



# Генеральная Ассамблея

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## Совет по правам человека

### Пятьдесят девятая сессия

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Пункт 3 повестки дня

**Поощрение и защита всех прав человека,  
гражданских, политических, экономических,  
социальных и культурных прав,  
включая право на развитие**

## Посещение Украины

**Доклад Специального докладчика по вопросу о внесудебных  
казнях, казнях без надлежащего судебного разбирательства  
или произвольных казнях Морриса Тидболла-Бинца\***

### *Резюме*

Секретариат имеет честь препроводить Совету по правам человека доклад Специального докладчика по вопросу о внесудебных казнях, казнях без надлежащего судебного разбирательства или произвольных казнях Морриса Тидболла-Бинца об официальном посещении Украины, состоявшемся с 20 по 31 мая 2024 года. В настоящем докладе Специальный докладчик рассматривает нарушения права на жизнь в контексте продолжающейся агрессии Российской Федерации против Украины, предлагает рекомендации по эффективному и ориентированному на жертв расследованию и преследованию этих международных преступлений и возмещению ущерба за них, настоятельно призывает международное сообщество активизировать помощь Украине и выражает свою готовность оказать содействие в этих усилиях.

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## Приложение

### **Доклад Специального докладчика по вопросу о внесудебных казнях, казнях без надлежащего судебного разбирательства или произвольных казнях Морриса Тидболла-Бинца о посещении Украины**

#### **I. Introduction**

1. At the invitation of the Government, the Special Rapporteur on extrajudicial, summary or arbitrary executions, Morris Tidball-Binz, conducted an official visit to Ukraine from 20 to 31 May 2024, during which he travelled to Kyiv, Kharkiv, Dnipropetrovsk and Chernihiv Oblasts.
2. The visit was conducted in a spirit of constructive dialogue, guided by the principles of independence, impartiality, objectivity and integrity and followed a victim-centred approach.
3. The Special Rapporteur expresses his utmost gratitude to the Government for its excellent cooperation in preparing for and facilitating the visit, its openness in sharing information and its commitment to continuing the constructive dialogue in follow-up.
4. In Ukraine, the Special Rapporteur had the opportunity to meet with State authorities, including the Minister of Justice and the heads of the forensic, penitentiary and international cooperation departments at the Ministry of Justice; senior officials from the Ministries of Foreign Affairs, Internal Affairs, Defence and Health; and officials of the medico-legal bureaux in Kyiv, Kharkiv and Dnipropetrovsk, under the Ministry of Health. He met with the Prosecutor General of Ukraine, officials of the regional prosecution offices in Chernihiv, Kharkiv and Dnipropetrovsk Oblasts, and officials of State investigative and security agencies such as the National Police of Ukraine, the Security Service of Ukraine, the State Bureau of Investigation, the Office of the Commissioner for Persons Missing in Special Circumstances and the Coordination Headquarters for the Treatment of Prisoners of War. He also met with the parliamentary Commissioner for Human Rights (Ombudsman).
5. The Special Rapporteur extends his appreciation to the Prosecutor General and the regional prosecution offices, in particular the regional prosecutor in Chernihiv and his team for facilitating field visits to the villages of Sloboda and Yahidne, to investigate sites of killings and meet with survivors and families of victims. He recognizes the valuable assistance of the regional prosecution offices in Kharkiv and Dnipropetrovsk in facilitating bilateral exchanges with families of victims, in full compliance with the terms of reference of country visits by special procedure mandate holders.
6. The Special Rapporteur is grateful to the forensic doctors and pathologists at the medico-legal bureaux in Kharkiv and Dnipropetrovsk for facilitating unhindered site visits to mortuaries, despite challenging working conditions.
7. The Special Rapporteur held meetings with international organizations, including the International Criminal Court, the European Union Advisory Mission for Civilian Security Sector Reform in Ukraine, the International Development Law Organization, the International Commission on Missing Persons and the International Committee of the Red Cross (ICRC). He met with national and international human rights monitors and civil society organizations, and had meaningful exchanges with survivors and families of victims.
8. At the end of his visit, the Special Rapporteur, with the support of the Embassy of the Kingdom of the Netherlands in Kyiv, offered a briefing on his preliminary findings and recommendations to members of the diplomatic community, stressing the need to continue to assist Ukraine.
9. The Special Rapporteur deeply admires the courage and perseverance of survivors and families of victims in their relentless and dignified pursuit of truth, justice and reparations. He reiterates his availability and willingness to support them and to assist and

advise national institutions in their efforts, in his capacity as Special Rapporteur and as forensic doctor.

## II. Previous visit

10. A previous mandate holder visited Ukraine from 8 to 18 September 2015. At the time, at least 9,167 people had been killed, 21,044 had been injured and 1,000 remained missing following the armed conflict triggered by illegal annexation, in March 2014, of the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, temporarily occupied by the Russian Federation.<sup>1</sup> In his report, the previous mandate holder urged impartial and independent investigations into allegations of breaches of international law,<sup>2</sup> and underscored the importance of identification and communication regarding the deceased in the context of armed conflict.<sup>3</sup>

11. The previous mandate holder expressed shock about the targeting of a passenger airliner, Malaysian Airlines flight MH17, which was shot down on 17 July 2014, killing all 283 passengers and 15 crew on board. He welcomed the investigations that were under way and called for accountability and reparations for the victims' families.<sup>4</sup>

12. The previous mandate holder expressed concern about the lack of progress in the investigations into the killings in February 2014 of anti-Government protesters and police officers during the Maidan protests in Kyiv and the reported killings in May 2014 during clashes between pro- and anti-Government protesters in Odesa and in Mariupol, and he urged, as a matter of priority, the completion of impartial and transparent investigations into the events. The Special Rapporteur endorses the recommendations of his predecessor, and the relevant recent decision by the European Court of Human Rights.<sup>5</sup>

## III. Scope of the visit

13. The objective of the visit was to examine reported violations of the right to life since the full-scale invasion of Ukraine by the Russian Federation in February 2022, including patterns of unlawful killings of civilians, either as a result of attacks directed at civilians or due to the use of weapons with indiscriminate impact in densely populated areas, and of summary executions of civilians, prisoners of war and members of the armed forces no longer taking part in hostilities, and to make recommendations for effective investigation, documentation, prosecution and reparation, paying particular attention to the rights of victims and their families. The Special Rapporteur also visited sites of missile and artillery attacks launched by the Russian Federation in civilian neighbourhoods, notably in Kharkiv, and inspected sites of arbitrary detention, torture and extrajudicial killings, in liberated areas.

14. The Special Rapporteur assessed existing legislative and institutional frameworks in Ukraine for effectively investigating and prosecuting unlawful killings under international

<sup>1</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), "Report on the human rights situation in Ukraine: November 2015–February 2016", 3 March 2016, para. 6.

<sup>2</sup> A/HRC/32/39/Add.1, para. 95.

<sup>3</sup> Ibid., para. 55. See also ICRC, "Ukraine: best practices in dead body recovery discussed in Lugansk", 23 January 2016; available at <https://www.icrc.org/en/document/ukraine-crisis-best-practices-dead-body-recovery-discussed-lugansk>.

<sup>4</sup> A/HRC/32/39/Add.1, paras. 87 and 88. In 2016, a joint investigation team, formed by Australia, Belgium, Malaysia, the Kingdom of the Netherlands and Ukraine, reported, on the basis of abundant forensic evidence, that the plane was shot down with a Buk 9M38 surface-to-air missile originating from the Fifty-Third Anti-Aircraft Missile Brigade of the Russian Federation, fired from rebel-controlled territory. In 2020, the Government of the Kingdom of the Netherlands brought the case before the European Court of Human Rights. In November 2022, a court in the Kingdom of the Netherlands found two officials from the Russian Federation and a Ukrainian separatist guilty of murdering all 298 people on board, and sentenced them in absentia to life imprisonment.

