in areas that came under their control in Ukraine. It documented additional indiscriminate attacks by Russian armed forces, which have led to deaths and injuries of civilians and the destruction and damage of civilian objects.

The collected evidence further shows that Russian authorities have committed the war crimes of wilful killing, torture, rape and other sexual violence, and the deportation of children to the Russian Federation. The Commission's investigations confirmed its previous finding that Russian authorities have used torture in a widespread and systematic way in various types of detention facilities which they maintained. Interviews with victims and witnesses illustrated a profound disregard towards human dignity by Russian authorities in these circumstances. The Commission also documented cases in which Russian soldiers burst into houses of villages they occupied, raped women and a girl, and committed additional war crimes against the victims and their family members.

In three cases, investigations found that Ukrainian authorities have committed violations of human rights against persons whom they have accused of collaboration with the Russian authorities.

The Commission is concerned at the gravity of the documented violations and crimes and their impact on victims, survivors, and the affected communities. It calls upon the concerned conflict parties to halt war crimes and violations of human rights. The Commission also reiterates the importance of accountability, in all its dimensions, with full respect and care for the rights of the victims.

I. Introduction

1. On 4 March 2022, the Human Rights Council established the Independent International Commission of Inquiry on Ukraine through [resolution 49/1](#) 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. After the submission by the Commission of its comprehensive report of 14 March 2023 to the Human Rights Council¹ at its fifty-second session, the Council extended its mandate for a further period of one year in resolution 52/32.
2. Since March 2022, Erik Møse (Norway) and Pablo de Greiff (Colombia) have been serving as members of the Commission, with Mr. Møse as chair. After the completion of the mandate of Ms. Jasminka Džumhur (Bosnia and Herzegovina), the President of the Human Rights Council appointed, on 28 June 2023, Ms. Vrinda Grover (India) to serve as a member of the Commission.
3. The Commission abides by the principles of independence, impartiality, objectivity, and integrity. It adopts a victims-centered approach and adheres to the "do no harm" principle. It applies the standard of proof of "reasonable grounds to conclude" and reaches determinations when, based on a body of verified information, an objective and ordinary prudent observer would conclude that the facts took place as described.
4. The present report, submitted to the General Assembly at its seventy-eighth session, as mandated by resolution 52/32, builds on the Commission's March 2023 report and its detailed conference room paper released on 29 August this year.² It outlines preliminary findings since the renewal of its mandate. Owing to the large number of relevant events, security and logistical constraints, the Commission focused on samples of allegations and cases which illustrate specific patterns. In preparing the current report, it has visited 32 settlements in 9 regions of in Ukraine, a majority in the Kherson and Zaporizhzhia provinces, and traveled to Poland. It has relied on 466 interviews with 445 persons (222 women and 223 men), inspected sites of attacks and places where detention and torture were committed, and compiled and examined documents, photographs, and videos.
5. The Commission appreciates the access and cooperation extended by the Government of Ukraine. It regrets that its efforts to engage with the Russian Federation remained unsuccessful. The Commission has addressed to Russian officials 19 written requests for meetings, access and information, without receiving any answer. It has also consistently expressed in public an interest in establishing meaningful communication with Russian officials.
6. The Commission expresses its gratitude for the valuable testimonies and other information it has received from victims, witnesses, other interlocutors, and organizations.

II. Legal framework

7. International human rights law, international humanitarian law, and international criminal law constitute the law applicable to the mandate of the Commission.
8. The Russian Federation and Ukraine are party to seven and eight 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. Neither Ukraine nor the Russian Federation is a State party 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

¹The Commission's report to the Human Rights Council (A/HRC/52/62) is to be read in conjunction with its 18 October 2022 report to the General Assembly (A/77/533).

²A/HRC/52/CRP.4.

elements of crimes within the Rome Statute so long as they reflect customary international law.

III. Background: political and military context

9. The armed conflict has continued to affect millions of persons in Ukraine, with considerable regional and international ramifications. In 2023, armed hostilities largely concentrated on south-eastern Ukraine, in particular in Donetsk, Kherson, Luhansk, and Zaporizhzhia provinces. In early June 2023, Ukraine launched a counteroffensive primarily focusing on Donetsk and Zaporizhzhia provinces. Heavy losses have been reported on both sides.

10. Other provinces of Ukraine, further from the frontline, have also been affected by explosive weapons hitting residential buildings and other civilian structures. Russian armed forces continued to launch large-scale attacks targeting infrastructure across Ukraine. Shelling of border areas in the Russian Federation and drone attacks deeper in the country, including in Moscow city, have been reported. Ukrainian official sources claimed responsibility for some of the attacks.

11. In the meantime, there have been no immediate prospects for an end to the armed conflict through political and diplomatic means. At the United Nations General Assembly, many delegates urged for intensified efforts to bring both parties to the negotiating table.³ As the armed conflict approached the one-year mark, a General Assembly resolution demanded “that the Russian Federation immediately, completely and unconditionally withdraw all of its military forces from the territory of Ukraine within its internationally recognized borders, and called for a cessation of hostilities”.⁴

12. Several States presented proposals for a settlement through diplomatic means. The President of the Russian Federation, Vladimir Putin, and Russian officials blamed Ukraine for rejecting talks and continued to justify the armed invasion in Ukraine through the self-defence clause of the United Nations Charter.⁵ More broadly, Russian Government officials further accused “the West” for fuelling conflict in Ukraine.⁶

13. The President of Ukraine, Volodymyr Zelenskyy, has promoted the 10-points peace formula which he first outlined in November 2022.⁷ During an open debate on Ukraine held on 20 September 2023 at the United Nations Security Council, he reiterated that only the complete withdrawal of Russian armed forces and the full restoration of Ukraine’s control over its territories will result in the complete cessation of the hostilities.⁸

14. The Black Sea Initiative was one of the few areas where the Russian Federation and Ukraine had managed to reach an agreement. The Russian Federation’s refusal to extend its participation in July 2023 was widely condemned.

15. The armed conflict has continued to have devastating consequences for the civilian population of Ukraine. As of 10 September 2023, the Office of the United Nations High Commissioner for Human Rights (OHCHR) recorded 27,149 civilian casualties, including 9,614 killed and 17,535 injured. The actual number is likely higher. In addition to 6,204,600 persons who have left the country (as of 3 October 2023), 5,088,000 are internally displaced (as of June 2023). The United Nations Office for the Coordination of Humanitarian Affairs estimated that 17.6 million people in Ukraine are in need of humanitarian assistance and access for humanitarian assistance to areas affected by the fighting has been challenging. In addition to physical and psychological trauma, the armed conflict has resulted in severe limitations of the access to some of the most basic human rights.

