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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 23 of Human Rights Council resolution 55/23, on the situation of human rights in Ukraine stemming from the Russian aggression.

* The present report was submitted to the conference services for processing after the deadline so as to include the most recent information.

Report of the Independent International Commission of Inquiry on Ukraine

Summary

In its third report to the General Assembly, the Independent International Commission of Inquiry on Ukraine outlines its new findings concerning torture, sexual violence, attacks with explosive weapons that affected civilians and civilian objects, and attacks on energy-related infrastructure.

For over two mandates, the Commission has consistently found that Russian authorities used torture, as a war crime and the corresponding human rights violation, against Ukrainian civilians and prisoners of war, in the context of their full-scale invasion of Ukraine.

The Commission's recent findings demonstrate that Russian authorities have committed torture in all provinces of Ukraine where areas came under Russian control and in the detention facilities investigated in the Russian Federation. This confirms that torture was widespread. Additional shared patterns in the way in which torture was committed showed that it was systematic. These patterns concern the categories of persons targeted, the commonality of methods employed, the aim for which torture was used, and the transposition of violent practices common in Russian Federation detention facilities to similar facilities in areas under Russian control in Ukraine.

The cases documented illustrate that Russian authorities have deployed or recruited personnel, who have acted in a coordinated manner and according to a division of labour in the commission of torture. Testimonies collected describe the involvement of officials of the Federal Penitentiary Service and the Federal Security Service of the Russian Federation, as well as of Russian armed forces officers; witnesses referred to orders to commit torture and a prevailing sense of impunity.

Sexual violence as a form of torture has been prevalent in detention facilities held by Russian authorities and medical assistance to detainees has been often denied. The report outlines illustrative cases where Russian authorities committed sexual violence as a form of torture during detention, which amounts to torture.

The overall findings lead the Commission to consider that it has sufficient evidence to determine that the Russian authorities have acted pursuant to a coordinated state policy and have therefore committed crimes against humanity of torture.

Victims described the physical pain and trauma, with long-lasting or irreparable consequences, and emphasised the immense psychological challenges they face. The cases documented demonstrate an egregious and profound disregard, by the Russian authorities, for physical integrity and human dignity.

The Commission investigated explosive weapons attacks that struck civilians and civilian objects, including medical and cultural objects which are protected under international humanitarian law, on all sides of the frontline.

Continuous, massive waves of attacks carried out by the Russian Federation against Ukraine's energy-related infrastructure have resulted in blackouts, at times affecting millions of civilians. The power cuts have, among other consequences, curtailed the enjoyment of the rights to health and education, with severe effects on children, older persons, persons living with a disability or a medical condition. Persons affected described feelings of distress, anxiety, and isolation, and the repercussions on their security and health.

In its conclusions, the Commission has reiterated the importance of judicial and non-judicial accountability, while taking into account victims' needs, to end the culture of impunity. Many victims have expressed a vital need for justice to be done.

I. Introduction

1. In its third mandate, the Independent International Commission of Inquiry on Ukraine submits the present report to the General Assembly,[1] at its seventy-ninth session, pursuant to resolution 55/23 of the Human Rights Council. The Commission has continued its work with the same membership.[2]

2. Since its establishment, the Commission has interviewed 849 women and 818 men, examined documents, expert and forensic reports, photographs, and videos. During the current mandate, the liquidity crisis at the United Nations has severely affected the staffing of the secretariat of the Commission and its ability to travel. Nevertheless, it has been able to continue its investigations notably relying on remote interviews with victims and witnesses and other sources, applying its usual standard of proof.

3. In its work, the Commission has continued to abide by its well-established principles of independence, impartiality, objectivity, integrity, as well as its victim-centered approach.[3]

4. The Commission reiterates its deep gratitude to victims and witnesses for sharing experiences, and to organizations, for the information provided.

5. It appreciates the cooperation of the Government of Ukraine. It regrets that 26 written requests for access, information, and meetings, to the Russian Federation remained unanswered, as it continues not to recognise the Commission.

II. Violations of international law

6. A third year of armed conflict in Ukraine has continued to cause civilian casualties and destruction across the country, in particular in Ukrainian Government-controlled territories, also far from frontlines. As of September 2024, the toll of the armed conflict raised to at least 11,743 civilians killed and 24,614 injured, according to the Office of the High Commissioner for Human Rights (OHCHR). Hostilities led to new displacements and disruptions of access to basic services. The Commission has also followed the developments in the Kursk Province of the Russian Federation.

7. In its previous reports, the Commission concluded that Russian authorities committed a wide array of violations and corresponding crimes during their full-scale invasion of Ukraine. For the present report, it focused on the impact of attacks on Ukraine's energy-related infrastructure, individual attacks with explosive weapons affecting civilians and civilian objects in populated areas, torture, and sexual and gender-based violence. In its work, the Commission identified common patterns of violations and crimes. The cases documented, and the examples outlined below, are only a sample of the large number of allegations it has investigated.

A. Attacks with explosive weapons

1. Large scale attacks on Ukrainian energy-related infrastructure

(a) Overview

8. In its March 2023 report to the Human Rights Council, the Commission examined in detail the large-scale waves of attacks which the Russian Federation has been launching on Ukraine's energy-related infrastructure since 10 October 2022. It had recorded at least 13 large-scale attacks between then and the end of January 2023 and found that they were widespread and systematic.[4] Since then, and until September 2024, at least nine additional massive waves of attacks have significantly affected the country's energy infrastructure. According to Ukrainian authorities' reports, each of these waves was launched using at least

[1] See also A/77/533 and A/78/540.
[2] A/HRC/55/66, para. 2.
[3] A/HRC/52/CRP.4, paras. 7-25.
[4] A/HRC/52/62 paras. 40-43.

90, and up to 470 projectiles, including missiles, drones, and air dropped bombs. More attacks, on a smaller scale, have also affected Ukraine's energy infrastructure. The attacks have, among other objects, hit power plants and substations, equipment and transmission lines, and had a substantial impact on Ukraine's electricity and thermal generation, transmission, and distribution.

9. The Commission also recorded individual attacks reported in open sources, which affected such objects as oil installations, refineries, and depots, situated in Russian controlled areas in Ukraine or in the Russian Federation.

(b) Impact on civilians of attacks against Ukraine's energy-related infrastructure

10. In its March 2023 report, the Commission found that the attacks affecting Ukraine's energy-related infrastructure were disproportionate, due to the considerable civilian harm that they inflicted. It determined that the Russian armed forces committed the war crime of excessive incidental death, injury, or damage.[5] Further large-scale attacks throughout 2023 and 2024 continued to have a severe impact on civilians, causing power outages, at times affecting millions, sometimes over long periods. The Commission has continued its investigations, including interviews, in eight provinces of Ukraine, namely Dnipropetrovsk, Ivano-Frankivsk, Kharkiv, Kyiv, Lviv, Odesa, Poltava, and Zakarpattia.

