

HUMAN RIGHTS COUNCIL – 54th SESSION

Interactive dialogue with the International Commission of Inquiry on Ukraine (oral update)

25 September 2023

Mr. Erik Møse, Chair of the Independent International Commission of Inquiry on Ukraine provided an update of its work. In 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 has 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.

He reported that the Commission is currently undertaking investigations on attacks with **explosive weapons, attacks affecting civilians, torture, sexual and gender-based violence**, and attacks on energy infrastructure. This may clarify whether torture and attacks on energy infrastructure amount to **crimes against humanity**. The Commission deplores attacks to harm civilians and medical institutions that have protected status. The Commission is also concerned about allegations of **genocide** in Ukraine.

Finally, he affirmed that the armed conflict has many devastating consequences for **children**. There is a lack of clarity and transparency on the full extent, circumstances, and categories of children transferred. Reiterating its deep concern at the scale and gravity of violations and corresponding crimes that have been committed in Ukraine by Russian armed forces, emphasized the need for accountability, judicial and non-judicial.

In the conclusive remarks, **Mr Mose** reassured that the Commission is totally Independent and impartial, and it addresses violations on all sides; **Mr Pablo de Grieff, Member of the Independent International Commission of Inquiry on Ukraine**, said reparations were a complicated topic; and **Ms Vrinda Grover, Member of the Independent International Commission of Inquiry on Ukraine**, said that the Commission maintains a victim-centric approach, focusing on who suffered from disadvantages. Victims need mental health and psychological support.

Ukraine (Concerned country) stressed that accountability for Russia's criminal legacy in Chechnya, Georgia, Ukraine, and Syria is largely lacking, which paved the way for its aggression against Ukraine. The work of the Commission and its findings are an integral aspect of the accountability architecture. Reported documentation, investigation, and prosecution of over 100,000 incidents of war crimes, crimes against humanity, and genocide, including wilful killing, summary execution, torture, ill-treatment, indiscriminate shelling, and unlawful confinement. Ukrainian Prisoners of War are subjected to torture and CRSV. Documenting and ensuring full accountability both, on national and international levels, is paramount along with the reparation of the damage suffered by the millions of victims and survivors.

Interactive dialogue

47 country delegations took the floor during the interactive dialogue. **The majority of the countries** were concerned about the whole range of reported human rights violations in Ukraine, as well as the violations of international humanitarian law. These included intentional killings, attacks on civilians, unlawful confinement, rape, and other sexual and gender-based violence, and forced transfers and deportations, including of children. This brutal war caused enormous destruction and inconceivable human suffering. They condemned the flagrant violations committed by the Russian forces. **Countries**

as **Austria, Moldova, North Macedonia, Denmark, DPRK, Greece, and Switzerland** considered accountability of those responsible for violations of human rights and international humanitarian law essential, based on all the facts, and evidence collected. It called on all parties to respect international humanitarian law and human rights. **The EU and Luxembourg** questioned about mechanisms for finding and ensuring the safe return of those civilians, especially children to preserve their identity and family relationships.

The Syrian Arab Republic reiterated the use of HRC as a tool to target and demonize other countries. It expressed its rejection of the non-consensual and politicized mandates within the Council and noted that the report is highly politicized, and far from objectivity. **Zimbabwe** was concerned by the increased politicization and polarisation of the Council, actively permitting the policing of sovereign states by other countries. The Council should seek to uphold the principles of impartiality, objectivity, transparency, non-selectivity, non-politicization, and non-confrontation in all its work. **Belarus** while denying accusations of alleged involvement in the “deportation” of Ukrainian children, focused on killings and threats posed to civilians by the Ukrainian Armed Forces.

NGOs welcomed the report and the work of the Commission as essential steps towards securing accountability for gross and systematic human rights violations. They reported deliberate and indiscriminate attacks on the health system, exemplifying Russian forces' use of unlawful tactics to manipulate, coerce, and inflict suffering on Ukraine’s civilian population. The impact is devastating and undermines the capacity to deliver life-saving care. Additionally, they reported cases of torture, rape, and the forced deportation of children. **OIEC** affirmed the destruction of schools and critical infrastructure, as well as the deaths and emigration of teachers and students, are just the tip of the iceberg regarding violations of international and humanitarian law in Ukraine. All this represents one of the most important indirect crimes of this war: Russia is stealing the right to education of Ukrainian children. **The World Federation of Ukrainian Women’s Organizations** stated that the Russian Federation is engaged in direct and public incitement to encourage genocidal acts, including the dissemination of narratives denying the Ukrainian identity, the dehumanization of Ukrainian people, and absurd calls for the “de-Nazification” of Ukraine. It reported other atrocities, war crimes, and crimes against humanity.

UN WOMEN acknowledged the work of the Commission to document sexual violence perpetrated by Russian authorities against women, men, girls, and boys, ranging in age from 4 to 82. As a result of structural gender inequality, the impact of – for example – attacks against Ukrainian infrastructure, or the transfer and deportation of children, depends on the gender of the victim, among other intersecting aspects of their identity.

Delegations that took the floor during the Interactive dialogue (47 country delegations):

Lithuania (on behalf of the Nordic-Baltic States), EU, Switzerland, Denmark (on behalf of a group of countries), Ecuador, Liechtenstein, Republic of Korea, Czechia, Italy, Slovenia, Portugal, Finland, Austria, Georgia, Canada, Croatia, United States, Türkiye, Malta, Poland, Ireland, New Zealand, Belgium, Luxembourg, Bulgaria, China, Romania, Argentina, Uruguay, United Kingdom of Great Britain and Northern Ireland, North-Macedonia, Venezuela (Bolivarian Republic of), Spain, Slovakia, Albania, Belarus, Montenegro, Greece, Syrian Arab Republic, Moldova, Democratic People’s Republic of Korea, Nicaragua, Islamic Republic of Iran, Zimbabwe, Netherlands, France, Germany.

NHRIs and NGOs that took the floor during the Interactive dialogue (10):

Physicians for Human Rights, Human Rights House Foundation, Catholic International Education Office, World Federation of Ukrainian Women's Organizations, Institute for Human Rights, Article 19 - International Centre Against Censorship, The, Meezaan Center for Human Rights, International Federation for Human Rights Leagues, Center for Global Nonkilling, luventum e.V.

International organizations: UN WOMEN.

To watch the full meeting refer to the UN WEB TV: [Part 1](#) and [Part 2](#).