<sup>5</sup> European Court of Human Rights, *Vyacheslavova and others v. Ukraine*, Applications No. 39553/16, No. 52632/16, No. 53467/16, No. 59339/17, No. 59531/17, No. 76896/17 and No. 47092/18, Judgment, 13 March 2025.

human rights law and international humanitarian law and for supporting and assisting victims and their families. He learned about the work of and coordination among national investigative and prosecutorial agencies in establishing facts, collecting and corroborating evidence and referring cases to the judicial system with a view to bringing perpetrators of serious crimes to justice and assisting victims, and about the relevant technical assistance provided to the Government by international agencies.

15. In preparation for, during and after the visit, the Special Rapporteur received information relevant to his mandate from various stakeholders, for which he is grateful. He was also informed by reports of the Office of the United Nations High Commissioner for Human Rights (OHCHR), based on the work of its human rights monitoring mission in Ukraine, and the Independent International Commission of Inquiry on Ukraine.

## IV. Background

16. In March 2014, the illegal annexation of the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, temporarily occupied by the Russian Federation, was denounced by the international community. On 27 March 2014, in its resolution 68/262, the General Assembly affirmed its commitment to the sovereignty, political independence, unity and territorial integrity of Ukraine within its internationally recognized borders.

17. On 24 February 2022, the Russian Federation launched a full-scale land, sea and air invasion of Ukraine, marking a significant escalation since 2014. This aggression by the Russian Federation constitutes a flagrant violation of international law, including the prohibition of the use of force under Article 2 (4) of the Charter of the United Nations.

18. The aggression by the Russian Federation has resulted in widespread destruction, mass displacement and a significant death toll. OHCHR documented that between 24 February and 6 April 2022 alone, 441 civilians had been unlawfully killed by the armed forces of the Russian Federation, which controlled large areas of Kyiv, Chernihiv and Sumy Oblasts at the time. Furthermore, mass graves were discovered in Izium, following its liberation in September 2022. By October 2022, the police had reportedly recovered 1,365 civilian bodies from areas retaken by Ukraine and discovered mass graves in Bucha and Irpin. Many of the bodies bore signs of perimortem trauma consistent with torture.<sup>6</sup>

19. The reported number of civilian casualties resulting from the aggression by the Russian Federation against Ukraine had reached 43,610 individuals by March 2025, of whom 12,910 were killed, primarily in territory controlled by the Government of Ukraine and caused by attacks by the Russian Federation near the front line.<sup>7</sup> Casualties included men, women and children, with a disproportionate impact on older people. The use of explosive weapons with wide-area effects in populated areas has not only resulted in a tragic loss of life, but also fuelled widespread fear and trauma among survivors and affected communities.

20. Tens of thousands of Ukrainian soldiers have died, primarily in combat and some in the captivity of the Russian Federation, and many remain missing. They leave behind devastated families in need of truth and reparation, including through the search for and recovery, reliable identification and return of the bodies or human remains of their deceased loved ones.

<sup>6</sup> OHCHR, “Killings of civilians: summary executions and attacks on individual civilians in Kyiv, Chernihiv, and Sumy Regions in the context of the Russian Federation’s armed attack against Ukraine – 24 February–31 October 2022”, 7 December 2022, paras. 25 and 27.

<sup>7</sup> OHCHR, “Ukraine: protection of civilians in armed conflict – March 2025 update”, 9 April 2025, p. 3.

## V. Legal framework

### International legal framework

21. Ukraine is party to eight of the nine core human rights instruments, including the International Covenant on Civil and Political Rights, under which the right to life is enshrined in article 6 and States Parties are required to take measures to prevent arbitrary deprivation of life under their jurisdiction or control. The Russian Federation has also ratified the Covenant. Obligations stemming from article 6 continue to apply in situations of armed conflict, including the duties to investigate potentially unlawful deaths, in accordance with international standards such as the Minnesota Protocol on the Investigation of Potentially Unlawful Death, bring those responsible to justice and provide reparation to victims.

22. Ukraine is also a State Party to the International Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. At the regional level, Ukraine is party to the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), under which the right to life is provided for in article 2.

23. The situation in Ukraine is an international armed conflict, pursuant to common article 2 of the Geneva Conventions of 12 August 1949, owing to the armed hostilities existing between Ukraine and the Russian Federation, through their respective armed forces or other actors acting on their behalf.<sup>8</sup> Both Ukraine and the Russian Federation are party to the Geneva Conventions of 1949. Ukraine has ratified Protocols I, II and III Additional to the Geneva Conventions, while the Russian Federation has ratified Protocols I and II and signed Protocol III.<sup>9</sup>

24. On 24 August 2024, the parliament of Ukraine adopted legislation to ratify the Rome Statute of the International Criminal Court. On 9 October 2024, the parliament adopted amendments to the Criminal Code and Criminal Procedure Code,<sup>10</sup> with a view to bringing national legislation into line with the Rome Statute and determining the punishment for crimes therein, such as genocide, crimes against humanity, war crimes and crimes of aggression.<sup>11</sup> On 10 May 2021, the parliament had adopted draft law No. 2689 on amendments to certain legislative acts on the enforcement of international criminal and humanitarian law, with the objective of eliminating the statute of limitations with regard to crimes of aggression, genocide, crimes against humanity and war crimes, allowing for the reclassification of such crimes and granting universal jurisdiction in cases involving such crimes.

25. Ukraine became a member of the International Criminal Court on 1 January 2025. Despite this positive development, the Special Rapporteur is concerned about the declaration made by Ukraine that, for a period of seven years after the entry into force of the Rome Statute for Ukraine, it would not accept the jurisdiction of the Court regarding war crimes allegedly committed by its nationals. He is also concerned about the possible adoption of draft laws (No. 11538 and No. 11539) that are not fully aligned with the definition of

<sup>8</sup> A/77/533, para. 17.

<sup>9</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); and Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III).

<sup>10</sup> Law No. 11484.

<sup>11</sup> The Criminal Code was supplemented by new article 442-1, entitled “Crimes against humanity”, article 438 was renamed from “Violation of the laws and customs of war” to “War crimes” and new article 31-1 provides for the liability of military commanders.

international crimes under the Rome Statute and may undermine existing investigations into war crimes.<sup>12</sup> The Russian Federation is not a party to the Rome Statute.

26. The Special Rapporteur indicates that while the Russian Federation bears primary responsibility for initiating the conflict, as the aggressor State, and for perpetrating the majority of verified civilian casualties, both parties to the conflict are bound by the *jus in bello* principle of equal application,<sup>13</sup> involving an obligation to protect civilians and prevent unlawful killings. He is worried that the protection of Ukrainian nationals from prosecution for international crimes runs afoul of principles of international law.

## National legal framework

27. The right to life is guaranteed in the Constitution (art. 27) and in other national legislation. Acts of arbitrary deprivation of life can be prosecuted under the Criminal Code, especially if they are at the core of the offence.<sup>14</sup> The crime of aggression is criminalized (art. 437), as are acts constituting violation of the rules of warfare, including when such acts cause the death of people (art. 438).

28. On 24 February 2022, in response to the invasion of Ukraine by the Russian Federation, the President of Ukraine declared martial law, which has since been extended by the parliament as the aggression by the Russian Federation has continued. While martial law restricts certain rights and freedoms, the right to life is non-derogable and cannot be limited or suspended under any circumstances.