11. In its present report, the Commission has focused on the impact of the attacks on the enjoyment of the rights to health and education. The evidence collected showed that the large-scale power cuts had a differentiated impact on distinct categories of the population. Older people, in particular older women, as well as adults and children with disabilities, and displaced children, have been most affected. In many cases, the additional work of caregiving was a burden that fell primarily on women.

Impact on the right to health

12. According to the Ministry of Health and regional hospital administrators, medical institutions have generally been able to continue to operate with the use of generators and thanks to efforts of personnel. Staff had to plan activities around power cuts and were thus unable to provide the full range of services previously available. Medical facilities are just one area to consider when assessing the realization of the right to health, which also includes access to drinking water, adequate sanitation, safe food, healthy environmental conditions and other elements, all of which have been affected by the power cuts.

13. Electricity cuts affected refrigeration of medications that require it. They also led to interruptions in the use of life-support electrical devices at home, including oxygen concentrators, nebulizers and ventilators, dialysis machines, feeding and drug pumps, hoists and lifting devices, as well as pressurized mattresses. For instance, one woman, a wheelchair user, needed peritoneal dialysis with a device, at home, four times a day. She was dependent on electricity for her survival and had only been able to continue her treatment due to the power supply unit provided by an aid organisation.

14. Lack of electricity created additional health and security risks, particularly for older persons living alone. Social workers informed the Commission of incidents that occurred in this context. One older man who mistook his medication in the dark, during a power cut, became ill, and had to be hospitalized. Two older women fell during power cuts, and were found at home alone, lying on the ground and unable to get up. These are only some of the ways in which electricity cuts threaten the well-being of vulnerable persons.

15. When air alerts coincided with power outages, persons with reduced mobility experienced higher risks to their safety and considerable stress due to their inability to reach shelters. For instance, a couple using wheelchairs explained that they could not reach a bomb shelter and remained in their apartment during shelling, observing the "rule of two walls" as their only security measure. A woman with reduced mobility told the Commission, "I go to a corridor, sit there, and listen to some blasts"; "when there is no light, it is even scarier, I feel really helpless".

[5] A/HRC/52/62 para. 43.

16. Electricity cuts also led to increased isolation, impacting mental health. Isolation has been compounded by a lack of Internet, mobile phones and television. Persons with disabilities and older persons felt trapped and lost, due to the increased barriers in maintaining contact with the outside world. For instance, a social worker reported how a 94-year-old woman, afraid of getting stuck in the elevator, only went out using the stairs, when she visited her. She spent the rest of her time at home alone. Another woman, a wheelchair user, who could not get out when there is no electricity, referred to a recent long power cut and said, "It's awful when you don't even know what your day will be like. Can you work? Will you eat something? Will you be able to go out […] or will you sit at home?"

17. The frequent disruptions of online education due to power cuts and the resulting isolation, posed mental health challenges for children. Persons with learning disabilities or autism also encountered particular difficulties. Two women with autistic sons stated that their children struggled to understand the disruptions. Both studied online and their lessons were frequently interrupted. Repeated schedule changes due to electricity cuts and noise from generators were sources of distress.

18. Carers of all the above-mentioned categories, who are mostly women, have borne additional burdens. For instance, a team of social workers made up entirely of women, with over 85 per cent of them of pension age, reported to the Commission that they continued to visit clients during blackouts but encountered challenges. Often, they had to climb ten floors or more in the absence of functioning elevators. Their work has been emotionally and physically draining.

Impact on the right to education

19. Schools in Ukraine have had to adapt to the circumstances created by the full-scale invasion, with some opting for online or hybrid education, owing to security considerations or, in the case of displaced children, to maintain links with the schools of origin. Regardless of the format, all schools have been negatively affected by electricity cuts. In the case of schools that require full-time presence, lessons needed to be adapted during blackouts, and the students struggled to complete homework without electricity. The quality of education and skills acquired by the children inevitably suffered.

20. Online students have been particularly affected by power cuts as lessons have been frequently interrupted or cancelled, at times on a daily basis. The situation has been more challenging when teachers and students were not in the same region, as the blackouts may not coincide. The consequences have been even more serious for households that lack devices such as power banks and alternative Internet connections, with children missing education as a result.

21. Children from internally displaced families and children with disabilities are more likely to enrol in online education and have therefore been particularly affected. Internally displaced children have faced additional difficulties when their devices used for online education were confiscated at Russian-controlled checkpoints.

22. Frequent disruptions have placed additional burdens on teachers as well. They had to adapt to the schedules of power outages, and, as a consequence, work longer hours. Teachers also had to prepare alternative remedial courses to be used offline. As younger children and children with disabilities required support to access online learning, an adult, usually the mother, had to assist them, thereby missing out on economic opportunities. These burdens sometimes provided an incentive for the institutionalization of children.

(c) Concluding observations

23. The present report illustrates that large-scale power outages have had a detrimental impact on everyone, but that the effects on the physical and mental health, security, education, and well-being of certain categories of persons, including children and older persons, as well as persons with a disability or a medical condition, have been particularly severe. Regular power outages led to a series of obstacles for these categories of persons in the fulfilment of their rights to health and education. The report also found that the primary carers of the former categories of persons, mostly women, were seriously affected. The full impact on civilians is not yet known and the Commission recommends further investigations concerning this important matter. The Commission is also concerned about the upcoming colder months, when households will need electricity and heating.

2. Individual attacks with explosive weapons

(a) Overview

24. Attacks with explosive weapons continued to cause numerous civilian casualties, damage and destruction of civilian objects across Ukraine, in particular in Government-controlled territories. The Commission also analysed open sources concerning attacks that occurred in the Russian Federation and occupied territories in Ukraine that appeared to hit civilian objects, but has not been able to complete its investigations, owing to lack of access, despite its requests to the Russian Federation.

25. The Commission is concerned by the impact of attacks that affected objects protected by international humanitarian law, notably medical facilities. It has initiated investigations relating to the 8 July 2024 wave of attacks carried out by the Russian Federation, affecting, among other sites, the Okhmatdyt Children's Hospital in Kyiv city. It led to the death of two adults, the injury of over 30 persons, and the emergency evacuation of over 600 children receiving treatment at the hospital. The Commission investigated the attack, part of the same wave, that affected the Adonis and Isida medical clinics, also in Kyiv city, killing seven persons, mainly medical personnel. It has not yet completed its investigations into these attacks.

26. Previously, the Commission reported five other attacks carried out by Russian armed forces in violation of international humanitarian law that struck medical institutions in various provinces of Ukraine.[6] It has examined credible information concerning numerous additional attacks affecting medical institutions. These attacks represent only a small sample of those that have been launched.

27. Recently, the Commission investigated attacks affecting cultural objects, which also enjoy special protection under international humanitarian law. For instance, an explosive weapons attack carried out by Russian armed forces on 5 November 2023 hit Odesa in two locations and led to the damage of Odesa National Art Museum. According to Ukrainian authorities, a total of seven monuments of cultural heritage were damaged following attacks carried out on that day and one man was injured.