³ See <https://press.un.org/en/2023/ga12516.doc.htm>.

⁴ A/ES-11/L.7.

⁵ See <http://www.en.kremlin.ru/events/president/transcripts/71451>.

⁶ See <http://en.kremlin.ru/events/president/news/70565> and <https://news.un.org/en/story/2023/09/1141372>.

⁷ See <https://www.president.gov.ua/en/news/ukrayina-zavzhdi-bula-liderom-mirotvorchih-zusil-yaksho-rosi-79141>.

⁸ S/PV.9421 p. 8.

IV. Violations of international law

16. The Commission has gathered new evidence of violations of international human rights law and international humanitarian law, and corresponding crimes committed by the Russian authorities⁹ in Ukraine. It has investigated unlawful attacks with explosive weapons and their impact on civilians, torture, sexual and gender-based violence, and transfers and deportations of children.

17. It has found three incidents in which violations of human rights were committed by Ukrainian authorities¹⁰ and is further investigating these and other allegations of such violations.

A. Violations committed during the conduct of hostilities

18. The Commission documented additional individual attacks with explosive weapons. It condemns again attacks that affect civilians and civilian objects, including those where large numbers of civilians were present.

19. It examined numerous reports of attacks in territory under Ukrainian Government control. The Commission found reasonable grounds to conclude that the strike of a residential building in Uman city, Cherkasy province, on 28 April 2023, as well as strikes that affected a supermarket and a gas station in Kherson city, Kherson province, on 3 May 2023, were indiscriminate attacks perpetrated by Russian armed forces, in violation of international humanitarian law. The attacks led to considerable loss of civilian life, injuries, and destruction. In both cases, the Commission concluded that Russian armed forces failed to take feasible precautions to ensure that the objects affected were not civilian.

20. The Commission also investigated two attacks in areas that were under the control of Russian authorities. It was unable to reach a conclusion due to lack of access.

21. It continued its consideration of the cumulative impact on civilians of the large-scale attacks on Ukraine's energy infrastructure launched by Russian armed forces, starting 10 October 2022.

22. Finally, the Commission initiated investigations concerning the circumstances of the breach at the Kakhovka Dam.

1. Impact of attacks with explosive weapons

23. Attacks with explosive weapons in populated areas remained the leading cause of deaths and injuries among the civilian population. As of 10 September 2023, OHCHR estimated that 8,062 persons were killed and 16,610 were injured in such attacks. The actual number is likely higher. The Commission has visited sites of attacks and spoken with survivors.

24. In addition to the deep trauma incurred by the loss of loved ones in the aftermath of attacks, the population has to cope with considerable challenges in securing housing and access to essential services and supplies. During a visit to Uman city, the Commission spoke with the residents of the apartment building which had been hit by a missile. The strike led to a high number of casualties - mainly women and children -, and substantial damage to the affected block and neighbouring buildings. Survivors shared their traumatic experiences and the hardships they face due to the devastation caused by the attack.

25. Other examples from the Commission's investigations also illustrate the vast challenges in locations affected by attacks. In Dnipro city, Dnipropetrovsk province, a functioning clinic providing psychological care, including for trauma related to the armed conflict, was destroyed in an attack on 26 May 2023, during working hours, and had to close. This led to the killing of 4 persons and the injury of over 30 persons, including patients and

⁹ In the present report, "Russian authorities" will refer to Russian military and civilian authorities, as well as all associated de facto authorities, armed groups, and private military and security companies.

¹⁰ In the present report "Ukrainian authorities" will refer to Ukrainian civilian and military authorities, as well as all associated persons and groups.

medical staff. The destruction of a clinic providing psychological care to people already scarred by the conflict predictably leads to retraumatization.

26. In Kramatorsk city, Donetsk province, a restaurant was hit on 27 June 2023, during its busiest working hour, leading to the death of at least 11 civilians, including 3 girls, and many injuries. In Kherson city, a major retailer had to close after it was affected by an attack on 3 May 2023, limiting the availability of places where the population could get essential supplies. These attacks represent only a small sample among the multitude of situations affecting the lives of the civilian population.

2. Individual attacks with explosive weapons

27. In international humanitarian law, indiscriminate attacks are those that 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 the effects of which cannot be limited. The Commission has recently documented attacks that affected civilian objects, such as residential buildings, a railway station, shops, and a warehouse for civilian use, leading to numerous casualties. It is further investigating attacks that hit civilian objects.

28. Weapons employed include missiles and rockets which, when used in populated areas, have a wide impact that can cause harm and damage to civilians and critical infrastructure.

29. In most incidents, the Commission has not been able to identify a military presence in the locations affected by the attacks. It also found that in some situations, adequate precautions were not taken to verify the targets. This was, for example, the case of the abovementioned attack on a residential building in Uman city, which struck objects that have not served a military purpose for over two decades.

(a) Attacks with explosive weapons carried out by Russian armed forces

30. The Commission documented additional indiscriminate attacks committed by Russian armed forces in territory controlled by the Government of Ukraine. Below are detailed descriptions of two cases it has investigated.

Uman city, Cherkasy province, 28 April 2023

31. On 28 April 2023, between 4.20 and 4.30 a.m., two missiles struck an apartment building on Zakhysnykiv Ukrainy Street 25 and a warehouse in Uman city, Cherkasy province. The attack resulted in the killing of 24 civilians (14 women, 4 men, 3 boys and 3 girls) and the injury of many others, in the residential building affected directly and in two neighbouring buildings. Consequently, 45 apartments became uninhabitable and many others have been severely damaged, with shattered windows, ripped doors and balconies, as well as gas and electricity cuts as a consequence of the attack.

32. The Commission focused its investigation on the residential building. The attack was part of a large-scale strike with long-range missiles carried out by Russian armed forces. Russian authorities acknowledged carrying out a large-scale strike during that night.¹¹ Based on the available evidence, the weapon used appears to be a Kh-101 cruise missile, which Russian armed forces possess in their stockpile. These missiles are not known to be part of the Ukrainian stockpile.

