

**Mandates of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes; the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of human rights in the context of climate change; the Special Rapporteur in the field of cultural rights; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the right to education; the Special Rapporteur on the human right to a clean, healthy and sustainable environment; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Independent Expert on human rights and international solidarity; the Independent Expert on the enjoyment of all human rights by older persons; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Special Rapporteur on the situation of human rights in the Russian Federation and the Special Rapporteur on the human rights to safe drinking water and sanitation**

Ref.: UA RUS 10/2024

(Please use this reference in your reply)

22 October 2024

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes; Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of human rights in the context of climate change; Special Rapporteur in the field of cultural rights; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the right to education; Special Rapporteur on the human right to a clean, healthy and sustainable environment; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Independent Expert on human rights and international solidarity; Independent Expert on the enjoyment of all human rights by older persons; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Special Rapporteur on the situation of human rights in the Russian Federation and Special Rapporteur on the human rights to safe drinking water and sanitation, pursuant to Human Rights Council resolutions 54/10, 51/8, 48/14, 55/5, 54/14, 53/7, 55/2, 50/17, 53/5, 51/4, 52/36, 54/23 and 51/19.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **allegations of escalating and systematic attacks by Russian armed forces against Ukraine's electricity system, which pose real risks of an imminent nuclear disaster that could result in widespread and large-scale radioactive contamination, including loss of life and long-term health consequences for countless people in Ukraine, as well as Russia and other neighboring countries.** We would also like to bring to your attention that the much-reduced electricity system of Ukraine, which is a result of attacks by Russian armed forces, has grave impacts for the human rights of people in vulnerable situations, particularly of children, older persons, persons with disabilities and other vulnerable groups.

According to the information received:

Russian Federation armed forces have been conducting systematic attacks against Ukraine's power generation plants, substations, transmission and distribution lines, and other electricity infrastructure. The attacks threaten the safety of nuclear power plants in Ukraine, which depend on reliable and stable connections for a functional electricity system, including the grid, and raise the

threat of a massive nuclear disaster.

The UN Human Rights Monitoring Mission in Ukraine reported in September 2024 that between 22 March and 31 August 2024, nine waves of long-range and large-scale coordinated attacks on Ukraine's electric power system, damaged or destroyed numerous power generation, transmission, and distribution facilities.

As a result of one attack on 26 August 2024 by Russian armed forces, several reactor units in Ukraine's nuclear plants were shut down or disconnected from the grid.

The UN Human Rights Monitoring Mission in Ukraine reported in September 2024 that the "Repeated large-scale attacks since March 2024 by Russian armed forces against the electricity infrastructure of Ukraine have inflicted extensive harm and hardship on the country's civilian population, with potentially devastating consequences as winter approaches."<sup>1</sup>

On 3 September, the Ukraine Government and the International Atomic Energy Agency (IAEA) announced an agreement to expand the IAEA Ukraine mission to include inspection of electric substations that are critical to the safety of nuclear power plants. IAEA Director General, Rafael Mariano Grossi, commented that, "The safety of operating nuclear power plants is dependent on a stable and reliable connection to the electricity grid. As a result of the war, the situation is becoming increasingly vulnerable and potentially even dangerous in this regard."<sup>2</sup> However, despite the urgency of the situation, a date for the full implementation of such an expanded monitoring mission, or its scope and duration, have not yet been announced by the IAEA.

### *Background*

On 24 February 2022, the Russian Federation launched a full-scale armed attack on Ukraine. The following month, in March 2022, in the course of military operations in the immediate vicinity, Russian armed forces took control of the Zaporizhzhia nuclear power plant, raising the specter of a nuclear disaster. Since then, the Zaporizhzhia nuclear plant has been under Russian military occupation, and the six nuclear reactors in the plant have been in shutdown since September 2022. However, those nuclear reactors still require electric power for cooling function. This left nine nuclear reactors at the Rivne, Khmelnytskyi and South Ukraine power plants as the primary sources of power to Ukraine's grid. According to reports, workers in the Zaporizhzhia nuclear plant have been subjected to intimidation, arbitrary detention, enforced disappearance, violence and even torture by their Russian occupiers.

Between October 2022 and February 2023, Russian armed forces conducted widespread and systematic attacks against Ukraine's electricity infrastructure

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<sup>1</sup> UN Human Rights Monitoring Mission in Ukraine, <https://ukraine.ohchr.org/en/Attacks-on-Ukraines-Energy-Infrastructure-Harm-to-the-Civilian-Population>

<sup>2</sup> IAEA Steps Up Nuclear Safety Assistance to Ukraine, Director General Grossi Announces in Kyiv, <https://www.iaea.org/newscenter/pressreleases/iaea-steps-up-nuclear-safety-assistance-to-ukraine-director-general-grossi-announces-in-kyiv>

facilities, launching at least 13 waves of attacks in just four months through the use of long-range cruise and ballistic missiles and loitering munitions on the electricity infrastructure across Ukraine.