29. In 2018, in response to the increased number of persons missing as a result of the armed conflict in eastern Ukraine, the parliament adopted the Law on the Legal Status of Missing Persons in order to implement the obligations of Ukraine under international law, including international humanitarian law, towards the missing and the dead. The law provides for the creation of a unified register of missing persons and a commission to coordinate activities of governmental agencies involved in tracing and identifying missing persons and providing support for their families.<sup>15</sup>

30. The Special Rapporteur welcomes the national legal framework providing for reparation and compensation for victims of torture and arbitrary deprivation of liberty,<sup>16</sup> in addition to support to victims of sexual violence,<sup>17</sup> related to the aggression by the Russian Federation against Ukraine. He recognizes these measures as positive and encourages their expansion to families of victims of unlawful killings, who are equally suffering and should themselves be considered as victims owing to the extreme pain and suffering that they endure, often compounded by the complexity of recovering the bodies or remains of their loved ones. Particular attention should be given to women, who are often affected by the unlawful killing of their partners or relatives.

<sup>12</sup> See Centre for Civil Liberties, “The opinion of the Centre for Civil Liberties on the alignment of the Ukrainian criminal legislation with international criminal law”, 13 December 2024.

<sup>13</sup> Protocol Additional I, art. 96 (3) (c).

<sup>14</sup> Including under articles 115 (murder – that is, wilful unlawful killing – with aggravating factors), 116 (murder committed in a state of strong mental agitation and caused by unlawful violence, systematic harassment or grievous insult of the victim), 117 (infanticide), 118 (murder committed in excess of necessary defence or as a result of excessive use of force to arrest an offender), 119 (homicide by negligence) and 120 (driving a person to suicide, with aggravating factors).

<sup>15</sup> United States of America, Department of State *2018 Country Reports on Human Rights Practices: Ukraine* (Washington, D.C., 2018), p. 16.

<sup>16</sup> See Cabinet of Ministers’ Resolution No. 296 of 15 March 2024 on the provision of mental health and psychosocial assistance to victims of the war, under the Ministry of Health.

<sup>17</sup> Law No. 4067-IX of 20 November 2024 on the status of victims of sexual violence related to the armed aggression by the Russian Federation against Ukraine and urgent interim reparations.

## VI. Violations of the right to life in the context of the aggression by the Russian Federation against Ukraine

31. During his visit, the Special Rapporteur examined several incidents involving potentially unlawful killings of civilians, including those resulting from either targeted attacks against civilians and civilian objects, or indiscriminate attacks, in addition to cases of summary executions and deaths in custody of Ukrainian civilians, soldiers hors de combat and prisoners of war. In gathering and verifying information, he primarily relied on field visits, interviews with victims' families and witnesses, and forensic data and research obtained from other credible sources. In his interactions with families of victims and survivors, the Special Rapporteur observed their profound trauma and ongoing pain and suffering, and the challenges faced in pursuing justice and accountability.

### 1. Attacks on civilians and other protected groups

32. OHCHR recorded 43,610 civilian casualties in Ukraine between 24 February 2022 and 31 March 2025, of whom 12,910 – nearly 30 per cent – were killed and 30,700 injured. Of these casualties, 36,599 (of whom 10,232 were killed) occurred in territory controlled by the Government of Ukraine and 7,011 (of whom 2,678 were killed) in territory occupied by the armed forces of the Russian Federation. The majority of casualties were caused by explosive weapons with wide-area effects, followed by firearms, including as a result of crossfire, and road accidents involving either military vehicles or civilian vehicles driven by the military in the area of hostilities, with a lower number of casualties caused by mines and explosive remnants of war. The actual number of civilian casualties is believed to be considerably higher.<sup>18</sup>

33. Furthermore, as of June 2023, OHCHR had received information regarding 287 civilian casualties in the territory of the Russian Federation, as of June 2023.<sup>19</sup> Owing to the lack of access by independent international monitors, the Special Rapporteur is unable to corroborate this information.

34. In Dnipropetrovsk Oblast, the Special Rapporteur met with families of victims of attacks by the Russian Federation, using missiles and loitering munitions,<sup>20</sup> on the railway in Dnipro and in residential areas in Kryvyi Rih and Synelnykove, which had taken place on 19 April 2024, killing at least 7 civilians and injuring 34 others. The attack in Synelnykove district killed a family of five, including two children, leaving the third, a 6-year-old, as the only survivor. On that day, at 5 a.m., the family's house was hit by a missile, immediately killing two women, a 14-year-old girl and a 8-year-old boy as they were sleeping. The 6-year-old boy was in a critical condition and spent six days in hospital. At the time of the visit, his aunt was caring for him while finalizing official procedures to become his legal guardian. The strike was in a residential area. Furthermore, the Special Rapporteur inspected the vicinity of the railway station in downtown Dnipro, where the attacks by the Russian Federation on 19 April 2024 had hit a residential compound, killing two civilians.

35. The Special Rapporteur witnessed the impact of the missile attack by the Russian Federation on the busy *Epicentr* hypermarket, in the Kyivskyi district of Kharkiv, on 25 May 2024, while he was present in the area. The attack killed 19 persons, including two children, and injured 54 others. According to information obtained, UMPB D30-SN guided bombs were launched by forces of the Russian Federation, causing three large explosions at the hypermarket during a very busy time of the weekend.

<sup>18</sup> OHCHR, "Ukraine: protection of civilians in armed conflict – March 2025 update", pp. 3 and 4.

<sup>19</sup> OHCHR, "Civilian casualties in Ukraine: 24 February 2022–30 June 2023", 7 July 2023, p. 1.

<sup>20</sup> According to the prosecution office in Dnipropetrovsk, and based on investigations, the weapons used by the Russian Federation consisted of KH-101 and KH-59 missiles, which usually have a high level of target precision.

36. Attacks against the civilian population in violation of the customary principles of distinction, proportionality and precaution are strictly prohibited under international humanitarian law and may constitute war crimes.<sup>21</sup>

37. The Special Rapporteur visited a school in the village of Yahidne, in Chernihiv Oblast, where he was informed that, in March 2022, 368 civilians, including 70 children (ranging from 6 weeks to 17 years old), pregnant women, 20 older persons (over the age of 70) and at least 1 cancer patient, had been arbitrarily detained in dire and overcrowded conditions for 27 days during the occupation of the village. The first floor of the school was reportedly used as military headquarters by the armed forces of the Russian Federation, and detained civilians were allegedly used as human shields. The Special Rapporteur spoke with survivors who had been held with their families at the school. They shared disturbing accounts of their conditions. Approximately 19 individuals were confined in a 9-square-metre room, and 27 individuals in a 22-square-metre room. According to one survivor, “not everyone could sleep; some had to stand”. The poor conditions of detention, including lack of heating, fresh air, clean drinking water, sanitation, adequate food and medical care caused the death of 10 older and sick persons.

38. The Special Rapporteur is appalled by the conditions of detention suffered by civilians held in the school in Yahidne, which amounted to torture and other forms of cruel, inhuman and degrading treatment or punishment, and the resulting death. He is also appalled by the alleged use of civilians, including persons in situations of vulnerability, as human shields to protect military sites from attack, and he underscores the explicit prohibition of this practice under international humanitarian law. These war crimes could not have happened without orders or approval from commanding officers.

39. Furthermore, since its full-scale invasion of Ukraine, the Russian Federation has consistently targeted the country’s energy system,<sup>22</sup> and attacks have escalated since early 2024. These strikes have had a significant and widespread impact on the supply of electricity and other essential services to the Ukrainian population and have killed at least 18 civilians. They have caused extensive damage to infrastructure for the generation, transmission and distribution of power, and have affected water distribution, sewage and sanitation systems, heating, the provision of hot water, public health, education and the broader economy, with significant consequences for civilian livelihoods.<sup>23</sup> The disruption of electricity and interconnected infrastructure systems has had significant implications for public health, particularly in terms of the operation of hospitals and clinics, and the negative health effects caused by lack of heat, clean water and telecommunications. The risks caused to the lives of those affected are particularly acute for older individuals and persons with disabilities.<sup>24</sup>

40. The Special Rapporteur noted with concern that medical installations and facilities were not spared. For example, the Independent International Commission of Inquiry on Ukraine documented several attacks by the Russian Federation on medical facilities between 2022 and 2024, notably in Mariupol and in Dnipropetrovsk and Kyiv Oblasts, in which 12 men and 1 woman, including medical personnel, were killed and dozens injured. The Special Rapporteur concurs with the Commission’s findings that these indiscriminate and disproportionate attacks are prohibited under international humanitarian law, and recalls that launching an intentional attack against medical facilities or personnel is a war crime, punishable under international humanitarian law and international criminal law.