33. The Commission investigated whether the strike on the building may have been the result of an interception by Ukrainian air defence, which may have potentially caused the incoming missile to deviate from its course. However, based on expert analysis of available documents and other technical information obtained, the Commission found that this is unlikely.

34. No military presence was identified in either of the areas affected by the strikes. According to residents' accounts and reviewed documents, over twenty years ago, the warehouse served as a military maintenance base, whereas the apartment building was a dormitory for civilians and military working there. Both were hit within a few minutes of

¹¹ Ministry of Defence of the Russian Federation, "Report on the progress of the special military operation in Ukraine", 28 April 2023; see https://mid.ru/en/press_service/spokesman/briefings/1866793/#sel=73:30:qxD,73:76:o33.

each other. The residential building was privatised around 2002, and at the time of the attack, was a civilian object with over 99 apartments.

35. The Commission concluded that Russian armed forces, in violation of international humanitarian law, conducted an indiscriminate attack on a residential building in Uman city and failed to take feasible precautions to ensure that the objective was not civilian.

Kherson city, Kherson province, 3 May 2023

36. On 3 May 2023, starting at 10 a.m., a succession of attacks with explosive weapons took place over the course of several hours and struck various locations in Kherson city, including an ATB supermarket, an OKKO gas station, the Railway Station, an Epitsentr hypermarket, and a residential building. Ukrainian authorities recorded casualties at 10 impact sites in Kherson city and its surroundings, with 21 civilians killed (12 men and 9 women) and dozens injured.

37. The Commission focused its investigations on three of the impacted sites, namely the ATB supermarket, the OKKO gas station, and the Railway Station. Based on witness statements and an analysis of photographs and videos of weapon remnants, it has determined that the three abovementioned sites were hit with rocket artillery systems. Photographs taken in the aftermath of the strikes at the ATB supermarket and at the OKKO gas station show remnants which appear to be BM-21 Grad rockets.

38. No military presence was identified at the locations hit. Witness declarations, an analysis of the position of remnants and of the damage at the ATB supermarket and the OKKO gas station indicate that the strikes came from a southern direction. A similar analysis of the impact site at the Railway Station led the Commission to assess that the strike came from a likely southern direction. The left bank of the Dnipro River in the Kherson city area was under Russian armed forces control at the time of the attack, within striking distance of the BM-21 MLRS Grad missile system.

39. The Commission concluded that Russian armed forces have carried out indiscriminate attacks on the ATB supermarket and the OKKO gas station, have likely also carried out the attack that hit the Railway Station, all in Kherson city, and failed to take precautions to verify that the objectives are not civilian.

(b) Attacks carried out in areas under the control of Russian authorities

40. The Commission has investigated two reported incidents with the use of explosive weapons in areas of the Donetsk and Luhansk provinces which are under the control of Russian authorities. It sent requests for information to both parties to the armed conflict and did not receive a response from the Russian Federation. Two previous requests for access to the Russian-appointed authorities of the former so-called Donetsk and Luhansk People's Republics have remained unanswered.

41. According to media reports, on 28 January 2023, an attack struck the Novoaidar General Hospital in Novoaidar town, Luhansk province, leading to the death of 14 persons and the injury of many others. One institution from the Russian Federation informed the Commission about the attack. It has reviewed publicly available photographs and videos of the damage and has confirmed that these show the Novoaidar Central Hospital. Satellite imagery also confirms damage to one wing of the hospital. Information available suggests that the hospital was functional at the time of the incident. The Ukrainian authorities informed the Commission that they have opened a pre-trial investigation into the shelling.

42. Additionally, the Commission has examined information which appeared from January to April 2023 on social media, concerning incidents involving antipersonnel high-explosive landmines known as "PFM" or "butterfly mines", in two western suburbs of Donetsk city. In total, 11 injuries were reported. One Russian institution shared information about injuries in March and April 2023. The concerned locations are in two populated areas west of Donetsk city, close to the line of contact, where heavy fighting took place at that time.

43. The Commission has been unable to proceed with its investigation of both situations as it has no access to the relevant areas. It recommends further investigations and reiterates the importance of access to pursue all investigations required by its mandate.

3. Impact of the attacks on Ukraine's energy infrastructure

44. In its previous reports, the Commission expressed concern at the impact on civilians of the large-scale waves of attacks on energy infrastructure launched by the Russian armed forces starting on 10 October 2022.¹² It is currently examining in further detail the consequences of the attacks for the civilian population. Prevalent during the colder months, the attacks hit electricity-related installations, causing temporary outages, which sometimes affected millions of people. These in turn, resulted in electricity, heating and water cuts, with consequences for the operation of services.

45. From the Commission's interviews, Kyiv and Odesa were among the provinces particularly hit. Two residents of Odesa reported recurrent power outages – of up to three days – during the winter. Due to the scarcity of power, at times electricity supply was available only during pre-established and limited periods of time. Reportedly, persons living on higher floors had challenges with water supply. Those requiring constant medical treatment with electric devices faced particular difficulties. Persons who were older or had disabilities were particularly vulnerable, with some of them confined in their apartments without power. Social workers also had to cope with difficult working conditions in the absence of electricity.

46. These are only some of the most obvious and immediate consequences of the attacks. The Commission will continue its investigations.

4. Impact of the breach at Khakovka Dam

47. The Commission is investigating the cause of the breach at the Kakhovka Dam on 6 June 2023. The discharge of water and flooding caused by the breach had detrimental consequences for the fulfilment of basic human rights of the population in the affected area and triggered additional displacement. The floods caused loss of lives and a threat to the health of the population. According to the latest information received from the Government of Ukraine in the aftermath of the events, 33 persons died, 28 were injured, and over 40 persons were missing. The Russian Federation did not respond to the Commission's questions regarding the impact of the breach on the areas which are under its control. The floods led to the destruction and damage of houses and other buildings and to challenges in accessing potable water, food, and basic services. Several persons from the localities concerned stated that they were forced to flee as the water had reached their properties. The breach is also expected to have a long-term harmful impact on the economy and the ecology of the region. The Commission will further investigate its short- and long-term consequences.

B. Personal integrity violations

1. Torture committed by Russian authorities

48. In its report to the Human Rights Council, the Commission found that torture was widely used by Russian authorities in seven provinces of Ukraine and in the Russian Federation and detailed how it was practiced in detention facilities.¹³ During its second mandate, the Commission has continued to document the use of torture against numerous persons in additional detention centres in Ukraine. It focused on areas of Kherson and Zaporizhzhia provinces, which were controlled by Russian authorities for long periods of time. The new evidence is consistent with and reinforces the Commission's previous finding that the Russian authorities' use of torture was widespread and systematic.

