

HUMAN RIGHTS COUNCIL – 52nd SESSION

Interactive dialogue with the Independent International Commission of Inquiry on Ukraine

21 March 2023

In his opening remarks, **Mr. Erik Møse, Chair of the Independent International Commission of Inquiry on Ukraine**, reported events that occurred over the last year. The Commission strengthened its analysis of patterns of violations and thematically deepened its investigations on torture, including attacks on energy infrastructure. The Commission notes that the conflict continues inflicting suffering on the civilian population, with more casualties, separation, displacement, and destruction of key infrastructure. The Commission's investigations demonstrated that Russian authorities have committed a **wide range of violations of international humanitarian law and international human rights law** in Ukraine. Many of these amount to war crimes. As regards **Ukrainian armed forces, the Commission documented a small number of violations.**

The Commission established a pattern of **widespread unlawful confinement** affecting men, women, and children in areas controlled by Russian armed forces. **Torture and inhuman treatment of detainees**, mostly men, have also been widespread, systematic, and prevalent against certain categories of people, those suspected of providing any form of support to the Ukrainian armed forces. The Commission documented also cases of **sexual gender-based violence** affecting women, men and girls in both, Ukraine and the Russian Federation.

Finally, the Commission provided recommendations on **accountability measures** at national, regional and international levels, including truth, reparations, and guarantees of non-recurrence are essential.

Russian Federation did not take the floor as a country concerned.

Ukraine (Country concerned) thanked the Commission of Inquiry for the comprehensive report. Over the year, the direst human rights and humanitarian emergency increased in Europe because of Russia's unprovoked and unjustified invasion of Ukraine, violating the United Nations Charter and international law. Over the past months, the Commission of Inquiry collected a body of evidence that showed that Russia had committed a wide range of violations of international human rights law and international humanitarian law. Many of Russia's acts amounted to war crimes and crimes against humanity. The international community decisively condemned the invasion and attacks by the Russian armed forces against Ukraine's territory and armed forces, which qualified as acts of aggression against Ukraine. Ukraine launched a comprehensive effort to ensure that Russia did not escape accountability for its crimes. **Ukrainian Parliament Commissioner on Human Rights** expressed gratitude for the work of the Commission and its conclusions and recommendations. The world had to know about crimes committed by the Russian military. Many of them were beyond human, particularly, the cases of unlawful confinement and torturing of Ukrainian children and their forcible displacement to the Russian Federation. Such actions were not simple violations, but genocidal according to article 2 of the United Nations Genocide Convention and needed to be legally qualified and investigated. The Commission of Inquiry should investigate the case of Olenivka under its mandate as soon as access to that area was possible. The Commission should strengthen its work on the ground.

Interactive dialogue

49 country delegations took the floor during the interactive dialogue, all countries expressed concern over the international human rights and humanitarian laws violations of the Ukrainian population. The majority of the countries, including **Malawi, Poland, Argentina, the U.S., and the EU** condemned such abuses and called for accountability of those responsible. **Among others, Montenegro, Albania, Estonia, and France** welcomed investigations and decisions of the ICC, issuing indictments for responsible war crimes. **Among others, Romania, Slovakia, and the Czech Republic** strongly condemned the indiscriminate as well as targeted attacks against civilians and civilian infrastructure,

summary executions, wilful killings, unlawful confinement, and detention in inhumane conditions, torture, ill-treatment, rape and other sexual and gender-based violence and forcible transfers and deportations, including of children.

The **Syrian Arab Republic and China** reiterated their rejection of non-consensual and politicized mandates within the Human Rights Council that exacerbate crises instead of resolving them. It also noted the imbalance of the report, its politicized and anti-Russian nature, and its disregard for the main reasons that led to the current crisis.

NGOs expressed concern over specific crimes committed by the Russian Federation, including cases of unlawful confinement and torturing of Ukrainian children and their forcible displacement. Children live with constant fear and with the psychological distress of having witnessed violence, separation from parents, family members and friends, fleeing across borders, or seeing their loved ones killed. They called for a comprehensive accountability system as a priority for the international community.

Delegations that took the floor during the Interactive dialogue (49 country delegations):

Albania (on behalf of a group of countries), Argentina, Australia, Austria, Belarus, Belgium, Bulgaria, Costa Rica, Croatia, Cyprus, Czech Republic, Estonia, European Union, Finland, France, Greece, Italy, Japan, Liechtenstein, Lithuania (on behalf of Nordic-Baltic countries), Lithuania (on behalf of 27 countries, member of a group of friends on children and arm conflict), Luxembourg, Malawi, Malta, Montenegro, Netherlands, New Zealand, North Macedonia, Poland, Portugal, Republic of Korea, Romania, Slovakia, Slovenia, Sovereign Order of Malta, Spain, Sweden, Switzerland, Syrian Arab Republic, United States of America, Uruguay, Venezuela (Bolivarian Republic of), Ireland, Germany, China, Latvia, Israel, North Macedonia, Canada.

NHRIs and NGOs that took the floor during the Interactive dialogue (11):

Amnesty International, Every Casualty Worldwide, Human Rights House Foundation, Institute for Human Rights, Institute for Reporters' Freedom and Safety, International Bar Association, International Federation for Human Rights Leagues, Physicians for Human Rights, Save the Children International, Ukrainian Parliament Commissioner for Human Rights, World Federation of Ukrainian Women's Organizations

International organizations (1): UN Women

To watch the full meeting refer to UN Web TV, [part 1](#) and [part 2](#).