41. An additional disturbing practice was brought to the Special Rapporteur’s attention during the visit, regarding the use of so-called “double-tap” strikes by the armed forces of

<sup>21</sup> Explosive weapons with wide-area effects, such as large bombs or missiles, artillery, mortars or multi-barrelled rocket launchers, when used in densely populated areas, often go beyond the target and affect civilians and civilian objects indiscriminately, resulting in death and suffering, primarily among civilians. The use of such explosive weapons in urban areas has a disproportionate effect on civilians, violating the principles of proportionality and distinction.

<sup>22</sup> A/HRC/52/62, paras. 40–43.

<sup>23</sup> See World Health Organization, “Ukraine: 2023–2024 winter risk assessment”, 10 November 2023.

<sup>24</sup> OHCHR has concluded that such attacks have been both widespread and systematic. See OHCHR “Attacks on Ukraine’s energy infrastructure: harm to the civilian population – bulletin”, 19 September 2024.

the Russian Federation, a tactic whereby two attacks are launched in rapid succession at the same target, the second causing casualties primarily among emergency responders and medical personnel. For example, on 19 May 2024, a recreation centre in Cherkaska Lozova, in Kharkiv Oblast, was hit by a missile, killing six civilians and injuring nine others. Less than 20 minutes later, a second missile struck, approximately 40 metres from the initial hit, injuring four additional persons, including two police officers and two medical workers, who were providing first aid to the wounded.<sup>25</sup> According to the State Emergency Service of Ukraine, double-tap strikes killed 91 first responders and injured 348 from the start of the full-scale invasion until April 2024. Double-tap strikes breach the principles of distinction, proportionality and precaution under international humanitarian law and the obligation to respect and protect medical and humanitarian personnel and individuals hors de combat.<sup>26</sup>

## 2. Unlawful killings of civilians

42. The Special Rapporteur is appalled by information received, including testimonies, reports and forensic evidence, regarding summary executions of civilians by members of the armed forces of the Russian Federation in areas that fell temporarily under its control. Many of these acts amount to serious violations of international humanitarian law and constitute war crimes. They may also amount to crimes against humanity, if widespread or systematic.

43. The Independent International Commission of Inquiry on Ukraine found a widespread pattern of targeted killings of civilians by the armed forces of the Russian Federation in areas that fell under its control, such as Chernihiv, Kharkiv, Kyiv and Sumy Oblasts. People were targeted in the street or during house-to-house searches or visits, for their real or perceived support of the Ukrainian armed forces. The Commission examined 84 credible allegations of the summary execution of at least 142 men, 8 women and 1 boy, in 43 localities in six regions.<sup>27</sup>

44. The Special Rapporteur received first-hand accounts of such crimes. In Chernihiv, he heard the testimony of a young survivor of an attempted summary execution by the armed forces of the Russian Federation. He was arrested together with his two brothers on 18 March 2022 during a house search, when soldiers of the Russian Federation found a military rucksack belonging to one of his brothers, who had formerly served in the Donbas region. The three brothers were interrogated and tortured, including with beatings, electric shocks, forced suspension and mock execution, for two days, before a colonel ordered their execution. They were taken outdoors, blindfolded and forced to dig a shallow pit. The soldiers then ordered them to kneel, and shot them from behind at close range. The victim remembers being shot from behind, at the side of the face. The shot traversed his mouth, causing him to lose consciousness. He was left for dead and thrown into the pit with his two brothers, both shot dead. After the soldiers had left, he found the strength to dig his way out and escaped during the night to a nearby village, where he sought help. The Special Rapporteur commends the young man and his family for their courage and resilience in calling for justice.

45. The Special Rapporteur studied the case of an older forensic doctor with a physical disability, in Izium, who was reportedly summarily executed by a soldier of the Russian Federation for refusing to hand over the keys of his car, upon which he depended for mobility. His body was allegedly taken to the Russian Federation, depriving his family of access to his remains in order to mourn their loved one. The Special Rapporteur notes that criminal proceedings were reportedly initiated against the perpetrator in the Russian Federation, although the bereaved family has never received information about the proceedings or their outcome, nor have their relative's remains been returned to them.

<sup>25</sup> See OHCHR, "Ukraine: protection of civilians in armed conflict – May 2024 update", 7 June 2024.

<sup>26</sup> Rule 25, on medical personnel, of the rules of customary international humanitarian law. See ICRC, Customary International Humanitarian Law Database (available at <https://ihl-databases.icrc.org/en/customary-ihl>).

<sup>27</sup> See the conference room paper of the Independent International Commission of Inquiry on Ukraine (available at <https://www.ohchr.org/en/documents/reports/ahrc52crp4-conference-room-paper-independent-international-commission-inquiry>), para. 298.

46. The Special Rapporteur is especially concerned about the disproportionate number of older people and other vulnerable persons killed as a result of the aggression by the Russian Federation, as documented by OHCHR and illustrated above.<sup>28</sup> Although older people make up 25 per cent of the population of Ukraine, up to 32 per cent of civilian casualties documented from February 2022 to February 2023 were aged 60 years or older.

### 3. Summary executions and death in custody of prisoners of war

47. The Special Rapporteur received information, including forensic evidence, of scores of cases of summary executions of Ukrainian soldiers hors de combat at the hands of forces of the Russian Federation, in some cases after torture, including mutilations.

48. In February 2025, OHCHR reported that it had verified the executions of 71 Ukrainian soldiers hors de combat since February 2022. It had recorded a considerable surge in reports of summary executions since August 2024, with at least 79 executions assessed as credible in 24 separate incidents.<sup>29</sup> At the time of the visit, the Ukrainian authorities had conducted pretrial investigations into 57 criminal cases concerning the killings of over 196 Ukrainian soldiers reported since the onset of the full-scale invasion.<sup>30</sup> Furthermore, the Independent International Commission of Inquiry on Ukraine has documented evidence that commanders of the armed forces of the Russian Federation gave instructions to shoot Ukrainian soldiers who had been captured or were surrendering, instead of taking them prisoners. Such acts indicate a policy of giving no quarter, which amounts to a war crime.<sup>31</sup>

49. OHCHR had also verified the execution of 26 soldiers of the Russian Federation hors de combat, all of whom were men. With one exception, these executions had occurred in 2022 and early 2023.<sup>32</sup> While welcoming the reported sharp decline in such practices, the Special Rapporteur is concerned that investigations initiated against the members of the Ukrainian armed forces who were involved in these crimes have not progressed.

50. OHCHR also reported, in February 2025, that at least 21 prisoners of war from Ukraine and at least 1 from the Russian Federation had died in custody since the beginning of the aggression by the Russian Federation.<sup>33</sup> In addition, according to several sources and to direct information received by the Special Rapporteur during the visit, more than 90 per cent of repatriated bodies of Ukrainian prisoners of war showed signs of torture. The Special Rapporteur is further concerned that death in custody often occurs after a period of enforced disappearance during which families are denied information on the fate and whereabouts of their loved ones. In some cases, families have learned about the death in custody through identification by the medico-legal bureaux in Ukraine, following the repatriation of the body or remains.