49. In the cases investigated, perpetrators mainly tortured persons whom they accused of passing information to the Ukrainian authorities, or of otherwise supporting the Ukrainian armed forces. Victims were men and women of ages ranging from 29 to 57 years. Russian authorities generally committed torture during interrogation sessions. Often held repeatedly, these were mostly aimed at extracting information from the victims. Former detainees reported the existence of rooms specifically allocated to interrogation and torture. Consistent with its previous conclusions, the Commission found that similar methods of torture were used across different detention facilities which it has examined.

¹² A/HRC/52/62, paras. 40-43.

¹³ A/HRC/52/62, 71-77.

50. The use of torture in additional detention facilities across Ukraine confirms the Commission's previous finding that it was widespread. The targeting of certain categories of persons, combined with common elements in the purpose of interrogation sessions and the way in which torture was practiced, lead the Commission to further conclude that its use was systematic.

51. Victims of torture recounted how severe physical and mental pain and suffering was inflicted upon them during confinement and interrogation. Torture often led to long-term physical and psychological trauma for the victims and their loved ones. A victim who had been subjected to electric shocks stated: *"Every time I answered that I didn't know or didn't remember something, they gave me electric shocks. [...] I don't know how long it lasted. It felt like an eternity."* The victim reported not being able to walk properly for days and suffering from deep anxiety in the aftermath. The husband of a victim, confined in a neighbouring cell while she was tortured, said: *"I will never forget her screaming of pain"*.

52. The testimonies collected by the Commission show the perpetrators' profound disregard for the life and the dignity of the victims. Witnesses reported situations in which torture had been committed with such brutality that it led to death. In a detention facility in a school in Biliayivka village, Kherson province, co-detainees requested medical care when a victim presented signs of respiratory distress immediately after being tortured. However, Russian armed forces refused and the victim died less than one hour later. The Commission found in this case that in addition to torture, the conduct of the perpetrators amounted to unlawful killing. In the same facility, another detainee died in the cell, apparently as a consequence of torture, dehydration, and hunger. One day later, Russian soldiers dragged his body out of the cell by the feet. In this case, the Commission concluded that in addition to torture, Russian armed forces violated the victim's right to life and caused his death by way of torture, ill-treatment, and inhuman conditions.

53. Several victims and witnesses stated that interrogation sessions and torture were conducted by personnel of the Federal Security Service of the Russian Federation.¹⁴ One victim, formerly detained in the Police Department of Nova Kakhovka city, Kherson province, noted: *"Everyone in that detention facility knew that whenever the white-coloured bus of the Federal Security Service of the Russian Federation arrived, it meant that people would be tortured"*. Victims also reported that interrogations and torture were committed by Russian armed forces, personnel of the National Guard of Russia,¹⁵ soldiers of the former so-called Donetsk People's Republic, and personnel of the Wagner Group.

Detention facilities

54. The Commission documented additional detention facilities in which Russian authorities routinely used torture.¹⁶ Some of these were improvised, for instance in schools or in a kindergarten, while others were held in established structures, such as police and penitentiary centres. Among the detention facilities investigated, were a school in Biliayivka village and the Police Department in Nova Kakhovka city, both in Kherson province; the Police Department and the Prymorsk Correctional Facility No. 145, both in Berdiansk city, in Zaporizhzhia province. The Commission found that inhuman conditions and the use of torture were prevalent in all.

55. Several victims mentioned the existence of "torture rooms" or "interrogation rooms". One witness described how he was brought to a room where he saw tools apparently used for torture; he mentioned plyers, knives, saws, cutters, and a metal device with wires for electrocution.

56. In the majority of cases, detainees were held in inhuman conditions, confirming a previous pattern identified by the Commission.¹⁷ Many of the detention periods were prolonged, with some lasting over 100 days. The cells were small and frequently overcrowded, with no windows, and therefore insufficient ventilation and no light. According

¹⁴ The Federal Security Service of the Russian Federation is a federal executive body with the authority to implement government policy in the national security of the Russian Federation.

¹⁵ The National Guard of the Russian Federation, referred to as Rosgvardiya, is an internal military force of the Russian Federation.

¹⁶ See A/HRC/52/CRP.4, paras. 534-566.

¹⁷ A/HRC/52/62, para 64.

to former detainees, in some cases, victims were not provided with food or water, or were given insufficient quantities, to the point that some of them drank water from the pipes of the radiator or their own urine and suffered from severe weight loss. Some had no access to toilet and used a bottle, a bucket, or dug a ditch.

57. The Commission noted situations in which detainees were unlawfully transferred to one or more detention facilities after initial detention. It investigated cases in which torture was used in at least one of these locations. This was the case, for instance, of two victims detained briefly in a makeshift facility in a kindergarten; then transferred for about one week to a detention centre in the school of Biliayivka village, where they were tortured; subsequently transferred for one day to a detention facility in a medical institution in another village; and finally detained for one month and a half in the Police Department in Nova Kakhovka city, all in Kherson province (see para. 54). Some victims have been ill-treated or tortured in several of the facilities in which they were detained.

The targeting of specific categories of persons

58. Russian authorities principally used torture against persons they suspected of providing any form of support to the Ukrainian authorities. Others were tortured after they were found to be holding pro-Ukrainian or anti-Russian views or if they refused to cooperate with Russian authorities. One of the victims was a public official, tortured in order to coerce him into cooperating.

59. The majority of victims were men. In some of the cases documented in rural areas, victims stayed behind to take care of their older relatives and properties, as their families fled to safer areas.

60. According to victims and witnesses, many of the victims of torture had been initially confined after Russian authorities found content deemed suspicious on their phones. In some cases, the identification of certain types of tattoos led to torture. Some victims of torture had been confined during house searches. In some instances, perpetrators appeared to have been actively looking for certain individuals, for example, after a tip-off by local residents cooperating with Russian authorities. In two cases, victims reported that perpetrators stormed their houses with the apparent aim of detaining them.