28. The Commission has further focused on attacks that hit a shopping centre, a hypermarket, and an outdoor market, all of which were functioning. Two of these attacks occurred at times of the day when many civilians were present, leading to numerous casualties. The Commission has previously investigated attacks that struck four other shopping centres or supermarkets in different provinces of Ukraine,[7] causing multiple civilian casualties.

(b) Attacks with explosive weapons in territories under Ukrainian Government control

29. The Commission found that the Russian armed forces' attacks affecting a shopping centre in Dnipro city, Dnipropetrovsk Province, and a hypermarket in Kharkiv city, Kharkiv Province, were indiscriminate, in violation of international humanitarian law.

Dnipro city, 29 December 2023

30. On 29 December 2023, around 7 a.m., one of the largest waves of attacks launched by the Russian Federation since 24 February 2022, hit, among other places, the Appolo Shopping Centre in Dnipro city.[8] Two men and one woman were killed and three men injured. Part of the affected building and nearby infrastructure were damaged. The Ministry of Defence of the Russian Federation declared having "inflicted 50 group strikes and one massive strike" during that period. Based on available evidence, the Commission determined that the weapon used had the characteristics of a Kh-101 cruise missile. Such missiles are used by Russian armed forces in Ukraine and are not known to be part of the Ukrainian stockpile. The Commission determined that the damage caused by this attack was unlikely due to physical interception.

[6] A/HRC/52/CRP.4, paras. 172, 195 and 215; A/HRC/55/66, paras. 17 and 38.
[7] A/HRC/52/CRP.4, para. 152 and 232; A/78/540, para. 36.
[8] A/HRC/55/66, para. 28.

Kharkiv city, 25 May 2024

31. On 25 May 2024, at about 4 p.m., two strikes with explosive weapons hit an Epicentre hypermarket in Kharkiv city, killing 11 men, six women, a 12-year-old girl, and a 17-year-old boy. The Commission's investigations identified no military presence. Footage taken in the aftermath of the attack shows two impact sites inside the shopping centre. Based on available evidence, the Commission determined that the weapons used had the characteristics of UMPB D-30SN glide bombs. According to reports, Russian armed forces started using such weapons in Ukraine in March 2024. These are not known to be part of the Ukrainian stockpile. For the attack in question, the Commission determined that the damage was unlikely caused by physical interception.

(c) Attacks with explosive weapons in areas under the control of Russian authorities

32. The Commission has further examined attacks with explosive weapons in areas under Russian control in Ukraine. It reviewed reports concerning explosive weapons incidents on 21 January 2024, starting around 9 a.m., that affected several locations in Kirovskyi District of Donetsk city, Donetsk Province. Publicly available videos and photographs show what appear to be two impact sites at an outdoor market and multiple casualties in civilian clothes. In available footage, damage to two residential buildings is visible, as well as at least one casualty. Social media posts from that time reported both artillery shelling and physical interception by Russian air defense. An analysis of the impact sites suggests that some of the munitions could have been artillery shells fired from a western direction, where the frontline was. The Commission was unable to complete its investigations due to lack of access, despite its requests to the Russian Federation.

B. Torture and sexual and gender-based violence

1. Torture

(a) Overview

33. During its first two mandates, the Commission reported on the widespread and systematic use of torture by Russian authorities, both in Ukraine and in the Russian Federation.[9] The victims were women and men, civilians and prisoners of war; the majority were civilians. Torture was mainly committed in the context of detention, and in conjunction with other crimes and human rights violations, such as unlawful confinement, wilful killings, and sexual violence. In the cases investigated, the Commission found that torture amounted to war crimes and the corresponding human rights violations.

34. The geographic spread of the locations where torture was documented, in areas under Russian control in Ukraine and in the Russian Federation, as well as the large numbers of persons affected, established that it was widespread. The consistency of the evidence regarding torture, throughout the Commission's investigations, as well as the common elements observed in the documented cases, demonstrated that it was systematic. Common elements identified so far concerned the category of persons targeted, the aims for which torture was used, and the similarity of methods employed.

35. Further, the Commission examined whether there was a State or organizational policy promoting or encouraging torture against the civilian population, in order to establish whether the Russian authorities committed torture as a crime against humanity.[10]

36. In its third mandate, the Commission has documented new cases of torture against civilians and prisoners of war, including in additional locations in areas under Russian control in Ukraine and in the Russian Federation. It identified new common elements, notably concerning common practices used in detention facilities in the Russian Federation replicated in similar facilities in areas controlled by Russian authorities in Ukraine. The Commission also examined the organization and the division of labour between services operating in detention facilities where Russian authorities routinely used torture.

[9] A/HRC/52/62, para. 77; A/HRC/52/CRP.4, paras. 489 and 532; A/HRC/55/66, paras. 58 and 79-80.

[10] A/HRC/52/62, para. 77; A/HRC/52/CRP.4, para. 490; A/HRC/55/66, para. 81.

(b) Recent investigations on torture

37. Russian authorities have mostly used torture against civilians and prisoners of war during confinement, including in facilities improvised at the location of military deployments, in seized buildings, medium-sized detention facilities in police stations or filtration points, and well-established official penal colonies or pre-trial detention centres. In the present report, the Commission has focused on the well-established detention facilities.

38. The Commission documented new cases of torture and confirmed the use of torture by Russian authorities in additional detention facilities in areas under Russian control in Ukraine and in the Russian Federation. With the new evidence collected, the Commission has presently found cases of torture in all nine provinces where areas came under Russian control in Ukraine and in the Autonomous Republic of Crimea, as well as in seven provinces and one republic of the Russian Federation. An annex to the current report enumerates detention facilities where the Commission confirmed the use of torture.

39. Ukrainian authorities have opened 872 investigations concerning cases of torture in the context of the ongoing armed conflict and issued indictments against 125 persons. The Commission's request to the Russian Federation, asking whether it has conducted investigations concerning reports of torture by Russian authorities of Ukrainian nationals, both in Ukraine and in the Russian Federation, remained unanswered.

(c) Common practices used by Russian authorities in penal colonies and pre-trial detention centres

40. Russian authorities have detained large numbers of persons in official facilities, such as penal colonies and pre-trial detention centres, located in the Russian Federation and in occupied areas of Ukraine. Former detainees described consistently the same harsh practices used in those facilities, in the same sequence, designed to scare, break, humiliate, coerce, and punish. Such practices were enforced by regular personnel as well as special purpose units (referred to as "Spetsnaz") of the Federal Penitentiary Service,[11] in many cases on a routine basis and throughout the duration of the confinement, leaving the victims with long-lasting physical and mental trauma. Russian authorities have transposed these practices to similar detention centres in areas they occupied in Ukraine.