51. During the visit, the Special Rapporteur met with families of prisoners of war and was provided with credible evidence of deaths in the custody of the Russian Federation due to torture and medical negligence. Testimonies of returned prisoners of war, and photographic evidence of bodies of prisoners of war repatriated between November and December 2023, showed signs of torture, mutilation and traces of tuberculosis infection. The torment of families, particularly those who have received no information on the fate or whereabouts of their missing loved ones since the confirmation of their captivity, is further exacerbated by videos circulated on social media channels showing Ukrainian prisoners of war being executed, which, in the view of the Special Rapporteur, may amount to psychological torture.

52. The Special Rapporteur is disturbed by the reports of the killing or wounding of injured members of the armed forces hors de combat by both parties to the conflict, and urges

<sup>28</sup> See paras. 37 and 45 above.

<sup>29</sup> OHCHR, "Factsheet: three years since the full-scale invasion of Ukraine – key facts and findings about the impact on human rights, 24 February 2022 to February 2025", February 2025, p. 3.

<sup>30</sup> A/HRC/58/67, para. 57.

<sup>31</sup> Ibid., paras. 60–63 and 68.

<sup>32</sup> OHCHR, "Factsheet", p. 3.

<sup>33</sup> Ibid.

all parties to respect their obligations under international law and investigate and prosecute these crimes with a view to ending impunity and preventing recurrence.<sup>34</sup>

## VII. Investigation and documentation of unlawful killings<sup>35</sup>

53. During the visit, the Special Rapporteur was informed that the Ukrainian authorities had documented evidence of 128,498 war-related crimes since the full-scale invasion by the Russian Federation, including 12,353 related to the unlawful killing of civilians and soldiers hors de combat committed by the armed forces of the Russian Federation.<sup>36</sup> The vast majority of these offences fall under articles 436, 437 and 438 of the Criminal Code.

54. In response to the caseload, the Office of the Prosecutor General stepped up efforts nationwide to investigate, document and prosecute war crimes. It created a special department, with nine regional units, exclusively dedicated to prosecuting war crimes. This department includes a specialized unit focusing on cases of unlawful killing and ill-treatment of civilians and prisoners of war under international humanitarian law and the Rome Statute.

55. To reinforce and assist investigations under way, various national law enforcement and investigative agencies – including the State Bureau of Investigation, the Security Service and the police – have joined efforts to investigate and prosecute war-related crimes, under the overall coordination and oversight of the Office of the Prosecutor General. These agencies have also established specialized units focusing on the investigation of international crimes.

56. During his meetings with the Office of the Prosecutor General, the regional prosecution offices and security and investigative bodies, the authorities shared with the Special Rapporteur abundant evidence collected from liberated territory, notably in Chernihiv, Kharkiv, Kherson and Kyiv Oblasts, including in locations used by the invading armed forces of the Russian Federation to arbitrarily detain, torture and kill civilians, and from the sites of mass graves, such as those in Izium, Bucha and Irpin. Some bodies exhumed from these graves were found with their hands tied behind their backs and exhibiting evidence of close-range gunshot wounds to their backs, indicating summary execution, and of perimortem trauma and mutilations consistent with torture. The Special Rapporteur was able to examine this evidence first-hand in his capacity as a forensic doctor.

57. For example, following the testimony of a survivor of an attempted summary execution,<sup>37</sup> the regional prosecution office in Chernihiv found the location, reconstructed the crime scene, found bullets and exhumed the bodies of two victims and transferred them to the medico-legal bureau for post-mortem examination. Documented injuries were consistent with torture and close-range gunshots to their heads, and grazing to the knees indicated forced kneeling on the ground. With the help of the organization Truth Hounds, two soldiers of the Russian Federation were identified as perpetrators through open-source intelligence.

58. The investigative authorities reported many challenges in investigating war crimes, including unlawful killings. Such challenges include lack of access to the occupied territory, extremely high caseloads, limited medico-legal and forensic resources, and difficulties in collecting DNA samples from displaced families to help identify their relatives.

59. As at 26 February 2025, the Ukrainian authorities had reported having documented evidence against 735 members of the armed forces and the political leadership of the Russian Federation, for involvement in war-related crimes, including unlawful killings.<sup>38</sup> Alleged

<sup>34</sup> See A/HRC/55/66.

<sup>35</sup> Unlawful killings can result from a direct attack against a civilian, an indiscriminate attack or an attack against military objectives causing excessive loss of civilian life, which are prohibited under rules 1, 11 and 14 respectively of the rules of customary international humanitarian law (see ICRC, Customary International Humanitarian Law Database).

<sup>36</sup> According to the official website of the Office of the Prosecutor General (<https://gp.gov.ua/>, in Ukrainian only), the number of documented cases involving crimes of aggression and war crimes, as at 26 February 2025, had reached 157,642.

<sup>37</sup> See para. 44 above.

<sup>38</sup> Official website of the Office of the Prosecutor General (consulted on 27 February 2025).

perpetrators are identified on the basis of testimonial and forensic evidence, including fingerprint and DNA analysis linking suspects to findings at the crime scenes, digital and image forensics, ballistic analysis, and identification of the chain of command. Such evidence is then used in criminal proceedings before the courts. At the time of the visit, this work had led to 269 indictments and 83 convictions for wilful killing, torture and ill-treatment, under article 438 of the Criminal Code. The majority of these criminal proceedings are being undertaken in absentia.

60. The Special Rapporteur acknowledges the importance of the prosecution of war crimes, including unlawful killings, in restoring the dignity of victims and their families. However, he underlines that in the case of trials in absentia, particular attention should be given to ensuring respect for fair trial guarantees for the accused, as provided for under international human rights law, notably the International Covenant on Civil and Political Rights and the European Convention on Human Rights.

61. During meetings with the Special Rapporteur, the Ukrainian authorities and families of Ukrainian prisoners of war informed him about incidents, allegedly resulting in mass casualties, where the Russian Federation has obstructed investigations, thereby denying the victims and their families the right to truth and justice. One such incident concerned explosions overnight from 28 to 29 July 2022 at Volnovakha penal colony No. 120 (also known as Olenivka prison), located near Olenivka in the territory of Donetsk Oblast, occupied by the Russian Federation, as a result of which dozens of Ukrainian prisoners of war were killed and many more injured.<sup>39</sup> The Russian Federation accused the Ukrainian armed forces of being responsible for the incident, but it failed to grant access to international investigators, including a United Nations fact-finding mission, to ascertain the facts and confirm the number of casualties.<sup>40</sup> Families were left with angst for lack of information about their loved ones. According to the Ukrainian authorities, evidence from this incident, notably accounts from survivors and analysis of site images, reportedly indicates the use of a thermobaric weapon by the Russian Federation to target the detention facility.

62. According to the Coordination Headquarters for the Treatment of Prisoners of War, the bodies of 62 Ukrainian prisoners of war were repatriated from Olenivka.<sup>41</sup> Forensic examinations of the repatriated bodies identified 54 prisoners of war, some of whom had died from injuries sustained during the explosions. A Ukrainian medical officer who was held as prisoner of war in Olenivka prison from 12 April 2022 to 21 January 2023 reported that the explosion had occurred near a ward where members of the Ukrainian Azov regiment were detained. On the day of the explosion, medical personnel were reportedly prevented from entering the building for two hours and had only minimal medical supplies. They were able only to evacuate 68 severely wounded prisoners of war and provided medical assistance to 500 to 600 others on the scene.

63. In February 2024, the Office of the Prosecutor General issued indictments against the director and deputy director of Olenivka prison, charging them in absentia with violations of the laws and customs of war, including premeditated murder. In January 2025, additional charges of denial of medical care were brought.<sup>42</sup> However, the weapons used, the chain of command and other critical elements necessary to establish criminal responsibility remain undetermined, owing to lack of access to the crime scene and the absence of precise information regarding the casualties.