61. Some of the victims admitted that they supported Ukrainian armed forces. However, regardless of whether this was the case, international law prohibits torture in all circumstances.¹⁸

Interrogation sessions and torture methods

62. In detention facilities, perpetrators generally used torture during interrogation. Some of the victims had to undergo repeated sessions of interrogation and torture. According to victims and witnesses, interrogation was mainly aimed at extracting information but was also used to force the victims to cooperate with the occupying authorities, or as a punishment. Perpetrators, for instance, requested victims to reveal details about their purported cooperation with Ukrainian armed forces, or about the latter's positions and plans. Some victims outlined how torture continued, regardless of the answers provided. A victim stated: "It was so painful...I thought I would die there. It was lasting for two hours. I kept saying "Boys, I don't know why you are doing that; I don't know anything." A man, who was severely beaten together with another detainee, said: "No matter what [we] responded, the man was beating [us]."

63. Perpetrators often blindfolded the victims with a hood, bag, or tape, handcuffed their hands behind their backs or tied them with rope, and tied their legs.

64. Concerning torture methods, the Commission documented severe beatings in all detention facilities it examined. According to witnesses' accounts, these were carried out using a variety of objects, such as batons, bats, rifle butts, a machine gun, a wooden hammer, and a plastic pipe. Perpetrators also hit the victims with their knees and feet. Two victims stated that they were lying face down on the floor during beating. One woman told the Commission that she lost her teeth after the soldiers banged her head against the wall. A

¹⁸ 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.

former detainee recounted that during a session in which he was heavily beaten, together with his friend, the perpetrator asked them to choose “*which [...] of the knees they were ready to sacrifice*”.

65. The Commission previously found that the administering of electric shocks with the use of a military field phone called “*tapik*”, referred to, among other terms, as a “*call to Putin*”, was used by Russian authorities in several detention facilities.¹⁹ The Commission’s further investigations confirmed that the use of electric shocks was prevalent in the more established detention facilities which it investigated. In some cases, the same victim was repeatedly subjected to electric shocks. Victims reported that perpetrators connected wires or clamps to earlobes, ankles, hands, toes, or genitals. Some perpetrators referred to this method as a “*call to Stalin*” or a “*ride on a tram*”. According to victims, in some cases water was poured on them or otherwise used to amplify the effect of electric shocks. A woman who endured the electric shocks stated: “*It was so painful that I could not stop screaming like crazy, I was crying*”. Her co-detainee described that as a consequence, the victim could barely walk and was “*lying for a day as she could not move*”. A man explained that during torture through electric shocks, his teeth bit the insides of his cheeks and tongue. His co-detainee confirmed that the victim could not eat due to an injured tongue.

66. The Commission received reports regarding other methods of torture, which have not been used consistently, but were mentioned in relation to one or several facilities. These included mock executions, placing the victims’ head in a barrel of water, called “*drowning*”, the slashing on various parts of the body, depriving detainees of their sleep, forcing a victim to inhale or the injecting of an unknown substance. Two victims died after the latter two practices (see para. 52).

67. Victims also shared accounts concerning the use of derogatory terms, including of sexual nature, psychological pressure and threats. In some cases, perpetrators called the victims “*Nazis*”. One perpetrator called the victim derogatory names, including “*Nazi*”, and said that “*such people should be killed*”. Some of the former detainees were forced to learn by heart and sing the Russian anthem. Others had to make declarations on video, including self-incriminating statements or negative utterances against the Ukrainian President. Victims reported threats to the life of their loved ones.

68. The Commission is investigating allegations of rape committed during detention. Several former detainees, men and women, reported threats of rape and other sexual violence, against themselves, as well as their families and loved ones. For instance, a young woman stated that during interrogation, a Russian authority warned that if she did not reveal names of informants of Ukrainian armed forces, he would bring 20-30 men to rape her. A man was told that his fiancée would be gang raped if he did not provide the required information. One former male detainee received threats to be thrown among regular prisoners who would rape him. Another former detainee mentioned threats of having his genitals cut off.

69. Victims and witnesses shared accounts regarding the profound impact that torture had on them, their families, and their environment. One illustration from recent investigations includes a case where torture had the immediate effect of worsening a chronic medical condition from which a woman was suffering and of which the perpetrators were aware. Co-detainees requested a doctor for the victim, but given the circumstances, the doctor was unable to help her. In addition to the physical trauma, torture has led to long-term psychological suffering and distress. One victim reported that he attempted suicide twice while in detention, including during a “*drowning*” session. Another victim committed suicide several months after his detention and torture. His family, devastated by the loss, stated that he could not cope with the psychological impact of what he had gone through.

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

70. In its previous report, the Commission recommended further investigations into allegations concerning the treatment of alleged collaborators²⁰ by Ukrainian authorities.²¹ Since then, it has documented three such cases: two occurred in March 2022 and a third in

¹⁹ A/HRC/52/62, para. 75.

²⁰ Alleged collaborators may be charged under various articles of the Criminal Code of Ukraine, such as articles 111, 111-1 and/or 111-2.

²¹ A/HRC/52/62, paras. 87-89.

March 2023. The victims were men. Based upon the available information for each incident, the Commission found that in all three cases, the victims were arrested arbitrarily, that in two of the cases the detention was also arbitrary, and that in one of the cases the detention was incommunicado. The Commission concluded that in at least one case torture was used against the victim. It continues to investigate additional allegations regarding these incidents as well as other cases.

71. In one of the cases, on 2 March 2022, in Kyiv province, a man reported that about ten armed men in camouflage uniform and masks arrested him in the staircase of his apartment building, handcuffed him, and searched his flat. According to the victim, on the same day, the perpetrators brought him to the main building of the Security Service of Ukraine in Kyiv city and further detained and interrogated him there. The protocol of arrest was made on 4 March 2022. There is no material to suggest that the victim was advised about the basis of the arrest and charges brought against him before that date. The Commission has therefore concluded that the arrest and detention, at least from 2 to 4 March 2022, were arbitrary.

72. In another case, on 4 March 2022, also in Kyiv province, a man was arrested by at least eight men dressed in camouflage uniform. They brought him to the premises of the Security Service of Ukraine in Kyiv city and detained him there, without allowing him to communicate with the outside world. On 14 March 2022, the arrest and detention were officially recognized. The Commission found that from 4 until 14 March 2022, the arrest and detention of the victim were arbitrary, and the detention was incommunicado.