41. Detainees were held in these locations for periods spanning over two years, in certain cases. Many were not yet released, according to testimonies. The Commission has mainly interviewed civilians who were detained in Ukraine and prisoners of war who were detained in the Russian Federation. Interlocutors stated that civilians and prisoners of war were generally subjected to similar treatment. Some of the civilians were reportedly given prisoner of war status, which is unlawful.[12]

42. In the Russian Federation, these detention facilities were run by the Federal Penitentiary Service, which operated under the Ministry of Justice. In the Crimea, a Federal Penitentiary Service of the Russian Federation had been established in 2014.[13] In areas of the Donetsk and Luhansk provinces that were under Russian control since 2014, such detention facilities were run by services of the former so-called Donetsk and Luhansk People's Republics. Following the illegal annexation of territories in Donetsk, Kherson, Luhansk, and Zaporizhzhia provinces by the Russian Federation in September 2022, such detention facilities there came under official bodies of the Ministry of Justice of the Russian Federation[14] and personnel of the Federal Penitentiary Service of the Russian Federation has been deployed (see para. 60).

[11] A/HRC/55/66, para. 63.

[12] Additional Protocol I to the Geneva Conventions, articles 50(1) and 51(3).

[13] Ministry of Justice of the Russian Federation, Decree, 28 March 2014, available at: https://krim.fsin.gov.ru/upload/iblock/e2d/prikaz_147.pdf (Russian only).

[14] Ministry of Justice of the Russian Federation, New territorial departments are being created, 31 October 2022, available at: https://archive.ph/aUIen (Russian only).

The 'admission procedure'

43. Testimonies described a brutal, so-called 'admission procedure',[15] upon the arrival of detainees, with methods designed to instil fear and exert physical and psychological pressure. A former detainee recounted that, as detainees were dragged out of the bus, managers of the facility and other personnel shouted, "If you ended up here, you must suffer. It is not Ukraine; it is a Russian prison". Detainees were generally rushed into the premisses, forced to run through a corridor lined up with personnel of the detention facilities or in the yard, while being beaten. Some were beaten again if they fell. Beatings were inflicted on various parts of detainees' bodies, at times accompanied by electric shocks. Detainees received orders to undress and to remain naked, for time periods going beyond possible security requirements (see para. 48).[16] Some of them sustained serious injuries already during this initial process.

Practices imposed during detention

44. While imposing violent treatment, Federal Penitentiary Service personnel and special purpose units regularly referred to detainees as "Nazis", or other derogatory names, and blamed them for attacking the Russian Federation. Harsh practices were used routinely throughout the detention period. These mainly consisted of beatings sessions in the corridors or yards of the premises, in the showers, or during regular searches of the cells. In many cases, special purpose units and regular personnel of detention facilities beat detainees after lining them up in corridors in a "stretch position", with feet and hands apart. Some practices included the use of sexual violence (see para. 49) and the administering of electric shocks. According to testimonies, while violent practices mostly occurred in areas devoid of surveillance cameras, personnel of some facilities used violence in all parts of the premises, regardless of the presence of cameras.

45. Personnel of detention facilities imposed a series of rules, such as a prohibition to sit or even lean against the wall during long periods, in some facilities also during the night. They ordered detainees to squat, at times hundreds of times per day, or to remain in squat position for hours. Detainees had to walk hunched, with heads down at all times, to avoid looking at detention facility personnel. According to former detainees, personnel monitored compliance with rules through surveillance cameras installed in the cells. They imposed severe collective punishment against all detainees from the same cell in case of a perceived failure to respect rules and orders, for instance if a detainee did not exercise correctly, fell, or attempted to sit. Punishment often consisted of beating detainees lined up in the corridor.

Interrogation

46. While the aforementioned brutal practices were directed at all detainees, torture during interrogation targeted specific categories of persons.[17] Interrogations were accompanied by some of the most violent treatment documented, including severe beatings, sessions of electric shocks with tasers or wires attached to various body parts, at times in combination with water to amplify the effects, and burns to parts of the body. In addition to extracting information, interrogations were aimed at eliciting false declarations implicating the detainees or persons they knew in crimes, particularly in alleged killings of civilians in Mariupol. Several former detainees said that some made false confessions, under extreme pressure, which resulted, however, in harsher treatment, including subsequent charges for crimes they did not commit and transfers to other detention facilities.

(d) Sexual violence in detention

47. Sexual violence as a form of torture has been prevalent in detention facilities held by Russian authorities. Since its establishment, the Commission has collected testimonies concerning acts that amount to sexual violence as a form of torture committed in 41 detention facilities of various types, in the Russian Federation and areas under Russian control in Ukraine. Such acts included rape and attempted rape, sometimes with the use of objects, beatings, electric shocks, burns, or other attacks on genital organs, forced nudity going beyond possible security requirements, threats of sexual mutilation and castration, and

[15] A/HRC/52/CRP.4, paras. 562, 565 and 566.
[16] A/HRC/52/CRP.4, para. 617.
[17] A/HRC/55/66, paras. 65 and 75.

intrusive body searches. According to testimonies, in each detention facility held by Russian authorities documented so far, perpetrators have used at least one or a combination of several above-mentioned methods. Some forms of sexual violence have been recurrent in certain detention facilities. The victims were men and women, civilians and prisoners of war; the majority were men. Most prisoners of war that have been detained by Russian authorities reported having been subjected to sexual violence.

48. A common feature in the well-established detention facilities analysed for the present report, is that detainees were ordered to undress during the so-called admission procedure. The imposed forced nudity went beyond possible security requirements. While fully naked, they were instructed to walk or run to various parts of the facility, at times outdoors in the winter, and were subjected to beatings and electric shocks on various parts of their bodies, including as they attempted to dress. Some detainees in addition described being forced to lie on the floor, kneel, or squat, while naked, and being beaten in those positions. Former detainees reported humiliating, invasive body inspections.

49. The Commission collected testimonies regarding multiple other instances in which Russian authorities used sexual violence as a form of torture in penal colonies and pre-trial detention centres, at times against groups of detainees. For instance, one former detainee reported that personnel of the detention facility randomly chose detainees in the corridors and subjected them to deliberate beatings on genitals, to inflict pain and humiliation. Another former detainee recounted how detainees were ordered to remove their clothes, lie in the position of a "shrimp", were beaten, and subjected to electric shocks. One employee of the detention facility kicked him several times on his genitals while shouting, "Nazi! How do you like being beaten in your balls? This is because you castrated our boys. You should be grateful that I am just kicking your balls. You dared to attack Russia." Another former detainee stated that detention personnel used to beat detainees and administer electric shocks as they were in the shower of the facility, and that he was subjected to electric shocks with taser on his genitals at least six times. Additional former detainees reported beatings and electric shocks in the showers as they were naked and wet. In three facilities in Ukraine, former detainees described orders to undress, followed by prolonged squatting or beatings while naked. Victims reported difficulty in walking and long-lasting psychological trauma as a consequence of such treatment.

(e) Absence or denial of medical assistance during detention

50. The Commission found that in detention facilities held by Russian authorities, there has been a general absence or denial of medical assistance to detainees who were injured, ill, or suffered traumas after torture. According to testimonies, in some detention facilities, medical personnel had been involved in the violent treatment of detainees or negligent acts. In rare instances where medical assistance was provided, it often appeared insufficient or inadequate. Victims and witnesses reported deterioration of the health of those affected, at times coupled with severe complications, and even death.