64. Another case in which investigations have been hindered by lack of cooperation by the Russian Federation concerns an IL-76 military aircraft of the Russian Federation that was brought down in Belgorod Oblast, in the Russian Federation, on 24 January 2023, which reportedly resulted in the deaths of 65 Ukrainian prisoners of war, and six crew members and three military personnel of the Russian Federation. Despite accusations by the Russian

<sup>39</sup> OHCHR, "Report on the human rights situation in Ukraine: 1 February–31 July 2023", 4 October 2023, paras. 82–90.

<sup>40</sup> Ibid., para. 90.

<sup>41</sup> This information was confirmed by the former commander of the Azov regiment, Maksym Zhorin, in a post on Telegram on 11 October 2022.

<sup>42</sup> See <https://united24media.com/latest-news/investigation-confirms-olenivka-prison-officials-obstructed-medical-aid-leading-to-more-pow-deaths-5440>.

Federation against the Ukrainian armed forces and the publication by State-affiliated media in the Russian Federation of a list naming the 65 Ukrainian prisoners of war, alleging that they were aboard the aircraft for an exchange operation, the Ukrainian authorities have been reportedly unable to verify this information. The authorities suggested that, if confirmed, the incident could indicate that the Russian Federation may have used Ukrainian prisoners of war as human shields to transport ammunition intended for attacks on Kharkiv Oblast. The sister of one of the listed prisoners of war informed the Special Rapporteur that she recognized her brother's tattoo in a video circulated on Telegram channels. The remains of prisoners of war have been reportedly returned to Ukraine and are being identified. However, lack of access to the crash site,<sup>43</sup> and the impossibility of conducting an independent investigation into the incident, are preventing accountability, truth and justice for bereaved families.

65. The Special Rapporteur also takes note with concern of allegations of violations of the right to life reportedly committed by Ukrainian security forces or with their acquiescence, including documented cases of the summary execution of 25 prisoners of war from the Russian Federation hors de combat between 2022 and early 2023, and one confirmed case of a death in Ukrainian custody.<sup>44</sup> He welcomes the acknowledgement by the Office of the Prosecutor General of these allegations and the initiation of investigations,<sup>45</sup> and recalls the importance of advancing investigations with a view to prosecuting those responsible, in line with obligations under international law. He encourages the publication of the findings and outcome of these investigations.

66. The Special Rapporteur welcomes the opening of investigations by the International Criminal Court into international crimes resulting from the aggression by the Russian Federation, including unlawful killings. In 2022, the Court deployed investigators and forensic experts to Ukraine to assist in the investigation of crimes falling under its jurisdiction. He also welcomes investigations opened in over 20 countries under the principle of universal jurisdiction, a legal principle allowing States to investigate and prosecute serious crimes committed anywhere, irrespective of the location or nationality of the accused. For example, in March 2025, a court in Finland sentenced a soldier from the Russian Federation to life imprisonment for war crimes committed in eastern Ukraine in 2014, including the torture and killing of members of the Ukrainian armed forces hors de combat.

## Medico-legal and forensic investigations

67. In Ukraine, medico-legal and forensic expertise is provided by specialized State institutions from six agencies: the Ministry of Justice, the Ministry of Health, the Ministry of Internal Affairs, the Ministry of Defence, the Security Service and the State Border Guard Service. The Ministry of Justice is in charge of the implementation of the State Regulations on the Coordination Council on the Problem of Forensic Expertise under the Ministry of Justice of Ukraine.<sup>46</sup>

68. Medico-legal and psychological forensic work, including examinations of living persons and of the dead (autopsies), is carried out in Ukraine exclusively by professionals from the Ministry of Health, working in official medico-legal bureaux, at the central level in Kyiv and at the provincial level, all of which have corresponding sub-offices at the local levels. Their practice is regulated by the Law on Forensic Examination, of 25 February 1994. The forensic analysis of bodies and human remains (post-mortem analysis) to help identify the deceased and establish the cause, manner and circumstances of death is conducted by

<sup>43</sup> See <https://press.un.org/en/2024/sc15572.doc.htm>.

<sup>44</sup> OHCHR, "Treatment of prisoners of war and persons hors de combat in the context of the armed attack by the Russian Federation against Ukraine: 24 February–23 February 2023", 24 March 2023, para. 90; and OHCHR, "Report on the human rights situation in Ukraine: 1 September–30 November 2024", 31 December 2024, paras. 6 and 58.

<sup>45</sup> OHCHR, "Report on the human rights situation in Ukraine: 1 December 2023–29 February 2024", 26 March 2024, para. 104.

<sup>46</sup> See [https://minjust.gov.ua/legal\\_expertise/info\\_coordination\\_council\\_on\\_forensic\\_problems\\_at\\_the\\_ministry\\_of\\_justice\\_of\\_ukraine](https://minjust.gov.ua/legal_expertise/info_coordination_council_on_forensic_problems_at_the_ministry_of_justice_of_ukraine).

medico-legal and forensic experts from the Ministry of Health at the request of a judicial authority.<sup>47</sup> Following a directive by the Ministry of Health, a forensic examination may be requested by investigative agencies such as the Office of the Prosecutor General, the police or the Security Service in the context of criminal investigations. Foreign experts cannot carry out medico-legal and forensic investigations, but may instead be invited by Ukrainian experts to observe, assist and advice in forensic casework.

69. As a forensic doctor, the Special Rapporteur paid special attention to the way in which unlawful killings are investigated and documented, including with a view to identifying the victims and thus preventing them from becoming missing persons, establishing the cause, manner and circumstances of their death and helping to ensure that bereaved families are adequately informed and supported. He was encouraged by the growing recognition among governmental and intergovernmental institutions, civil society organizations and families of victims of the central role and value of the expertise of medico-legal bureaux and of the need to integrate it into all investigative, prosecutorial and judicial processes involving potentially unlawful deaths.

70. The Special Rapporteur commends the dedication and professionalism of the medico-legal experts whom he met during the visit, who are working heroically under very challenging conditions and managing an overwhelming caseload in the context of the ongoing war. He observed that, in some cases, medico-legal bureaux lacked adequate facilities, including those necessary to ensure the health and safety of staff. He also noted a shortage of the most suitable tools and equipment, including digital X-ray machines and the latest equipment for autopsy, storage and refrigeration, which are crucial for optimal forensic casework management and for the health and safety of staff.

71. The remarkable achievements of the medico-legal bureau in Dnipropetrovsk Oblast constitute a model of good practice, including the bureau's use of standardized examination and documentation procedures and its application of an integrated and family-centred model for the analysis and identification of the bodies and human remains of those killed. These good practices should be replicated elsewhere in the country. The bureau's cooperation with ICRC helped to build a national training centre for the examination, documentation and identification of complex cases, including skeletonized human remains, and to scale up the capacity of forensic professionals countrywide. Its efforts deserve support, and such cooperation should be replicated elsewhere where necessary.

72. In Dnipropetrovsk, forensic experts shared with the Special Rapporteur their findings regarding the bodies of civilians and of soldiers, including those recovered from mass graves exhumed in territories regained from the control of the Russian Federation. Many of the bodies showed clear signs of trauma consistent with torture suffered shortly before death, including mutilations, and of summary executions, including close-range gunshot wounds to the back of the head.

73. In Kharkiv, the Special Rapporteur visited the medico-legal bureaux both downtown and in the Saltivka district, where he observed significant challenges faced by those working there stemming from an extremely heavy caseload of unidentified bodies brought daily from the front,<sup>48</sup> compounded by limited equipment, scarcity of material resources and damaged infrastructure as a result of a missile attack by the Russian Federation in August 2022. The ongoing conflict also led to the destruction of several sub-offices and forced the closure of others for security reasons, given their proximity to the front line. For example, after the discovery of a mass grave containing 448 bodies, in Izium, it took forensic doctors approximately one month to complete autopsies. Of these bodies, 34 remained unidentified. Based on medico-legal reports, injuries from explosives and firearms were determined to be the cause of death in approximately 90 per cent of the cases examined.