73. On 23 March 2023, in Odesa province, four men in camouflage uniform and masks arrested a man on the street, handcuffed him, and put him in their vehicle. They kicked him, beat him with a rifle butt, while asking him to confess that he was a spy. He suffered at least two broken ribs as a consequence of the beating. Subsequently, they drove the victim to his house, where they handed him over to two men who introduced themselves as members of the Security Service of Ukraine and conducted a search. They later brought him to the premises of the Security Service of Ukraine in Odesa city. The victim reported that he was requested to sign documents and threatened with further beatings in case of refusal. The Commission found that in this case, the perpetrators committed torture and arrested the victim arbitrarily, in violation of international human rights law.

C. Sexual and gender-based violence

74. The Commission previously documented cases of sexual and gender-based violence committed by Russian authorities in nine provinces of Ukraine, and in the Russian Federation.²² It has focused its recent investigations on Kherson and Zaporizhzhia provinces and found evidence that Russian authorities committed rapes and sexual violence in a district of Kherson province. Rape and sexual and gender-based violence constitute crimes and violations of human rights and were often committed with additional crimes and other grave human rights violations.

75. The cases of rape documented occurred between March 2022 and July 2022, in small villages in Kherson province, mostly during Russian authorities' incursions in the homes of the victims. Some took place in the same village. Other reported situations of sexual violence or threats thereof occurred in detention facilities maintained by Russian authorities (see para. 68).

76. In the cases investigated, the victims of rape were a 16-year-old girl and women aged from 19 to 83 years. Most of them were in a vulnerable situation. One of the victims was a 16-year-old pregnant girl, three were older women, some were living alone, or with young children, or with a family member living with a disability. The victims were among the women who had remained in their villages when Russian armed forces took control of the area, while many had fled, to care for relatives who were older or live with a disability, to look after their belongings, or because they could not flee.

77. The documented rapes were perpetrated with the use of force or psychological coercion. Most of the incidents occurred after the perpetrators broke into the victims' homes. Victims reported rapes at gunpoint and threats of killing or of inflicting other serious harm

²² A/HRC/52/62, paras. 78-85.

to the victims or their relatives. In some instances, perpetrators had visited the victims' houses before the crime, including on several occasions, and displayed abusive behaviour.

78. In some cases, the same perpetrator raped the victim two or more times. In two cases, perpetrators gang-raped the victims. One of the victims and her husband were shot dead by Russian soldiers after they reported the rape.

79. Perpetrators committed additional acts of violence against the victims of rape, including severe beatings, strangling, suffocating, slashing, and shooting next to the victim's head. Most of these acts are in themselves crimes and violations of human rights, in addition to sexual and gender-based violence. In several cases, the Commission concluded that these acts amounted to torture.

80. In a number of cases, family members were present when the rape took place. There are instances in which perpetrators also committed crimes and violations against them, including killing, attempted killing, and torture.

81. Victims stated that the crimes and violations were committed by Russian soldiers, and in some cases specified that perpetrators belonged to units from the former so-called Donetsk and Luhansk People's Republics. Some perpetrators were intoxicated. In two separate cases, victims named the same perpetrator. In several cases, the behaviour displayed by the perpetrators suggests that they did not fear accountability. This is illustrated, for example, by repeated visits to the houses of the victims, as well as by the multiple threats and violations committed against them and their family members. One victim stated that when Russian soldiers deployed to their village, they first inquired about women living alone. One victim of rape reported that after one soldier raped her, he was drinking on her terrace together with fellow soldiers and greeted her the next day. One witness of rape reported that while a soldier raped her pregnant daughter, he said: "It's not scary, everyone does it". However, the interviews of the Commission also show that other soldiers behaved differently, that in a small number of cases, superiors took action against those committing rape or fellow soldiers attempted to stop the perpetrators or to assist the victim.

Case descriptions

82. The Commission describes in detail below a few of the cases of rape and sexual violence committed by Russian armed forces during house visits in the Kherson province.

83. In March 2022, a Russian soldier came to the house of an 83-year-old woman and forced her to open the door. He questioned her on whether she knew persons who cooperated with the Ukrainian armed forces and beat her with his rifle. The soldier ordered her to undress, raped her, and continued to rape and beat her for several hours. He threatened to rape the woman's husband, who lived with a disability and was present in the house. The soldier stole some belongings. The Commission found that, in addition to rape, the war crime of torture was committed against the victim.

84. In March and April 2022, several groups of Russian soldiers visited the house and the shop of a married couple on multiple occasions. The victim reported that the soldiers looted, forced her to cook for them, took showers and slept in her house. During one visit in April 2022, Russian soldiers locked the husband in a room. One soldier threatened to kill the 59-year-old woman, sexually harassed her, while he reloaded his rifle repeatedly. Later in April 2022, three Russian soldiers broke into the house at night, shot at the husband but missed. Two of the soldiers beat the woman with their pistols and kicked her, threatened to shoot her, ripped off her clothes, and gang-raped her. She attempted to escape, but they caught her, dragged her into the house and raped her again. The Commission found that, in addition to rape, torture was used against her and attempted wilful killing was committed against her husband.

85. In May 2022, three Russian soldiers came to the house of a married couple who had stayed behind to look after the grandmother. They beat the 52-year-old man and all three perpetrators raped the 50-year-old woman in turns. The couple reported the rape to the Russian armed forces commander. Neighbours recounted that after this, three different soldiers "were looking for a woman who reported the rape", went to the couple's house and shot dead both of them. The Commission found that, in addition to the rape of the woman, the war crimes of wilful killing and torture were also committed against both victims.

86. In July 2022, a Russian soldier came to the house of a 75-year-old woman, where she stayed alone to protect her property. The soldier attacked her, hit her on her face, chest, and ribs, strangled her, as he was interrogating her. He ordered her to undress and when she refused, he ripped off her clothes, cut her abdomen with a small sharp object and raped her several times. The next morning, he raped her and beat her again. The victim had several broken ribs and teeth knocked-out as a result. The Commission found that, in addition to rape, the war crime of torture was also committed against the victim.

87. These, and other cases, took place in a context of multiple forms of violence experienced by the victims and their families. Fear, trauma, physical and psychological harm, and damage to livelihoods are experienced in parallel, as evidenced in victims' accounts. These factors contributed to accentuate the vulnerability of the victims. For instance, a woman who lived alone with her children reported that after Russian authorities took control of the village, she felt compelled to move in with a man, to seek safety. Taking advantage of the situation, he mistreated the children, took the social aid she was receiving, and aided her rape by Russian soldiers.