Failure or denial of medical assistance

51. The Commission has documented numerous situations in which medical care was not administered or was denied in detention facilities held by Russian authorities. Several situations at the Volnovakha Correctional Colony, known as Olenivka, Donetsk Province, provide an egregious illustration. Former detainees, mostly captured in Mariupol, reported a general lack of medical assistance, despite many of them suffering from multiple serious injuries. Detained Ukrainian military doctors, some of whom had been subjected to the violence inflicted in the colony, treated the injuries sustained in combat, and later the injuries sustained from torture in the colony, using the small number of supplies which they carried with them. They stated that eventually, Russian authorities evacuated some of the injured to a hospital; at a later stage, some visiting doctors shared scarce and insufficient equipment or medicine.

52. The violent admission procedure in the Olenivka colony took place regardless of visible injuries on many of the soldiers. Former detainees witnessed how one Ukrainian soldier collapsed during the beatings. Those in charge, including the head of colony, were present and did not provide medical attention. The detainee was pronounced dead when an ambulance came about 30 minutes later.

53. Testimonies of former detainees who were present in the Olenivka colony on 29 July 2022, when a blast led to the death of many Ukrainian prisoners of war, indicate that no immediate medical support was provided to dozens of others severely injured. Ukrainian military doctors detained in the same facility were asked for assistance only about one hour later and were the only ones attempting to provide first aid. They had again to rely on the supplies from their own first-aid kits and used bedsheets for bandages. Many of the injured died before their eyes, while the leadership of Olenivka colony stood and watched. The only intervention the doctors witnessed were trucks taking away the dead and heavily injured survivors on the next morning.

54. In numerous other instances medical assistance was not provided in detention facilities held by Russian authorities. For instance, a Ukrainian soldier told the Commission that Russian authorities confined him after he suffered a serious injury to his feet from a blast. His requests for medical assistance were ignored. When he was ultimately transported to a hospital several weeks later, part of his foot had to be amputated. A civilian detainee recollected that after a heavy blow from members of special purpose units, he fell and lost consciousness. His head was bleeding and he suspected that his rib was broken, but detention facility personnel only provided him with a plaster and disinfectant. Two former detainees, held in different facilities, each witnessed the death of a co-detainee after they were in visible distress and no medical assistance was provided.

Abusive acts by medical personnel or against sick detainees

55. The Commission collected testimonies concerning the involvement of medical personnel in violence or negligent acts against detainees in the Russian Federation. Three former detainees stated that in a detention facility, the doctor administered electric shocks when detainees asked for medicine. According to one of them, the doctor said, "How dare you ask for painkillers when you in Ukraine castrate our boys", as he applied a taser to his hand. Another witness stated that the doctor used a taser instead of providing care, commenting that the detainees needed to be punished for complaining. One more former detainee reported that the doctor instructed personnel of the special purpose units to administer electric shocks while taking blood from his vein, causing significant pain and swelling in his hand for one week.

Instructions regarding medical treatment or assistance to detainees

56. Interviews with a former employee of the Federal Penitentiary Service and a former Russian soldier[18] provided information showing that hierarchic superiors have ordered or encouraged such behaviour. The former employee of the Federal Penitentiary Service described that, based on his experience, in detention facilities in the Russian Federation medical staff is only allowed to provide assistance to detainees following orders, and the assistance is minimal or inadequate. A doctor deployed in such a facility told him, while speaking about a prisoner of war from Ukraine, "that prisoner of war could be Azov, and Azov need to be beaten and crushed" ("гасить"). The interlocutor clarified that this approach originated from instructions of senior medical personnel, notably referring to a meeting in which he participated in 2022, prior to the deployment of doctors to detention facilities, amid a surge in needs owing to large numbers of Ukrainians detainees. In the meeting, the regional head of the medical unit discouraged the doctors from having sympathy towards prisoners of war, stating, "Don't forget that prisoners are enemies. … Remember who these people are, what they've done, and what they are capable of".

57. The above-mentioned former Russian soldier recounted that in a makeshift location in Luhansk Province, in Ukraine, detained Ukrainian prisoners of war who were deemed to not be in a "presentable condition" for an exchange due to serious injuries, were not provided with medical aid. His testimony suggests that there was a practice in his unit that only prisoners of war in "presentable conditions" were treated adequately. Having noticed that the health of the prisoners was deteriorating, he provided them with basic medical care behind

[18] The Commission has identified persons who declared to have worked for Russian armed forces or other services of the Russian Federation, whom it has interviewed.

the commanders' backs. After they found out, they accused him of being a spy, detained, interrogated, beat him, and assigned him to join an assault squad as punishment.

Concluding observations

58. In addition to the many other common elements documented in the way torture is inflicted on detainees during confinement by Russian authorities, these examples demonstrate further disregard for the dignity and the rights of the detainees, and have, in some situations, led to unbearable consequences for the physical and mental health and for the survival of the persons concerned. Through such conduct, Russian authorities violated the international humanitarian law provisions concerning the health and integrity of detained civilians,[19] the medical attention for prisoners of war,[20] and the detainees' human right to health.[21] In addition, negligent or violent actions committed by doctors are in breach of ethical standards to which they are bound.[22]

(f) Perpetrating entities in penal colonies and pre-trial detention centres

59. Another common element in the commission of torture emerges from the evidence pointing towards a coordinated use of personnel from specific services of the Russian Federation who are involved in torture or ill-treatment in the well-established detention facilities which the Commission documented in the Russian Federation and in areas under Russian control in Ukraine.

Personnel deployed to the facilities routinely inflicting torture

60. Accounts of former detainees held in the investigated penal colonies and pre-trial detention facilities in the Russian Federation show that Federal Penitentiary Service personnel are in charge of all routine operations. Special purpose units of the same service accompanied them in all their interactions with detainees; they underwent regular rotations. According to former detainees, such detention facilities in Ukraine were initially staffed by guards recruited locally and working under the Russian authorities. Several months after the onset of the full-scale invasion, regular personnel as well as special purpose units of the Federal Penitentiary Service of the Russian Federation were deployed in addition to such facilities in Ukraine and carried out the same functions as in the Russian Federation (see para. 42).

61. Multiple testimonies show that these services acted in coordination as they ran the admission procedure, enforced the violent practices described above, brought detainees to interrogations, and inflicted torture during interrogations. They were the main perpetrators of torture and ill-treatment during the various phases of the detention. In well-established facilities in areas under Russian control in Ukraine, such violent practices were initially enforced by the locally recruited guards, and, in most situations, continued, in cooperation with the services deployed later from the Russian Federation.

62. Former detainees emphasised the particular brutality of the special purpose units of the Federal Penitentiary Service, indicating that, regardless of their rotation, most units behaved in the same way. In limited situations, former detainees stated that while some members of the personnel of detention facilities used lower levels of violence, special purpose units continued harsh treatment. In a rare example, two former detainees reported that the head of a pre-trial detention facility in the Russian Federation prohibited the use of violence. However, personnel of the special purpose units disregarded those instructions and continued brutal practices in areas of the facility devoid of surveillance cameras. One former detainee noted that in response to a complaint concerning the treatment inflicted by the special purpose units, the head of a penal colony run by Russian authorities in Ukraine replied that he was unable to intervene, as these units "were under Moscow's command".