<sup>47</sup> See <https://cmhmda.org.ua/en/forensic-expertise-at-institute-of-forensic-psychiatry/forensic-psychiatric-examination/forensic-psychiatric-examination-procedure>. See also the Code of Criminal Procedure, arts. 239–245.

<sup>48</sup> The Special Rapporteur was informed that between January and May 2024, the medico-legal bureau in Kharkiv had received 1,600 bodies requiring autopsy and identification.

74. The Special Rapporteur learned that in regained territory, volunteers and first responders were often involved in the search for and collection and transferral of dead bodies to the nearest mortuary facilities. He acknowledges that some of them have received training and have operated under the supervision of forensic experts in accordance with international standards. He emphasizes that, under international human rights law and international humanitarian law, State authorities have an obligation to protect the integrity of evidence obtained from a site, requiring that a mass grave is not tampered with or disturbed by third parties (including first responders),<sup>49</sup> which is crucial for effective criminal investigations and the identification of bodies and human remains in order to hand them over to bereaved families.

75. The Special Rapporteur noted the awareness, among the Ukrainian medico-legal and forensic experts whom he met, of the value of and need for international standards for the investigation of potentially unlawful deaths. Especially relevant is the Minnesota Protocol, which is today's reference for investigating potentially unlawful deaths, including in armed conflict situations, and he recommends its translation into the Ukrainian language.

76. He welcomes the ongoing reforms by the Ministry of Health to centralize the administration of the country's medico-legal services and upscale resources for medico-legal investigations in Ukraine, to standardize and harmonize procedures, including for quality assurance and control, and to promote specialized training and scientific research to empower forensic services nationwide. He reiterates his offer to provide technical assistance to accompany this process.

77. The Special Rapporteur noted the invaluable forensic assistance offered by various international agencies and organizations to Ukrainian institutions charged with investigations into crimes resulting from the invasion by the Russian Federation, including for ensuring the recovery, dignified management and identification of the dead, resolving cases of missing persons and ensuring accountability for perpetrators of war crimes and other violations of international law. The coordinated approach adopted by international agencies grouped under the International Forensic Cluster Group is an unprecedented example and model of best practice, helping ensure optimal coordination among international forensic stakeholders and with national authorities to maximize and meaningfully assist forensic investigations in the country, help resolve cases of missing persons and address the needs of their families.<sup>50</sup>

## Missing persons and the repatriation of the dead

78. According to official information received during the visit, 62,500 persons, including children, have been reported missing since the full-scale invasion in 2022, of whom 41,000 remain missing and 19,000 have been found or identified, dead or alive.<sup>51</sup> Thousands are reportedly victims of enforced disappearance.<sup>52</sup> The Special Rapporteur recognizes the remarkable efforts under way by the Ukrainian authorities to resolve the tragedy of missing persons and notes the invaluable assistance provided by international organizations, principally ICRC and the International Commission on Missing Persons.

79. The Special Rapporteur witnessed the large numbers of bodies, stored in refrigeration facilities at medico-legal bureaux, that remained unidentified despite efforts by forensic experts, principally for lack of the reference DNA samples and information from families required for their reliable identification. He stresses the need to intensify efforts to identify and return all bodies and/or remains to the respective families. He commends the national Commissioner for Persons Missing in Special Circumstances for efforts to coordinate the work of forensic and investigative institutions with the objective of identifying the dead and

<sup>49</sup> Melanie Klinkner and Ellie Smith, *The Bournemouth Protocol on Mass Grave Protection and Investigation* (Bournemouth, Bournemouth University, 2020), p. 8.

<sup>50</sup> The International Forensic Cluster Group comprises the International Commission on Missing Persons, ICRC, the International Criminal Court and the European Union Advisory Mission for Civilian Security Sector Reform in Ukraine.

<sup>51</sup> See <https://zmina.info/news/protyagom-2024-roku-blyzko-30-tysyach-lyudey-otrymaly-status-znyklyh-bezvisty-dobroserdov> (in Ukrainian only).

<sup>52</sup> A/HRC/58/67, para. 8.

establishing the fate, whereabouts and, where appropriate, circumstances of death and burial place of missing persons. The Special Rapporteur welcomes the creation of the Unified Register of Persons Missing in Special Circumstances, launched by the Ministry of Internal Affairs, with the Commissioner, in May 2023. Such initiatives constitute good practices that merit full support from the international community.

80. The Special Rapporteur welcomes the initiative to create a centralized identification hub in Tsybli, in Kyiv Oblast, to ensure the proper processing and admission of forensic medical reports and centralize the tracing and identification of missing persons. During the visit, he noted that DNA samples collected from family members were often stored in local databases, and not accessible nationwide, which undermined efforts to identify remains found elsewhere. A centralized institution would help resolve this problem.

81. The Special Rapporteur learned during the visit about the repatriation of bodies and human remains across the front lines between Ukraine and the Russian Federation, with the support of ICRC, and welcomes the proper and dignified manner in which the bodies were handled throughout. From 2022 to May 2024, 2,708 bodies of civilians and members of the armed forces were repatriated to Ukraine. Parties to an armed conflict are required to endeavour to facilitate the return of the remains of the deceased upon the request of the party to which they belong or their next of kin, in compliance with the international humanitarian law obligations, including for the proper and dignified management of the dead.<sup>53</sup>

82. As of February 2025, 7,017 bodies had reportedly been repatriated to Ukraine, with operations ongoing at the time of writing of the present report.<sup>54</sup> Of those repatriated so far, the vast majority were members of the armed forces retrieved from the battlefield, as well as 220 persons who had reportedly died in the captivity of the Russian Federation.

## VIII. Support to victims and their families

83. Thousands of Ukrainian civilians and soldiers hors de combat have been unlawfully killed since February 2022, causing immense suffering to their mourning relatives. During his meetings with families of victims of unlawful killings, the Special Rapporteur learned about their extreme traumatization and often urgent need for meaningful assistance, including psychosocial care and help with legal and administrative procedures. He noted that these needs were particularly acute among children.

84. For example, as in the case of the family killed in the attack in Synelnykove district, the only surviving member of which was a 6-year-old child,<sup>55</sup> the Special Rapporteur underlines the particular attention required to provide the necessary psychosocial support to children traumatized by the loss of their parents, and to the family members caring for them, in order to alleviate any bureaucratic hurdles, whether legal or administrative. He recognizes the initiatives by local communities and civil society organizations in providing psychosocial assistance and legal services, and recommends that such assistance be systematized, made public and made accessible free of charge to all families of victims.

85. The Special Rapporteur hence welcomes the initiative by the Office of the Prosecutor General to create coordination centres for the support of victims and witnesses across Ukraine. The first centre was established in Kyiv on 18 January 2024, with the aim of providing assistance and support to victims and survivors in the course of criminal proceedings, through improved pretrial investigations and evidence collection, prevention of revictimization, and referral to the relevant psychological, medical and social support services. In 2024, nine additional regional centres were established to ensure nationwide access to such services for victims and their families. The Special Rapporteur acknowledges the value of assistance provided through the Coordination Headquarters for the Treatment of Prisoners of War – a temporary auxiliary body of the Cabinet of Ministers of Ukraine created

<sup>53</sup> In addition to the relevant provisions of international humanitarian law, the return of the dead to their families can be considered a basic humanitarian goal, recognized in both conventional and customary international humanitarian law.

<sup>54</sup> See <https://koordshtab.gov.ua/report/ksh-report-march-2025> (in Ukrainian only).

<sup>55</sup> See para. 34 above.

in March 2022 to coordinate the activities of various authorities, law enforcement agencies and public associations offering assistance to former prisoners of war – but also learned of its limitations in the face of huge and growing demands.

