**Independent International Commission of Inquiry on Ukraine**

**Press conference – Palais des Nations - 16 March 2023**

**Erik Møse, Chair**

Good afternoon,

We are here today to present the Commission's findings since the beginning of its mandate. In our oral update to the Human Rights Council last September and the report to the General Assembly in October last year, we focused on events in late February and March 2022 in the four regions of Kyiv, Chernihiv, Kharkiv and Sumy. The current comprehensive report covers nine regions in Ukraine and includes findings related to events that occurred between 24 February 2022 and mid-January 2023.

The Commission has travelled eight times to Ukraine, where it visited 56 cities, towns, and settlements, and also travelled to Estonia and Georgia. The Commission interviewed 348 women and 247 men in person and remotely. Some interviews also described events in the Russian Federation.

While the Commission could establish a dialogue with Ukrainian authorities and receive responses to its questions, it regrets that it was not able to establish such a dialogue with the Russian Federation. The Commission has assessed the information it has gathered and received impartially, and has performed all its functions in total independence from any country or entity. Operating in a very crowded accountability space, in which many actors are accumulating vast amounts of information, the Commission early paid particular attention to coordination. It identified patterns of violations and recognised the importance of a broad understanding of accountability that includes both judicial and no-judicial measures.

The ongoing armed conflict in Ukraine has had devastating effects at various levels. Human losses and the general disregard for the life of civilians, as regularly reported by OHCHR, are shocking. The number of internally displaced persons or those seeking refuge abroad is the highest in Europe since the Second World War. The destruction of essential infrastructure, schools, health facilities, residential buildings and other facilities has had an immense impact on people's life. The effects of the aggression both on people and on the country will not be overcome without great effort and commitment. The aggression has also had effects abroad that have caused suffering and hardship to many, in countries that have nothing to do with the conflict.

The Commission has concluded that Russian authorities have committed numerous violations of international humanitarian law and 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 wave of attacks from 10 October 2022 on Ukraine’s energy-related infrastructure by Russian armed forces, and the use of torture by Russian authorities, may amount to crimes against humanity. The Commission recommends further investigations.

The Ukrainian armed forces were responsible or likely responsible for a limited number of violations investigated. We will come back to this later in this introduction.

Regarding **conduct of hostilities**, the Commission has concluded that Russian armed forces have committed indiscriminate and disproportionate attacks, which are violations of international humanitarian law. Such attacks have impacted objects which are purely civilian in nature, such as residential building, hospitals, shops, and places with large concentrations of civilians. According to OHCHR, such attacks have caused 90.3 per cent of the casualties of the conflict. 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.

**Pablo de Greiff, Commissioner**

Turning to **the waves of attacks on energy infrastructure** in Ukraine, which Russian armed forces launched from 10 October 2022, the Commission has concluded that these attacks were disproportionate and that they constitute war crimes. The Commission recommends further investigations to clarify whether all elements of crimes against humanity are fully met, including to what extent the policy was directed against the civilian population, and whether the accumulated impact on the civilian population over time is equivalent to that of the enumerated acts that constitute crimes against humanity.

When it comes to violations of **personal integrity**, the Commission wishes to emphasise that they should not only be seen as violations of international humanitarian law and human rights law, but also as a source of intense trauma for the survivors or victims’ family members. Some have told the Commission of the distress they feel after such an ordeal.

The Commission has collected evidence showing a widespread pattern of **summary executions** and has concluded that Russian authorities have committed unlawful killings of civilians or persons hors de combat in areas which came under their control. The Commission has also documented a pattern of attacks against **civilians travelling in vehicles** in areas that were under Russian armed forces’ control in February and March 2022. Consequently, Russian armed forces have committed or likely have committed indiscriminate attacks against civilians or civilian objects, which are violations of the right to life and in certain cases are war crimes. In some cases, they did not do everything feasible to verify that the objectives to be attacked were not civilian or civilian objects. Some attacks appeared to intentionally target civilians, which would make them war crimes.

The Commission has also established a pattern of widespread **unlawful confinement** by Russian forces both in Ukraine and in the Russian Federation, targeting wide categories of civilians and other protected persons, frequently in absence of valid reasons or without respect for procedural requirements. Conditions of detention were generally inhuman. Victims were men and women of all ages as well as children. Such confinement constitutes war crimes and is also a violation of the rights to liberty and security of persons. The Commission has further concluded that Russian authorities have committed unlawful transfers and deportations of civilians or of other protected persons, both men and women, within Ukraine or to the Russian Federation respectively. This is a war crime.