[19] Additional Protocol I to the Geneva Conventions, article 11.
[20] Geneva Convention III, articles 15 and 30.
[21] ICESCR, article 12; ICCPR, article 10; A/RES/70/175, 8 January 2016.
[22] OHCHR, Istanbul Protocol, 2022.

Orders or tolerance of torture

63. The Commission notes that testimonies it collected provide examples of situations in which the leadership of detention facilities or other higher ranking Russian authorities ordered, encouraged, tolerated, or took no action to stop torture or ill-treatment. On various occasions, personnel of the facilities mentioned orders to inflict such treatment.

64. In several different detention facilities, former detainees noted the presence of the leadership when severe beatings took place. A former detainee who was in a penal colony in Ukraine described the arrival of a penitentiary official from the Russian Federation who introduced himself to the detainees, stating, "I broke everyone and will do the same to you". In the same colony, a former detainee witnessed a conversation between the head of the colony and another superior, who bragged that he shared a humiliating photograph of a detained Ukrainian officer with military correspondents. The head of colony told him, "He was brought to you. You work on him".[23] Several witnesses testified that the Ukrainian officer was tortured in the colony. In the Russian Federation, a former detainee overheard how, in a neighbouring cell, the head of colony ordered a detainee to put his hand against the wall and instructed the personnel of the facility to "break it", screams of the detainee followed. The official clarified that this was a punishment for breaking the rules.

65. Orders to torture were mentioned or implied in various testimonies concerning different detention facilities in the Russian Federation. For instance, a former detainee heard how regular personnel told members of the special purpose units, "The administration said to make the showers tougher"; consequently, they took the detainees to the shower, beat them and subjected them to electric shocks. In a different detention facility, a former detainee quoted a member of personnel saying, "We are sorry for causing so much pain, but we don't have any other choice; we have to obey the orders". In another facility, a former detainee noted that an officer made reference to torture "according to the approved program" when speaking to the detainees. In yet another detention facility, a former detainee stated that members of a specific rotation of the special purpose units that were exceptionally lenient, stated, "Scream louder, we have orders from above; they need to hear how we work". In a detention facility in Ukraine, when detainees questioned the reason for beatings, a member of a special purpose unit replied, "This is our job".

Division of labour during interrogations

66. Personnel of the Federal Security Service of the Russian Federation were in charge of the interrogations, which were held in the presence of Federal Penitentiary Service regular personnel as well as special purpose units. Former detainees described coordinated action of those services concerning the treatment of the detainees during interrogations, under the authority of the Federal Security Service. Torture was usually carried out by personnel of the Federal Penitentiary Service, most often by special purpose units. One former detainee recounted that Federal Security Service accused him of lying during interrogation, following which detention personnel inflicted torture. Another former detainee stated the investigator told members of the special purpose units, "have a conversation with him", after which they beat the detainee. Former detainees also reported that personnel of detention facilities "prepared" them for interrogations, which involved torture, or beat them on the way there.

67. Other services of the Russian Federation, including the Investigative Committee or the Office of the Prosecutor, visited the facilities to interrogate the detainees. Most detainees reported interrogations without violence in the presence of those services. Some detainees, however, stated that members of the Investigative Committee ordered the personnel of detention facilities to torture them when they were not satisfied with their answers, and at times participated in torture themselves.

(g) Perpetrating entities in other detention locations in areas under Russian control in Ukraine

68. In its previous reports, the Commission found that in the first few weeks after the Russian invasion, torture was mainly perpetrated by Russian armed forces. In areas that Russian authorities controlled for longer periods, a combination of services of the Russian

[23] A/HRC/55/66, paras. 71 and 72.

Federation were deployed in detention facilities, including the Federal Security Service. Those services and forces were jointly involved in the commission of torture.[24] In interviews with the Commission, several former Russian soldiers stated that the interrogations of detained Ukrainian civilians or soldiers were led by security personnel operating either within the Russian armed forces units or jointly with them.

69. The Commission interviewed a former Russian officer having among his tasks the distribution of ideological material to several hundred soldiers. He indicated that such material reflected Russian official narratives, for instance that "the goal is to denazify and demilitarise Ukraine" and that "Russia is not fighting against Ukrainians, but against Nazis". He noted that some soldiers have been motivated by the propaganda and volunteered to go to Ukraine "to kill Nazis". The interlocutor and two other former Russian soldiers shared with the Commission examples of brochures distributed to soldiers ahead of or during deployment to Ukraine, which include statements concerning the "denazification" of Ukraine. One of the brochures, dated 12 December 2022 and named "Practical Recommendations to the participant in combat actions", had appeared on website of the Ministry of Defence of the Russian Federation. Under the heading "Who are Ukrainians?", it mentions, "[…] Someday, after denazification, they will become Russians again, but for now they are enemies. Cruel and treacherous. This means that we need to beat ("бить") them until they put their hands up, without stopping, until our victory". A Russian media outlet stated that the brochure was recommended to be distributed among recruiting stations.[25] The text, which appears to have been endorsed for wide distribution by the Russian Government, may have fomented hatred and incited violence against Ukrainian nationals. In the documented cases, perpetrators regularly called the detainees "Nazis" while inflicting torture. The Commission has reviewed numerous other declarations by Russian authorities and public figures that used dehumanizing language, incited hatred and called for violence, and circulated widely in the context of the full-scale invasion of Ukraine.

70. Testimonies recorded by the Commission show instances where Russian armed forces officers were involved directly in torture or were aware that torture was committed. A former Russian soldier stated that he was assigned to a local "commandant's office" in Kherson Province, during his deployment to Ukraine. He witnessed how soldiers beat detainees and a Russian armed forces major threatened two civilians with executions, while pointing his pistol at them, to force confessions. He noted that the soldiers were driven by a feeling of power and impunity. The commander was well aware of this situation, as he visited that office on several occasions. A Ukrainian prisoner of war recounted that during his detention, a lieutenant colonel interrogated, beat, and subjected him to electric shocks, while blaming him for killing civilians in Donetsk Province. A colonel entered the premise, witnessed the beatings, but left without intervening.

(h) A common practice

71. In addition to the wide array of cases documented in the context of the Russian Federation's full-scale invasion of Ukraine since 2022, numerous organisations have documented torture and ill-treatment practiced in the Russian Federation, notably within its prison system.[26] Scores of complaints have been filed against the Federal Penitentiary Service and its personnel. In 2021 and 2022, Russian authorities also acknowledged that the situation in detention facilities was a source of concern.[27]

(i) Concluding observations

72. Since its appointment, the Commission has accumulated a body of evidence concerning torture as a war crime and the corresponding violation of human rights committed

[24] A/HRC/52/CRP.4, para. 523; A/78/540, para 53.

[25] Bel.ru, Mobilized Belgorod residents will receive a collection of rules for survival in combat conditions, 17 October 2022.