The UN Independent International Commission of Inquiry on Ukraine concluded that the attacks on electricity infrastructure in 2022-2023 were widespread, systematic, and disproportionate, constituting the war crime of excessive incidental civilian harm and potentially a crime against humanity.

On 24 June 2024, the International Criminal Court issued arrest warrants against high-ranking Russian officials in relation to the 2022-2023 campaign of strikes against electric power plants and sub-stations.

In respect of certain of these acts, the Office of the Prosecutor of Ukraine has signed a notice of suspicion, setting in motion the first steps of a criminal process for ecocide and war crimes, under Ukrainian criminal legislation.

While we do not wish to prejudge the accuracy of the above allegations, we wish to express our serious concern that the escalation in the systematic attacks by Russian armed forces against Ukraine's electricity system poses real risks of a massive radioactive nuclear disaster that could result in widespread loss of life and grave consequences to the health of countless people in Ukraine, Russia and beyond.

We are concerned that in addition to creating a real risk of a major nuclear disaster, the attacks by Russian armed forces against Ukraine's energy capabilities risk making dramatically worse the already serious humanitarian crisis in Ukraine. Loss of electricity adversely affects water distribution, sewage and sanitation systems, heating, public health and education, among others. We are particularly concerned for the impact on the human rights of people in vulnerable situations, particularly children, older persons, persons with disabilities and other groups in situations of vulnerability, who feel the immediate effects of Ukraine's diminished energy capabilities resulting from reported Russian military attacks.

In relation to the above context, the Director General of the IAEA, Rafael Mariano Grossi, outlined seven indispensable pillars of nuclear safety and security at a meeting of the IAEA's Board of Governors in March 2022. Under Pillar 3: The operating staff must be able to fulfil their safety and security duties and have the capacity to make decisions free of undue pressure. However, we are concerned by reports that workers in the Zaporizhzhia nuclear plant have been subjected to intimidation, arbitrary detention, violence and even torture. We wish to recall that respect for workers' rights is an essential component of the safety of nuclear power plants.

Although the six nuclear reactors in Zaporizhzhia plant have been in shutdown while under Russia's control since September 2022, those nuclear reactors still require electric power for cooling function. We emphasize that the safety of nuclear power plants across Ukraine rests on reliable and stable connections to a functional electricity system, including the grid. The national electricity system is integrated into the operation of nuclear power plants, which includes essential cooling functions for reactors and spent fuel ponds. There are multiple scenarios where an unstable electrical system, with or without loss of off-site power, can contribute to major nuclear plant failure and accident.

Under Pillar 4 of seven pillars of nuclear safety and security, there must be secure off-site power supply from the grid for all nuclear sites. However, electricity supply from the grid to nuclear power plants is now threatened by the reported attacks by Russia's armed forces against power generation, transmission and distribution facilities, which consequently threatens to cause loss of power of crucial safety systems in the nuclear plants. Without a connection to the electric grid, the nuclear plants' emergency back-up safety systems must rely mainly on batteries (lasting a few hours) and diesel (lasting 1-2 weeks). While it is also possible for a nuclear reactor to be powered down to supply energy to back-up safety systems, this is technically challenging and may not succeed. We wish to emphasize with the gravest concern that if emergency back-up systems fail or are exhausted, a nuclear disaster would release radioactive contamination that could spread in Ukraine, Europe and potentially around the globe.

We wish to clarify that the vital connection between nuclear power plants and the electric grid could also be lost by an uncontrolled blackout of the grid. We are aware that Ukraine has lost nearly two-thirds of its power generation capacity reportedly as a result of the attacks by Russian armed forces to thermal power plants, hydro-electric plants, and other sources of energy, and we are concerned that a blackout is now within the scope of real possibility. A blackout would leave operating nuclear reactors without grid access for powering their safety systems all at once, which could lead to a massive nuclear disaster. Such a disaster could potentially be more severe than the 2011 Fukushima Daiichi accident or even the 1986 Chernobyl nuclear plant disaster. These are nuclear accidents with immediate and long-lasting consequences for human rights and the environment. What's more, the systematic destruction of Ukraine's energy generating capacity also means that if faced with a blackout, it may prove not possible to quickly bring the grid back online, which aggravates the risks of a nuclear disaster.

We urgently appeal for Russia's armed forces to immediately cease their attacks against Ukraine's power generation plants, substations, transmission and distribution lines, and other energy infrastructure, and to avert the risk of nuclear disaster.

We also wish to recall that the General Conference of the IAEA has reaffirmed that "any armed attack on and threat against nuclear facilities devoted to peaceful purposes constitutes a violation of the principles of the United Nations Charter, international law and the Statute of the Agency."

In relation to the alleged facts and concerns mentioned above, we wish to refer Your Excellency's government to its obligations under various international human rights and humanitarian law instruments.

We wish to draw your attention in particular to the Russian Federation's obligations in regard to the rights to life and health, particularly articles 3 and 25 of the Universal Declaration of Human Rights (UDHR); article 6 of the International Covenant on Civil and Political Rights; article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR); and article 6 and 24 of the Convention on the Rights of the Child (CRC).