The Commission has found that **torture and inhuman treatment** by Russian authorities against people they detained in Ukraine and in the Russian Federation have been widespread. Certain categories of people, in particular, those suspected of providing any form of support to the Ukrainian armed forces were the main targets of torture. Most victims were men. Both civilians and prisoners of war were tortured. The Commission documented the existence of dedicated places of detention where Russian authorities routinely confined, interrogated, and tortured people. It identified torture methods that were used consistently in several of these detention facilities. These acts amount to war crimes and violations of human rights.

The Commission has found that Russian authorities used torture in a systematic and widespread manner in the areas it has investigated. There were elements of planning and availability of resources which indicate that the Russian authorities may have committed torture as crimes against humanity. The Commission recommends further investigations to ascertain whether those violations have been committed in furtherance of a specific policy.

**Jasminka Džumhur, Commissioner**

Regarding **sexual and gender-based violence**, the Commission has documented cases affecting women, men and girls, aged from 4 to 82, in Ukraine and while detained in the Russian Federation. Russian authorities have committed sexual violence during house searches and against victims they had confined. In addition, there were situations in which Russian authorities imposed forced nudity, in detention, at checkpoints, and ‘filtration’ facilities.

The Commission has concluded that in areas they controlled, some members of Russian armed forces committed the war crime of rape, which also amounts to torture, sexual violence, and the corresponding human rights violations. Acts of forced nudity can be a form of sexual violence and may constitute the war crime of outrages upon personal dignity.

In **occupied territories**, the Commission has found that the holding of the so-called referendums organised between 23 and 27 September 2022 in the Donetsk, Kherson, Luhansk, and Zaporizhzhia regions concerning their annexation to the Russian Federation disregarded the Ukrainian Constitution which regulates referendums. The annexation of the four regions is unlawful, based upon principles of international law. In addition, Russian authorities have exercised physical or moral coercion against civilians in occupied areas, in violation of international humanitarian law.

The Commission has investigated the situation of **forced transfers and deportations of children** within Ukraine and to the Russian Federation. The figures provided by the parties vary greatly. It identified several situations in which such transfers and deportations took place. In incidents examined by the Commission, the onus to trace and find parents or family members fell primarily on the children. The Commission has concluded that the situations it has examined violate international humanitarian law and amount to war crimes. Russian authorities violated their obligation under international humanitarian law to facilitate in every possibly way the reunion of families dispersed because of the armed conflict. Such conduct may also amount to the war crime of unjustifiable delay in the repatriation of civilians.

In addition, the Commission documented that Russian officials have taken legal and policy measures regarding Ukrainian children deported to the Russian Federation. These include citizenship and family placement measures, which may have a profound implication on a child’s identity. Such measures are in violation of the right of a child to preserve his or her identity, including nationality, name, and family relations without unlawful interference, as recognised by international human rights law.

Turning now to Ukrainian violations, the Commission has, in a limited number of cases, found that the **Ukrainian armed forces** were likely responsible for violations of international humanitarian law and human rights law. These include indiscriminate attacks using cluster munitions as well as two incidents of shooting, wounding, and torture of Russian prisoners of war, which are war crimes. Accountability for these cases is also necessary.

In light of the wide range of abuses and violations, the Commission recommends that the Russian Federation immediately cease its aggression against Ukraine. All perpetrators of violations and crimes are to be held accountable through judicial proceedings in accordance with international human rights standards. Due to the high number of criminal accountability actors at national, regional and international levels, the Commission recommends that the coordination of accountability initiatives be strengthened and that the voice of victims and survivors are duly taken into account.

In addition to criminal accountability, the Commission recommends that all necessary steps are taken in order to ensure that all victims’ right to truth is satisfied and that they eventually obtain redress and remedy, including compensation and rehabilitation. In this respect, the Commission recommends to Ukraine, as a preliminary step towards a comprehensive reparations program, to establish a victim registry as an ‘institutional portal’ for better coordination of available government services to victims. Mental health is an important component that should be given appropriate attention in Ukraine, and current efforts should be furthered strengthened.

Thank you for your attention. We welcome your questions.