



Human Rights Council – 54th session – 25 September 2023

Oral Update of the Independent International Commission of Inquiry on Ukraine

Erik Møse, Chair of the Commission of Inquiry on Ukraine

Distinguished President,

Excellencies,

Together with Ms Vrinda Grover and Mr Pablo de Greiff I will provide an update of the work of the Independent International Commission of Inquiry on Ukraine since we last met with the Human Rights Council in March this year. At that meeting, the Council considered the Commission's comprehensive written report submitted at the end of its first mandate. During the same session, the Council extended the Commission's mandate for another year.

Well into the second year of the armed conflict, people in Ukraine have been continuing to cope with the loss and injury of loved ones, large-scale destruction, suffering and trauma as well as economic hardship that have resulted from it. Thousands have been killed and injured, and millions remain internally displaced or out of the country.

The Commission is concerned by the continuous evidence of war crimes committed by the Russian armed forces in Ukraine. During its first mandate, the Commission documented the frequency and regularity, the spread and gravity of some of the violations.

The Commission is now undertaking more in-depth investigations regarding unlawful attacks with explosive weapons, attacks affecting civilians, torture, sexual and gender-based violence, and attacks on energy infrastructure. This may also clarify whether torture and attacks on energy infrastructure amount to crimes against humanity.

Since its establishment, the Commission has travelled over ten times to Ukraine. Recently, the three Commissioners visited the country and held constructive interactions with authorities at various levels in Kyiv. In Uman, Cherkasy region, we met with survivors of an attack which hit a residential building on 28 April 2023 causing the death of 24 civilians and making part of the building uninhabitable. The Commission listened to their harrowing testimonies and difficulties they face in securing accommodation and access to essential services.

The Commission appreciates the cooperation of the Government of Ukraine. We extend our gratitude to victims and witnesses for sharing their experiences, and other persons and organizations for valuable exchanges.

The Commission regrets that all communications addressed to the Russian Federation remain unanswered.

This update reflects the Commission's ongoing investigations during its second mandate and is to be seen as a continuation of its previous reports, including its 170-page conference room paper released on 29 August 2023. Next month, we will elaborate on those issues in our report to the General Assembly.

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Attacks with explosive weapons in populated areas have led to extensive destruction and damage and have been the leading cause of deaths and injuries among the civilian population. In recent months, the Commission has documented explosive weapons attacks affecting residential buildings, a functional medical facility, a railway station, a restaurant, shops and commercial warehouses. These attacks led to civilian casualties, the damage or destruction of key facilities, and the disruption of essential services and supplies. In most cases, there seemed to not have been a military presence at the affected sites or in their vicinity. The Commission deplores that attacks continue to take place harming civilians and medical institutions which have protected status.

The breach of the dam at Nova Kakhovka, on 6 June 2023, and the consequent floods, have destroyed or rendered uninhabitable hundreds of dwellings and had ecological and economic implications. The Commission is investigating the cause of the breach and its impact on the civilian population.

The Commission has also focused its investigations of violations against personal integrity in regions which fell under Russian occupation for prolonged periods, namely in Kherson and Zaporizhzhia. It has collected further evidence indicating that the use of torture by Russian armed forces in areas under their control has been widespread and systematic. The principal targets of torture were persons accused of being informants of the Ukrainian armed forces.

The Commission has found that torture mostly took place in various detention centres controlled by Russian authorities. Similar methods of torture were used across different facilities during interrogation sessions, mainly aimed at extracting information from the victims. This led to severe pain and suffering. A victim who suffered torture through 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.”*

In some cases, torture was inflicted with such brutality that it caused the death of the victim. The Commission continues to map and document such facilities, reinforcing its findings that torture was widely used by Russian authorities.

Further, the Commission has found that in the Kherson region, Russian soldiers raped and committed sexual violence against women of ages ranging from 19 to 83 years, often together with threats or commission of other violations. Frequently, family members were kept in an adjacent room, thereby forced to hear the violations taking place.

The armed conflict has many devastating consequences for children. In particular, the Commission has continued to investigate individual situations of alleged transfers of unaccompanied minors by Russian authorities to the Russian Federation. It regrets that there is a lack of clarity and transparency on the full extent, circumstances, and categories of children transferred. The Commission is of the view that insufficient knowledge about the precise number and circumstances of children transferred may hamper an expeditious return process.

The Commission is also concerned about allegations of genocide in Ukraine. For instance, some of the rhetoric transmitted in Russian state and other media may constitute incitement to genocide. The Commission is continuing its investigations on such issues.

The Commission reiterates its deep concern at the scale and gravity of violations and corresponding crimes that have been committed in Ukraine by Russian armed forces and emphasizes the need for accountability. It also recalls the need for the Ukrainian authorities to expeditiously and thoroughly investigate the few cases of violations by its own forces.

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As highlighted in its conference room paper, the Commission recalls the paramount importance of judicial and non-judicial accountability, including measures that support the needs of the victims, such as effective mental health and psychosocial support.

The Commission also reiterates the need for coordination and the avoidance of duplication between the various actors in the crowded accountability space in Ukraine. This relates both to judicial and non-judicial accountability measures. We continue our efforts to collect evidence which may be of use for judicial accountability purposes. Furthermore, regarding reparations, the Commission urges the international community to make sure that recognisably necessary national reconstruction programmes or property restitution programmes are not designed to the detriment of victims' reparations.

Thank you.