[26] See for example, CCPR/C/RUS/CO/8, 1 December 2022; CAT/C/RUS/CO/6, 28 August 2018; ECHR, Ukraine v. Russia, 25 June 2024 [GC]; ECHR, Kutayev v. Russia, 24 January 2023; ECHR, Sadykov v. Russia, 7 October 2010.

[27] See for example, Prosecutor General's Office of the Russian Federation, Report at the meeting of the Federation Council of the Federal Assembly of the Russian Federation, 26 April 2022.

by Russian authorities. In the documented cases, both civilians and prisoners of war were victims of torture, with a majority of civilians. Torture has been prevalent during confinement. Victims described treatment inflicting considerable pain and suffering, with often irreparable, long-term mental and physical harm. Consistent methods and harsh treatment used by Russian authorities demonstrate a blatant disregard for physical integrity and human dignity.

73. The Commission has considered whether the acts documented amount to crimes against humanity. Crimes against humanity are enumerated acts that are committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack, and pursuant to or in furtherance of a State or organizational policy.[28] The policy element requires that the State or organization actively promote or encourage such an attack.[29]

74. The Commission previously established that torture committed by Russian authorities in the context of the armed conflict in Ukraine has been widespread and systematic. Investigations during its third mandate have strengthened these findings. The Commission has documented cases of torture in all provinces of Ukraine where Russian authorities took control of areas, whether briefly or for longer periods of time, and in the detention facilities it investigated in the Russian Federation. The span of locations where torture was committed confirms that it was widespread.

75. The Commission identified several shared patterns in the way in which torture was committed, reinforcing that it was systematic (see para. 34). During the current mandate, it documented additional common elements, notably concerning violent practices used in official detention facilities in the Russian Federation, which have been transposed to such facilities in areas under Russian control in Ukraine. Other common elements concern the recurrent use of sexual violence as a form of torture in all types of detention facilities investigated and the general absence or denial of medical assistance in a context in which torture is committed.

76. The evidence collected further demonstrates that Russian authorities have deployed specific services and security forces from the Russian Federation to various detention facilities in areas they controlled in Ukraine. Locally recruited personnel worked under their authority. Those services and forces acted in a coordinated manner, and according to a specific division of labour, in the commission of torture.

77. Victims and witnesses made multiple references to the involvement of high-ranking detention facility officials, as well as to orders received by lower ranking personnel. Torture was committed openly, with an apparent sense of impunity.

78. These elements combined lead the Commission to consider that it has sufficient evidence to determine that the Russian authorities have acted pursuant to a coordinated state policy to torture Ukrainian civilians and prisoners of war. The Commission therefore concludes that Russian authorities have committed crimes against humanity of torture in the context of their full-scale invasion of Ukraine.

2. Sexual and gender-based violence

79. The Commission documented new cases of sexual violence committed by Russian authorities in areas under their control. These violations and crimes were committed in similar circumstances as highlighted by the Commission in its previous reports; during confinement and in the context of forced house searches.

(a) Sexual violence committed during confinement

80. The Commission has described above general patterns of sexual violence used as a form of torture during detention (see paras. 47-49) and documented individual cases, which it outlines in the present section. In those cases, the Commission found that the war crime of sexual violence, which also amounted to torture, was committed. It found in addition that the war crime of torture has been committed. In each case, sexual violence was used, as a form

[28] Rome Statute, article 7(1) (f) and 7(2)(a).

[29] Elements of Crimes of the International Criminal Court, p. 3, para. 3.

of torture, to extract information from the victims or to punish them. All victims were men, both civilians and prisoners of war. The victims cited perpetrators belonging to Russian armed forces or personnel of detention facilities operating under Russian authorities. Two victims stated that perpetrators acted as if they had expertise in inflicting suffering. Three of the cases occurred in the same detention facility in Kherson city, Kherson province.

81. In May 2022, in the Olenivka colony, as part of the torture of a young Ukrainian, prisoner of war, personnel of the Federal Penitentiary Service and of the former so-called Donetsk People's Republic inflicted burns on his perineal area. He endured particular harsh treatment because he held the rank of officer.

82. In August 2022, in Kherson city, Russian soldiers confined a 33-year-old civilian man in a detention facility for almost two weeks, accusing him of "pro-Ukrainian activism and organization of protests". During interrogations, perpetrators administered electric shocks through wires connected to his genitals, stamped on his genitals, turned them with their hands, and threatened to cut off his testicles. During one session, perpetrators stripped the victim naked, ordered him to lie in a humiliating position, and brought in a man who, according to the victim, raped him, using a pen. Perpetrators brought him back to his cell and left him naked for 36 hours.

83. In August 2022, in Kherson city, Russian soldiers confined a 49-year-old civilian man in a detention facility, where they interrogated him about his affiliation with Ukrainian authorities. Perpetrators subjected him to beatings and electric shocks with wires connected to his genitals, stripped him naked, and attempted to rape him with a rubber baton.

84. In September 2022, in Kherson city, a Russian soldier and a man in civilian attire confined a man in a detention facility. During interrogation, perpetrators questioned him about his loyalty to President Zelenskyy and subjected him to electric shocks with wires attached to his genitals and to his testicles. The victim was wet from having endured waterboarding immediately before that.

85. In addition to these cases, the Commission is investigating reports of sexual violence in Kherson and Zaporizhzhia provinces. All victims were civilian men in their early twenties or thirties and were subjected to torture committed during confinement by Russian armed forces, to extract information. Victims were subjected to, among other acts, threats of rape with an object and repeated electric shocks to genitals. Another victim was forced to watch a video showing the castration of a Ukrainian prisoner of war and threatened with the same.

(b) Sexual violence in the context of forced house searches

86. The Commission continued its investigation of cases in which victims have been subjected to rape and sexual violence when Russian armed forces broke into their homes in areas under their control. In recent cases, the victims were women. The Commission found that the war crime of rape was committed, which also amounts to torture. The perpetrators were Russian soldiers, who identified women in a vulnerable situation during one or several initial searches of their houses.

87. In March 2022, in a village of Kyiv Province, after several searches of a house, Russian armed forces accused a 31-year-old woman living there of having suspicious content on her phone and directed her to come for interrogation. In a neighbouring house, one of the soldiers ordered her to undress, said that he was not interested in her phone, and raped her. He raped her again in the same way on another day. Afterwards, the woman did her best to conceal what happened as she did not want to distress her family.

88. In April 2022, in Balakliia city, Kharkiv Province, Russian armed forces conducted a house search and noticed that a 33-year-old woman was at home with her 6-year-old girl. One of the soldiers returned during the night and ordered the woman to come with him. She refused. The man assaulted her on the kitchen table and raped her repeatedly, at gun point, over several hours.

