

Mandates of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the situation of human rights in the Russian Federation and the Working Group on discrimination against women and girls

Ref.: AL RUS 10/2025

(Please use this reference in your reply)

30 July 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the situation of human rights in the Russian Federation and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 52/7, 51/8, 54/14, 53/4, 57/20 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **allegations of torture and/or other cruel, inhuman or degrading treatment or punishment, involving torture of a sexual nature or sexualized ill-treatment against Ukrainian civilians**, by Russian military forces and occupying authorities in Ukraine, within the context of the full-scale armed attack by the Russian Federation against Ukraine.

In this regard, we bring to your attention **specific allegations of torture including sexual torture of two named individuals, [REDACTED] and Mr. Bassarab Oleksandr Hryhorovych, and eight anonymized cases (3 females, 5 males)**. These cases, coupled with other information, illustrate a worrying pattern of egregious sexual torture and other sexualized ill-treatment and threats being perpetrated by Russian forces against the civilian population as part of a wider war strategy of torture. They also evidence situations of enforced disappearances, arbitrary deprivation of liberty, and serious violations of the right to health. The information received also refers to deaths in detention due to torture and/or other cruel, inhuman or degrading treatment or punishment including the denial of medical care.

We request the urgent and unconditional release of [REDACTED] who remains in your captivity.

If established, these allegations would constitute gross violations of international humanitarian law and human rights law.

At the outset, we refer you to past communications - [AL RUS 8/2023](#), [AL RUS 29/2023](#), [AL RUS 7/2024](#), and [AL RUS 2/2025](#) - sent to your Excellency's Government. These letters raised allegations of torture and/or other cruel, inhuman or degrading treatment or punishment perpetrated by authorities of, and attributable to the Russian Federation against civilians, prisoners of war and other persons *hors de combat*. In addition, we wish to refer to two General Allegations sent by the Working Group on Enforced or Involuntary Disappearances to your Excellency's Government in May

[2022](#) and [2024](#), which raised allegations of enforced disappearances of representatives of local authorities, journalists, civil society activists, retired servicemen of the armed forces, especially those who took part in the hostilities in 2014-2021, forced transfer of children and unidentified remains in mass graves. We regret that to date, no response has been received to any of these letters.

We also wish to recall the report of the Special Rapporteur on torture or other cruel, inhuman or degrading treatment or punishment on her country visit to Ukraine ([A/HRC/55/52/Add.1](#)). Based on the information gathered during the visit as well as information gathered from other reliable sources, the Special Rapporteur considers that torture and other prohibited treatment or punishment is a part of the strategic war policy of the Russian Federation in their efforts to intimidate, instil fear and control occupied areas, and that such torture is being carried out in an organized and systematic manner. As part of this war policy, the report identified allegations of the deliberate infliction of sexual torture and threats of sexual torture by the Russian forces and others operating under their authority against Ukrainian civilians and prisoners of war.

According to the information received:

Torture and other cruel, inhuman or degrading treatment or punishment of Ukrainian civilians, prisoners of war and persons *hors de combat* by Russian forces has been repeatedly reported and documented since the full-scale invasion of the Russian Federation of Ukraine on 24 February 2022. Sexual forms of torture and other ill-treatment of a sexual nature have been consistently reported as being part of this wider campaign of torture and appear to be used as an escalation from other torture tactics.