88. The crimes documented have severe and long-term consequences for the physical and mental health of the victims and are highly traumatising for their family members. The victims were residents of small villages. In proximity to the front line, medical help was not easily available. Some victims reported that they suffer from shame, stigma, and appeared to blame themselves.

89. One victim, describing how she felt after the crime, stated: *"I am scared all the time. I forgot what normal sleeping means. My husband felt worse since that day. I am afraid of everyone, when police officers came and I was reporting the incident to them, I was shaking. I realized I am afraid of men in uniforms. I don't know how to look people in the eyes."* Another victim, after telling how she attempted to flee, as two perpetrators were raping her, shared that she was *"hoping for a rifle shot, so that she would not suffer anymore"*, she further stated *"I just don't know why I deserved it, what did I do to survive that?"*.

D. Transfers and deportations of children

90. In its report to the Human Rights Council, the Commission identified three main situations in which Russian authorities have transferred Ukrainian unaccompanied children from one area they controlled in Ukraine to another or to the Russian Federation. Transfers affected children who lost parents or contact with them during hostilities; who were separated following the detention of a parent; and children in institutions.²³ It found that in some of the cases it investigated, such transfers occurred in violation of international humanitarian law and qualified as unlawful transfers or deportations, which is a war crime.

91. The Commission investigated further reports regarding transfers of unaccompanied children by Russian authorities to the Russian Federation or to areas they occupied in Ukraine. It notably documented the transfer of 31 children from Ukraine to the Russian Federation in May 2022, and concluded that it was an unlawful deportation and a war crime (see paras. 98-99).

92. International humanitarian law states that no Party to the conflict shall arrange for the evacuation of children, other than its own nationals, to a foreign country except for a temporary evacuation where compelling reasons of the health or medical treatment of the children or, except in occupied territory, their safety, so require. The written consent of parents or legal guardians is required, and if they cannot be found, of the persons primarily responsible for the care of the children.²⁴

93. Gaining an understanding of the larger extent of transfers of unaccompanied children which may be in violation of the requirements set forth by international humanitarian law has proved to be challenging with the information and data presently available. One factor which appears as a source of confusion is the fact that a variety of distinct situations concerning children have been considered together. Ukraine and the Russian Federation have publicized different figures concerning the scale of transfers of children from Ukraine since the outset of the armed conflict in 2022. In Ukraine, interlocutors from Government agencies appeared

²³ A/HRC/52/62, para. 97.

²⁴ Additional Protocol I to the Geneva Conventions, article 78(1).

to have diverse approaches concerning this issue. The official website maintained by the Government of Ukraine as “the only platform that provides up-to-date, consolidated information” on children who suffer as a result of the armed conflict, recorded 19,546 “deported and/or forcibly displaced persons” as at the end of September 2023.²⁵ Two Ukrainian Government officials clarified that this includes figures of children who crossed the border to the Russian Federation together with parents. One official stated that children sent voluntarily by their parents to summer camps are included in this figure. Two non-governmental organizations monitoring this issue also noted that the figure comprises various categories of children, including those that have not been separated from their parents. These interlocutors also highlighted risks of duplication of some cases.

94. Further, the Commission has not been able to find reliable data from the Russian Federation about transfers of children. It took note of public information. For instance, in 2023, a bulletin issued by the Office of Ms. Maria Lvova-Belova, the Russian Presidential Commissioner for Children’s Rights, reported that from April to October 2022, 380 orphan children from the former so-called Donetsk and Luhansk People’s Republics were transferred and placed in foster families in the Russian Federation.²⁶ The same document noted that about 2,000 orphans and children left without parental care living in boarding institutions in the former so-called Donetsk and Luhansk People’s Republics were transferred to the Russian Federation in February 2022. It further stated that among these children, those from the former so-called Donetsk People’s Republic were placed in foster care or in institutions.²⁷

95. The Commission is concerned at reports regarding measures that have the apparent aim of allowing certain children to remain for prolonged periods in the Russian Federation. It has reviewed information regarding the placement of children in foster families in the Russian Federation, including the above-mentioned bulletin from Ms. Lvova-Belova’s Office, interviews with family members or legal representatives of children in such situations, and media coverage.

96. Ukrainian Government officials undertook initiatives to facilitate the return and reunification of some children separated from their parents or relatives, and Russian officials reportedly cooperated in some cases. However, as of the end September 2023, there was no mechanism for the return of transferred children in place between both States. On 23 September 2023, Mr. Sergey Lavrov, Foreign Minister of the Russian Federation, stated, “If those families are found, we will assist with the reunification of those children”.²⁸ Also, the abovementioned bulletin issued by Ms. Lvova-Belova’s Office noted that if a child “has a parent with full parental rights, the family has every opportunity to be reunited”.²⁹ However, apart from a few examples, the Commission has not been informed of Russian initiatives to proactively facilitate all returns. It has so far received information regarding returns that took place on an individual basis, at the initiative of parents, legal guardians, or of children themselves, with the support of Ukrainian authorities, private organizations, and other initiatives. This often entails risky, very complicated, and costly travel through several countries.

97. As outlined above, transfers of children to Russian occupied areas and across the border to the Russian Federation have occurred in a variety of different situations. A well-functioning return process should be oriented around the best interests of the child and should consider the circumstances of each individual situation. However, in the absence of a rigorous recording and verification system, clarity cannot be shed on the true extent of transfers of children in each type of situation. The lack of clarity and transparency regarding the circumstances and categories of children transferred is an impediment to a well-functioning return process. Moreover, to aid the reunification of children transferred at a young age, it would be prudent to establish a DNA bank with samples from parents or relatives.

Individual situations of deportations of children

98. The Commission has continued to document individual cases concerning the transfers of children to the Russian Federation. One of these concerns the transfer, on 27 May 2022,

²⁵ See <https://childrenofwar.gov.ua/>.

²⁶ See <https://india.mid.ru/upload/iblock/0c7/x1ub0akni71rjj5uv9558nyyijl3ozrx.pdf>

²⁷ Ibid.

²⁸ See <https://media.un.org/en/asset/k15/k15ckhh8h6>.

²⁹ See footnote 26.

by Russian authorities, of 31 children from the Children's Social Centre of the Administration of the Donetsk city, Donetsk province, to the Russian Federation. The children included 16 boys and 15 girls from 7 to 17 years old. They had been in a variety of situations prior to their accommodation in the centre. Some of them were orphans or deprived of parental care and were in State institutions, while others had lost contact with their parents or foster parents due to the ongoing hostilities. An official document obtained by the Commission states that the transfer was authorised for "recreational" purpose, and was to be carried out temporarily, until 27 June 2022. Consent was given by the acting director of the centre appointed by the occupying authorities. In the Russian Federation, the children were accommodated in the Boarding House Polyany, in the Moscow region.