We wish to recall that the Committee on Economic, Social and Cultural Rights (CESCR) has interpreted the right to health as being inclusive of conditions of a healthy environment, according to general comment No. 14. Further, the General Comment confirms that States have an obligation to prevent and reduce the population's exposure to certain hazards and harmful factors that directly impact individuals' health (paragraph 15).

We would also like to stress that the right to health requires States to pay special attention to the needs of groups in situations of vulnerability, which is inclusive of older persons, persons with disabilities and children.

We also wish to refer to Human Rights Council resolution 48/13 of 8 October 2021 and General Assembly resolution 76/300 of 29 July 2022, which recognize the right to a clean, healthy and sustainable environment as a human right.

In relation to the immediate effects of Ukraine's much reduced electric system, reportedly resulting from Russian military attacks, we also wish to draw your Excellency's attention to the Russian Federation's obligations in regard to the rights to water and sanitation, right to food, right to housing and an adequate standard of living, and right to education (in particular article 11 and article 13 of ICESCR, article 24 and 28 of CRC, article 12 of International Convention on the Elimination of All Forms of Discrimination against Women, article 28 of Convention on the Rights of Persons with Disabilities, article 25 and article 26 of UDHR and UN General Assembly resolution 64/292 of 28 July 2010, which recognizes the right water and sanitation).

We would like to recall that all acts of torture and ill-treatment contravene *erga omnes* obligations of States as well as international human rights instruments, in particular article 1 and article 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Russia is party.

We would also like to draw the attention of your Excellency's Government to the absolute prohibition under both international human rights and humanitarian law and to stress that such a prohibition, along with the corresponding obligation to investigate enforced disappearance, has attained the status of jus cogens. According to the UN Declaration on the Protection of all Persons from Enforced Disappearance, States shall not practice, permit or tolerate enforced disappearances (article 2), and that no circumstances whatsoever, including the state of war can justify enforced disappearance (article 7). Similarly, enforced disappearance is prohibited under the customary international humanitarian law (Customary IHL – rule 98).

We also wish to recall the Madrid International Plan of Action on Ageing and the Political Declaration adopted at the Second World Assembly on Ageing in April 2002, in which Member States, including the Russian Federation, committed to protect and assist older persons in situations of armed conflict and foreign occupation (art. 9).

Finally, we wish to emphasize that attacking, destroying, removing or rendering useless objects indispensable to the survival of the civilian population, such as energy infrastructure which enables the provision of essential services, is prohibited under international humanitarian law (in particular article 54(2) of Additional Protocol I to the Geneva Conventions of 1949, relating to the Protection of

Victims of International Armed Conflicts, and customary international humanitarian law rule 54).

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please confirm that your Excellency's Government will ensure by all means possible that no military operation will endanger in any way, directly or indirectly, nuclear installations in Ukraine.
3. Please indicate what measures have been taken/are being taken in order to protect civilians and everyone else affected against the elevated risk of exposure to hazardous substances due to military activities.
4. Please indicate whether the allegations of torture and enforced disappearance of the workers of the Zaporizhzhia nuclear plant, have been conducted. If no investigation has been carried out, please explain why.
5. Please indicate what measures have been taken/are being taken by your Excellency's Government in order to prevent the negative impact of the loss of electricity in Ukraine on the human rights of older persons and other persons in vulnerability to housing, water, sanitation, health, and to an adequate standard of living.
6. Please indicate the position of the Russian Federation at the IAEA in regard to the expanded monitoring mission of IAEA in Ukraine.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

We would also like to inform your Excellency's Government that given the allegations of enforced disappearance, the Working Group on Enforced or Involuntary Disappearances may decide to transmit relevant cases through its humanitarian procedure, should they be registered with the Working Group. In that case, your Excellency's Government will be required to respond separately for the present communication and the humanitarian procedure.

Further, we would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit relevant cases through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please be informed that a copy of this letter on this subject matter has been sent to Ukraine and the IAEA.

Please accept, Excellency, the assurances of our highest consideration.

Marcos A. Orellana  
Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes

Matthew Gillett  
Chair-Rapporteur of the Working Group on Arbitrary Detention

Elisa Morgera  
Special Rapporteur on the promotion and protection of human rights in the context of climate change

Alexandra Xanthaki  
Special Rapporteur in the field of cultural rights

Gabriella Citroni  
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Farida Shaheed  
Special Rapporteur on the right to education

Astrid Puentes Riaño  
Special Rapporteur on the human right to a clean, healthy and sustainable environment

Gina Romero  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Cecilia M. Bailliet  
Independent Expert on human rights and international solidarity

Claudia Mahler  
Independent Expert on the enjoyment of all human rights by older persons

K.P. Ashwini  
Special Rapporteur on contemporary forms of racism, racial discrimination,  
xenophobia and related intolerance

Mariana Katzarova  
Special Rapporteur on the situation of human rights in the Russian Federation

Pedro Arrojo-Agudo  
Special Rapporteur on the human rights to safe drinking water and sanitation