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Human rights situations that require the Council's attention

Written statement* submitted by Institute for Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[6 February 2023]

* Issued as received, in the language of submission only.



Continuing Gross Violation Of International Humanitarian Law By The Russian Federation Resulting From Its Aggression Against Ukraine

The Institute of Human Rights (IHR) highly appreciates the amount of investigation and commends the work done by the independent international commission of inquiry on Ukraine which found its reflection in the written report dated back to 18 October 2022.

The Russian Federation's unprovoked full-scale invasion of the integral and sovereign territory of Ukraine is an explicit violation of the UN Charter and unprecedented "aggression" under the terms of Resolution 3314 (XXIX) of the United Nations General Assembly (UNGA) adopted in 1974. The IHR shares a strong condemnation of the Russian Federation invasion of Ukraine while emphasizing that such a threat to global security and peace cannot remain unanswered by the Office of the United Nations High Commissioner for Human Rights, as its role in contributing to an objective understanding of the situation in Ukraine is vital.

In its activity, the IHR aims to actively promote and protect human rights stipulated in the Universal Declaration of Human Rights and the Charter of the United Nations. The IHR is deeply concerned about the ongoing war of aggression waged by the Russian Federation against Ukraine – the scale of which has not been seen since World War II.

Since the atrocities committed in late February and March 2022 and reported by the international commission of inquiry on Ukraine, the scope of the Russian Federation's blatant and flagrant violations of both international humanitarian law and laws of war has only been deteriorating. The Russian Federation Armed Forces continue to target civilians, use cluster munitions as well as other prohibited means of weapons, attack humanitarian corridors, apply torture and extensive violence to the prisoners of war, conduct forced deportation, and use rape and sexual violence as a tool of war. By the time of issuing the above-mentioned report, the number of civilian casualties was 15,908 people, whilst the latest OHCHR record update by 2 January 2023 estimates 17,994 war victims. The majority of casualties have occurred due to the indiscriminate use of artillery, missiles, and bombs in densely populated areas alongside multiple launches of the rocket systems.

The IHR feels right to draw the attention of the UN Human Rights Council (HRC) and the independent international commission of inquiry in particular to the outrageous fact of the Russian Federation's constant violation of the Universal Declaration of Human Rights and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict by being accountable for numerous casualties among children. According to the estimated statistics provided by the Office of the President of Ukraine, the National Police of Ukraine, and the Office of the Prosecutor General the number of death cases among children has reached 460, meanwhile, the National Information Bureau recorded 16,222 children being deported by force to the territory of the Russian Federation as of 5 February 2023. Moreover, the total number of cases of inhumane conduct by the Russian forces and their proxies cannot be established due to the active hostilities and temporary occupation of part of the territory of Ukraine.

Furthermore, the IHR would like to highlight the latest update on the situation in Ukraine (1 August - 30 October 2022) issued by the UN Human Rights Monitoring Mission in Ukraine (HRMMU), according to which, since 10 October 2022, the Russian Federation has significantly increased missile, rocket and loitering munitions strikes on cities and energy supply objects across Ukraine, leading to the limitation of the access to water, electricity, heating, and essential communications for indefinite periods of time. Considering the cold winter temperatures in Ukraine, the destruction of critical infrastructure puts at risk millions of lives, leaving the whole country on the edge of a humanitarian catastrophe. Additionally, the HRMMU mentions 86 cases of conflict-related sexual violence reported from the areas of Kharkiv and Kherson regions, that were used as a part of torture and ill-treatment in the context of detention. According to the investigation being made, the HRMMU stated that during the reported period, civilians (including minors) willing to evacuate from the Russian Federation-controlled territories of Kherson and Zaporizhzhia regions, were forced to pass the "filtration" and placed in so-called "filtration camps." Analyzing first-hand information,

including interviews with witnesses and victims of alleged violations and abuses, it is evident that the Russian Federation has arranged illegal deportation of children who lost or were separated from their parents or guardians by transferring them to the Russian Federation where later they were brought to the "filtration camp," and then placed in foster care in the Russian Federation.

Additionally, the IHR is highly alarmed by the decision of the UN Secretary-General delivered on 5 January 2023 by Stéphane Dujarric, the Spokesperson for the UN Secretary-General regarding the disbanding of the fact-finding mission into the Olenivka prison attack, where more than 53 Ukrainian combatants in captivity were deliberately killed by the Russian Federation, due to the absence of conditions required for the deployment of the mission to the site.

Taking into account Resolution 49/1 of the Human Rights Council of 4 March 2022 and Resolution S-34/1 of 12 May 2022, the independent international commission of inquiry is fully mandated to establish the facts, circumstances, and root causes of such violations, and, where possible, to identify those responsible, as well as to make recommendations, in particular on accountability measures.

With this said, the IHR welcomes the work of the independent international commission of inquiry and kindly urges consideration of the following:

1. We call on the Commission to proceed with the investigation of the summary executions in the places of massive burials located in the liberated cities such as Bucha, Irpin, and Izium;
2. We call for the examination of the situation with the forced deportation of children and the establishment of the "filtration camps";
3. We call for a thorough survey of the indiscriminate attacks against residential areas and civilian infrastructure;
4. We urge the Commission to take up the inquiry of the fact-finding mission into the Olenivka and encourage further efforts to ensure full accountability of the perpetrators of war crimes;
5. We urge the Commission to issue a recommendation on the establishment of accountability for the crime of aggression, mainly for the one being reported on 18 October 2022.