86. The Special Rapporteur recommends expanding existing victim-support programmes to include not only direct victims but also their families, as provided for under international law, especially in cases of unlawful killings and disappearance. Many of the victims are men, often the primary breadwinners for their families, leaving widows and children vulnerable to severe economic hardship

87. The Special Rapporteur welcomes the launch by the Government of Ukraine of financial compensation programmes for the families of soldiers and civilians who have been killed, through dedicated agencies, especially the Ministry of Social Policy and the Ministry of Veterans' Affairs. However, significant barriers remain, including complex administrative procedures, to ensure that all those in need can benefit as required.

88. The Special Rapporteur acknowledges the recent extension of the Register of Damage Caused by the Aggression of the Russian Federation against Ukraine, established by the Council of Europe in 2023, to enable claims by family members who have lost close relatives, marking a significant step in the recognition of the suffering of families and their right to reparation and compensation.<sup>56</sup>

## IX. Conclusion and recommendations

89. For over three years, the aggression by the Russian Federation against Ukraine has caused thousands of civilian deaths and widespread destruction, in serious violation of international law.<sup>57</sup> Ensuring accountability and justice for victims and their families is not merely an option, but a legal obligation under international law and a moral imperative, essential for ensuring sustainable peace. The Special Rapporteur welcomes national investigations of these crimes despite the challenges of the ongoing war, including impeded access to victims and crime scenes, and difficulty in summoning witnesses and implementing judicial decisions. The support provided by the international community, in full coordination with the different participating agencies and the Ukrainian authorities, stands as a model of best practice. The Special Rapporteur insists on the value of continued assistance by the international community to achieve truth, justice and reparations, and reiterates his availability to assist these efforts.

90. **The Special Rapporteur recommends that the international community:**

(a) **Continue to support the Ukrainian authorities, responsible for conducting investigations, resolving cases of missing persons and caring for victims and their families, in ensuring effective investigations and prosecutions of war-related crimes, notably unlawful killings, including with all the technical, forensic and advisory assistance that may be required to search for, collect, properly manage and reliably identify the dead and establish the cause and circumstances of death;**

(b) **Make use of universal jurisdiction to prosecute serious human rights violations, including unlawful killings, resulting from the aggression by the Russian Federation, at the national and international levels – for example, through the International Criminal Court – since lasting peace cannot be achieved without truth, justice and reparations for victims of international crimes;**

(c) **Support the initiative of the International Commission on Missing Persons to translate the Minnesota Protocol into Ukrainian, help promote its dissemination**

<sup>56</sup> See <https://www.rd4u.coe.int/en/-/register-of-damage-for-ukraine-now-accepting-claims-for-the-death-of-immediate-family-members-1>.

<sup>57</sup> States Parties to the International Covenant on Civil and Political Rights engaged in acts of aggression, resulting in deprivation of life, violate ipso facto article 6 thereof (Human Rights Committee, general comment No. 36 (2018), para. 70).

across all national investigative agencies and assist efforts for its effective implementation nationwide.

91. The Special Rapporteur recommends that Ukrainian authorities:

(a) Step up and consolidate effective investigations and prosecutions of war-related crimes, by:

(i) Fully implementing and following up on the Strategic Plan on the Implementation of Powers of the Office of the Prosecutor General in the Area of Prosecution for International Crimes for 2023–2025, to improve case prioritization and coordination with relevant international bodies;

(ii) Increasing support for national experts and institutions responsible for the investigation, documentation and prosecution of unlawful deaths and scaling up their capacity where necessary, including through long-term partnerships with and collaborative tutoring of international partners, such as ICRC, the International Commission on Missing Persons and the International Criminal Court, and training on the effective use of the Minnesota Protocol;

(iii) Overcoming procedural limitations on the provision of international specialized investigative support in the form of direct forensic casework assistance and expertise, while ensuring that such support is always provided upon the request and authorization and under the direction of the relevant jurisdictional authority, such as the Ministry of Justice, the Office of the Prosecutor General or the courts, which may require a directive from the Ministry of Justice;

(b) Support the role of forensic medicine as a crucial component of effective investigations of potentially unlawful deaths, through:

(i) Effective implementation of the initiative of the Ministry of Health to centralize the administration of medico-legal bureaux in order to enhance their capacities, ensure quality assurance and control, and digitalize data processing and record-keeping;

(ii) Urgent and sustainable provision of essential equipment to medico-legal bureaux, particularly in Kharkiv, including digital X-ray machines, modern equipment for the storage and refrigeration of bodies, and sufficient resources and adequate facilities, in particular modern autopsy laboratories that meet the highest standards of health and safety;

(c) Harmonize and improve forensic services in Ukraine through the adoption of draft law No. 6284, still pending in the parliament, the aim of which is to establish a coordination council to oversee and standardize forensic activities across State and private institutions, enhance forensic professional standards, improve accessibility to forensic services and align practices with international standards;

(d) Support and facilitate the establishment of a national centralized identification hub in Tsybli to mainstream national and international efforts to search for missing persons and address the growing number of cases of unidentified human remains;

(e) Reinforce a victim-centred approach in supporting survivors and families of victims and ensuring full reparation for them, by:

(i) Continuing support for the work of the coordination centres for the support of victims and witnesses, established by the Office of the Prosecutor General, and ensuring the expansion of services to include families of victims of unlawful killings;

(ii) Effectively implementing Cabinet of Ministers' Decree No. 296 of 15 March 2024 on the provision of mental health and psychosocial assistance to victims of the war, under the Ministry of Health, including with the required expertise and resources, expanding the scope of implementation to include all victims of serious violations and their families, including disappearance and

unlawful killings, and ensuring specialized care for particular categories of victims, including children;

(f) Support and share the good practices developed and experience gained in response to the armed conflict – for example, those of the medico-legal bureau in Dnipropetrovsk and the national forensic training centre, the dignified management and repatriation of the bodies of Ukrainian soldiers, and the prosecution and judicialization of complex crimes under international law – thus helping to export Ukrainian experience and know-how with regard to the investigation and documentation of unlawful killings in armed conflict and the care of victims;

(g) Support and reinforce the role of civil society organizations in helping investigate and document unlawful killings resulting from the war and in assisting and supporting victims and their families;

(h) Fully adhere to obligations under international human rights law and international humanitarian law, and ensure that any alleged international crime or violation by Ukrainian security forces is subject to timely, effective, thorough, independent, impartial and transparent investigations and that any limitation on the prosecution of such crimes is removed, including by withdrawing the declaration on the Rome Statute;

(i) Fully align the Criminal Code with international law, particularly regarding provisions on war crimes and crimes against humanity, to include clear elements of international crimes as defined under the Rome Statute, and hold perpetrators accountable accordingly;

(j) Continue to coordinate with ICRC to ensure the dignified return of the bodies of soldiers of the Russian Federation, including those who may have died in custody, and eliminate any obstruction to exchange operations.

92. The Special Rapporteur recommends that the authorities of the Russian Federation:

(a) Uphold obligations under international human rights law and international humanitarian law and urgently adhere to principles of distinction, proportionality and precaution in the conduct of hostilities, including by refraining from using weapons that are unsuitable for populated areas and from targeting civilians and civilian objects;

(b) Ensure the timely, effective, thorough, independent, impartial and transparent investigation of all alleged international crimes by the armed forces of the Russian Federation or its allies;

(c) Allow access to international independent monitors and investigators, including United Nations monitoring bodies, to assist investigations into alleged war crimes and other violations of international law in territory controlled by the Russian Federation;

(d) Take all measures necessary to ensure the prevention of future violations of international human rights law and international humanitarian law, including by informing the families of victims of unlawful deaths, notably in custodial settings, of the fate of their loved ones and immediately returning the bodies and remains;

(e) Continue to coordinate with ICRC to ensure the dignified return of the bodies of Ukrainian civilians and soldiers, including those who died in custody, and eliminate any obstruction to exchange operations;

(f) Ensure that families of victims of unlawful killings in territory controlled by the Russian Federation have access to truth and reparation measures as required under international law.