99. From information collected by the Commission, apart from three children who had been brought back by their father, it appears that most of these children remained in the Russian Federation beyond the one-month period. According to a witness testimony and media coverage, after having spent several months in the Russian Federation, including in a foster family, one additional boy managed to return on his own to Ukraine, through Belarus. One boy from this group of children has been placed in Ms. Maria-Lvova-Belova's family. On 21 September 2022, Ms. Lvova-Belova publicly stated that the boy had been given a Russian passport and that he was now "ours", showing an apparent intention to keep him in the Russian Federation on a long-term basis. In a bulletin issued by her office in 2023, Ms. Lvova-Belova further stated that six children of this group were placed in family centres, and almost all of them, subsequently, in foster families, and 22 were placed in provisional guardianship by residents of the Moscow region.³⁰ These combined elements are in contravention of the legal requirement that evacuations of children should be temporary and the transfer of the children therefore amounts to an unlawful deportation, which is a war crime.

Conditions in which children were held in camps

100. The Commission examined reports that in some situations where children from Ukraine had been sent to camps in Crimea with prior authorisation of their parents, conditions in which they were held were inadequate. One example concerns a family from Kherson city, which agreed to send three siblings to a camp in Crimea in October 2022, for three weeks. However, due to frontline developments and evacuations carried out by Russian authorities from Kherson city, the children were instead relocated to a different camp in Crimea, where they remained for six months. One of the children, a 15-year-old girl, told the Commission that during their stay there, camp personnel had decided to send her 10-year-old brother to a psychiatric hospital in Crimea, as a punishment following a quarrel with another child and after he "was crying because he missed his mother", separating him from his two other siblings who were in the camp.

101. Three teenage children who had stayed in such camps in Crimea, reported separately to the Commission that staff of the camp placed children in a room called "isolator" if they considered that the children misbehaved. For instance, a 16-year-old boy, stated that camp staff placed him, together with two other children in the "isolator" for four days, after they overheard the children listening to the Ukrainian anthem. A 17-year-old boy mentioned that he was "locked up" for five days after he had removed a Russian flag.

102. Children who had stayed in camps in Crimea also reported distress after camp personnel told them that they would be placed in a children's home or in foster families. One 16-year-old girl reported that a teacher hit her and said "I can put you in a foster family and your mother wouldn't find you; you would be homeless and beg for food". Children reported being required to sing the Russian anthem and to write letters to Russian soldiers. One girl noted that children from Kherson were bullied and told to go back to their "fascist country". The mother of a 16-year-old boy, whose time in a similar camp in Crimea was also prolonged due to frontline developments, stated that he was transferred to a village under Russian control in Kherson province and told by the teachers there that "soon they would be given arms and would be standing at checkpoints."

³⁰ Ibid.

V. Conclusions and recommendations

103. During its second mandate, the Commission has found evidence showing that Russian authorities have continued to commit numerous violations of international human rights law and international humanitarian law in the context of their armed aggression in Ukraine. It concluded, among others, that Russian authorities have committed indiscriminate attacks against civilians, and the war crimes of torture, wilful killing, rape and other sexual violence, and deportation of children, which are also violations of human rights. It has received numerous other allegations and its investigations are continuing.

104. The Commission also documented three cases in which Ukrainian authorities committed human rights violations against persons they accused of collaborating with Russian authorities.

105. This conflict, like all others, continues to leave in its wake considerable physical and mental trauma. The population faces hardship following the loss of lives, injuries, and the destruction and devastation caused by the armed conflict. The Commission further documented the impact on the civilian population by violations and events related to the armed conflict. This is notably the case of the large-scale attacks against Ukraine's infrastructure carried out by Russian armed forces and of individual attacks affecting civilian objects.

106. Finally, the Commission strongly condemns violations and corresponding crimes. Similar to its previous reports, it reiterates the paramount importance of ensuring that perpetrators are held accountable. In addition to judicial measures, it also emphasises the importance of other dimensions of accountability, including truth, reparations, and guarantees of non-recurrence.

107. The Commission considers that the recommendations it made in its report to the Human Rights Council remain relevant to a very large extent.³¹ Accordingly, it reiterates them, and makes additional recommendations, following its latest investigations, to strengthen accountability and for the prevention of further violations.

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

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

109. 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, sexual and gender-based violence, and other forms of ill-treatment;
- (b) Take all feasible precautions to protect civilians and civilian infrastructure, including energy-related infrastructure which were severely damaged after the massive attacks that targeted them from October 2022 to March 2023;
- (c) Comply strictly with international humanitarian law and respect the temporary nature of any transfer or evacuation of children by ensuring their expeditious return;
- (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.

110. The Commission further recommends that the Russian Federation:

³¹ A/HRC/52/62, paras. 112-115.

- (a) Ensure that all perpetrators, particularly commanders and other superiors, and those ordering, soliciting or inducing the commission of international crimes, are held accountable in accordance with international human rights standards;
- (b) Take the necessary measures to prevent the commission of such violations and crimes, in particular through unequivocal instructions to all branches of the armed forces and other entities participating in the armed conflict with a view to ensure that military discipline and respect for international human rights and humanitarian law are upheld along with the principle of command responsibility;
- (c) Respect international humanitarian law applicable to occupied territories and refrain from placing any impediment to humanitarian assistance in those territories;
- (d) Cooperate fully with all international monitoring and investigative bodies.

111. The Commission recommends that Ukraine:

- (a) As a preliminary step towards a comprehensive reparations program, establish a victims' registry as an 'institutional portal' for better coordination of government services to victims;
- (b) 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) Consider establishing a DNA registry which would aid in the identification and recovery of missing children;
- (d) 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;
- (e) Taking into account both the enormous case load and limited resources, finalise an investigatory and prosecutorial strategy, which will prioritise cases on the basis of clear criteria and ensure due process and transparent monitoring.

112. 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) Make sure that recognisably necessary national reconstruction programmes or property restitution programmes are not designed to the detriment of victims' reparations;
- (c) Further integrate the human rights dimensions of the armed conflict in Ukraine more fully into the Security Council's agenda.