89. The Commission investigated two incidents in which women were raped in the Beryslav District of the Kherson Province. It previously documented ten other cases of rape in the same district. In April 2022, a Russian soldier came to the house of a 68-year-old woman, locked her 25-year-old son in a room, threatened her and raped her. She stated that

she did not resist, as she feared for her son of fighting age and also did not want her son to know what had happened. In August 2022, Russian soldiers conducted a search of a house where a 69-year-old woman lived alone. One soldier returned, hit the woman several times and raped her twice. The victim did not report the case and did not consult a doctor, as she did not want to burden her son and grandson, who were both on the frontline.

(c) Consequences for the victims

90. In addition to physical trauma, victims reported the grave psychological impact of the violations and difficulties reintegrating into their families and in society. A man, who attempted to commit suicide in his cell after he was subjected to sexual violence, stated, "I thought I just wouldn't survive this and would go crazy. … I felt broken, completely destroyed, and no longer a man". Victims mentioned suffering from memory loss, difficulties in communicating, resorting to drinking, and separations from family members as consequences of their ordeals. Relatives of victims also shared sentiments of anxiety and suffering.

V. Conclusions and recommendations

91. **During its third mandate, the Commission has collected new evidence of violations of international humanitarian law and human rights law, as well as crimes, committed by Russian authorities. Frequent blackouts caused by massive waves of attacks by the Russian Federation against Ukraine's energy-related infrastructure have curtailed aspects of the enjoyment of rights to health and education, particularly for certain categories of persons. This is likely to worsen during the colder months. Also, the continued attacks with explosive weapons led to civilian casualties, damage, and destruction.**

92. **In its previous reports, the Commission found widespread and systematic use of torture by Russian authorities against civilians and prisoners of war. It has now established that torture was committed in all provinces of Ukraine where Russian authorities took control of areas and in detention facilities in the Russian Federation. The Commission has documented new common elements in the way in which torture was committed. They include the transposition of violent practices used in official detention facilities in the Russian Federation to such facilities in areas under Russian control in Ukraine. Other common elements concern the recurrent use of sexual violence as a form of torture in detention facilities and the general absence or denial of medical assistance in a context in which torture is committed.**

93. **Evidence demonstrates that services from the Russian Federation have been deployed to detention facilities held by Russian authorities in Ukraine, who have acted in a coordinated manner and according to a division of labour in the commission of torture. Testimonies also illustrate orders of superiors and a prevailing sense of impunity among perpetrators.**

94. **The conjunction of these elements has led the Commission to conclude that Russian authorities have acted pursuant to a policy encouraging torture against civilians and prisoners of war and have thereby committed torture as a crime against humanity.**

95. **The victims described physical pain and trauma, with long-term complications, including disability. They emphasised the immense psychological challenges, with recurrent nightmares, anxiety, difficulties in communicating, including with family members, at times leading to separations, and challenges in reintegrating into society. They conveyed the constant fear of being detained again and subjected to the same ordeal.**

96. **In its reports, the Commission has emphasised the importance of all forms of accountability. Regarding criminal accountability, identifying and prosecuting perpetrators of crimes is key to ending the culture of impunity. Victims and their families have stressed this as an essential part of their sense of justice. The wife of a civilian man who was a victim of torture and sexual violence recounted how he struggled**

to cope after his release. She "[…] urged all perpetrators to be held accountable and tried according to the law, acknowledging that it wouldn't bring her husband back, but might provide some solace".

97. **The recommendations made in previous reports remain relevant. The Commission sets out below specific recommendations to address issues developed in the current report.**

98. **The Commission recommends that the Russian Federation immediately:**

(a) **Cease aggression and all acts of violence committed against civilians and prisoners of war in violation of international human rights and international humanitarian law;**

(b) **End the use of torture and other forms of ill-treatment against civilians and prisoners of war;**

(c) **Take necessary measures to prevent sexual and gender-based violence.**

99. **The Commission recommends that the Russian Federation:**

(a) **Ensure that all perpetrators, in particular commanders and other superiors and those ordering, soliciting or inducing the commission of international crimes, are held accountable in accordance with international law;**

(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, the Federal Security Service and the Federal Penitentiary Service, with a view to ensuring that discipline and respect for international human rights and international humanitarian law are upheld, along with the principle of superior responsibility;**

(c) **Cooperate fully with all international monitoring and investigative bodies;**

(d) **Take all feasible precautions to protect civilians and civilian infrastructure and end attacks against energy-related infrastructure in Ukraine.**

100. **The Commission recommends that Ukraine:**

(a) **Comprehensively address mental health and psychosocial needs resulting from the armed conflict;**

(b) **Continue building capacity for gender-sensitive and survivor-centred legal processes of accountability and provide reparative justice, including medical and psychosocial support to all victims;**

(c) **Keep up efforts to mitigate the effects of the damage caused by the attacks on the energy infrastructure by means of emergency measures and the continuation of innovative longer-term policies to diversify and decentralise energy production, taking due account of the specific needs of vulnerable groups, in particular children, older persons, persons with disabilities and internally displaced persons.**

Annex

Detention facilities in areas that were under Russian Federation control in Ukraine and in the Russian Federation

The list below enumerates detention facilities held by Russian authorities where the Commission has confirmed the use of torture through investigations since its appointment. Additional detention facilities are under investigation.

In areas under Russian Federation control in Ukraine

Kherson Province

- Pre-trial detention centre No. 2, Chonhar village
- Temporary detention centre, Kherson city
- Police department, Nova Kakhovka city
- Temporary detention centre, Hola Prystan city
- School (makeshift facility), Biliayivka village
- Sanatorium (makeshift facility), Hola Prystan city

Zaporizhzhia Province

- Correctional Colony No. 77 (aka Prymorsk Colony no.145), Berdiansk city
- Police department, Berdiansk city
- Police Department, Enerhodar city
- Police Department, Melitopol city
- District police, Vasylivka town

Donetsk Province

- Volnovakha Correctional Colony No. 120, known as Olenivka, in Molodizhne village
- Kalinin Correctional Colony No. 4 (previously No. 27), Horlivka city

Kharkiv Province

- Police Department, Izium city
- Railway Hospital (makeshift facility), Izium city
- Police Department, Balakliia town

Kyiv Province

- "Viknaland" metal plant (makeshift facility), Dymer village

Luhansk Province

- Pre-trial detention centre in Starobilsk city, Luhansk Province

Chernihiv Province

- Agricultural shed (makeshift facility), Vyshneve village

Mykolaiv Province

- Location near a water canal (makeshift), Novopetrivka village

Autonomous Republic of Crimea

- Pre-trial detention centre No. 2, Simferopol city

In the Russian Federation

Belgorod Province

- Pre-trial detention facility No. 2, Staryi Oskol city
- Correctional colony No. 6, Valuyki town

Kursk Province

- Pre-trial detention centre No. 1, Kursk city

Bryansk Province

- Pre-trial detention centre No. 2, Novozybkov city

Tula Province

- Correctional colony No. 1, Donskoy town

Tver' Province

- Pre-trial detention centre No. 2, Kashyn town

Ryazan' Province

- Pre-trial detention centre No. 2, Ryazhsk town

Volgograd Province

- Pre-trial detention centre no.2, Kamyshin city

Republic of Mordovia

- Correctional Colony No. 10, Udarnyi village