Reports of sexual torture by Russian forces and other personnel operating under their authority include but are not limited to: rapes, gang rapes, electric shocks and beatings to genitals, forced nudity, beatings while nude, stab wounds to genital areas, burning of nipples of males, spanking of females, pointing weapons at genitals, and threats of castration, rape, genital mutilation and the use of stun guns to the genital area.¹ Victims of sexual torture have been male and female, and have involved children.²

As early as 25 September 2023, the Independent International Commission of Inquiry on Ukraine (“Commission”) reported ([A/HRC/52/62](#))³ that Russian forces used a method of torture that involved electric shocks administered using

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- ¹ OHCHR, Report on the Human Rights Situation in Ukraine, 1 September – 30 November 2024, para. 27; <https://www.ohchr.org/sites/default/files/documents/countries/ukraine/2024-12-31-pr41-ukraine-en.pdf>; OMCT, Zmina Human Rights Center, and Media Initiative for Human Rights, “You’re Loyal to Ukraine – Are you a Nazi?” Torture and other violations as crimes against humanity by the Russian army in Ukraine, 2024, p. 41, https://www.omct.org/site-resources/files/Ukraine-Report-18.07.2024_English.pdf; Kharkiv Human Rights Protection Group, Article 15 Submission to the Office of the Prosecutor of the International Criminal Court Concerning the Alleged Crime of Torture Committed by the Russian Military in Ukraine, 2024, para. 104, 219-228; <https://library.khpg.org/index.php?id=1731360182>. Submission of Global Rights Compliance to the Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, on sexual torture, A/79/181, para. 8.
 - ² Kharkiv Human Rights Protection Group, Article 15 Submission to the Office of the Prosecutor of the International Criminal Court Concerning the Alleged Crime of Torture Committed by the Russian Military in Ukraine, 2024, para. 137; <https://library.khpg.org/index.php?id=1731360182>.
 - ³ A/HRC/52/62, Report of the Independent International Commission of Inquiry on Ukraine, paras. 75, 78-81, <https://docs.un.org/en/A/HRC/52/62>.

a military phone known as “Tapik” connected to an electric cable with clips applied to the feet, the fingers or men’s genitals. Perpetrators referred to this procedure as a “call to Lenin” or a “call to Putin”. This report documented that many cases of sexual violence in confinement affected male detainees. Rape, electric shocks on the genitals, traction of the penis using rope and emasculation were alleged to have been used to extract information or confessions, force cooperation or punish, intimidate or humiliate victims. There were serious reports of female detainees being raped in detention.

The Commission found that sexual violence was committed during house-to-house searches and Russian soldiers committed acts of rape and sexual violence. Most victims were women alone at home. Some were raped several times. Perpetrators in some instances executed or tortured male relatives. Family members, including children, were forced to watch perpetrators rape their loved ones.

The Commission also found the Russian forces inflicted forced nudity at checkpoints to humiliate victims and went beyond acceptable security verification. Prolonged forced nudity was reported at detention facilities.

The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment conducted an official visit to Ukraine from 4-10 September 2023. In the Special Rapporteur’s 20 March 2024 report on her visit to Ukraine (A/HRC/55/52/Add.1)⁴, she reported on multiple interviews with Ukrainian civilians and prisoners of war held by Russian forces in occupied territories that, in addition to reports of torture and other ill-treatment, revealed reports of sexual forms of physical and psychological torture including threats of rape, electrodes being attached to their testicles, mock castrations, and beatings of genitals and anus. There were reports of women being subjected to violence in their own homes and in detention facilities, and an increased demand for the morning-after pill in territories liberated by Ukraine.

On 20 March 2024, the Office of the High Commissioner for Human Rights (OHCHR) reported that in addition to sexual forms of torture in detention, Russian soldiers committed sexual torture against Ukrainians outside of detention. These cases included rape, gang rape, attempted rape, threat of rape of a family member, sexual assault, forced nudity, and forcing a woman to use a toilet in the presence of men.⁵ Russian forces carried out widespread arbitrary detention of civilians and PoWs with many cases that amounted to enforced disappearances.⁶

Between 24 February and 31 August 2024, the UN Human Rights Monitoring Mission in Ukraine documented 376 cases of conflict-related sexual violence against 262 men, 102 women, 10 girls and two boys perpetrated by Russian

⁴ A/HRC/55/52/Add.1, Visit to Ukraine – Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, <https://www.ohchr.org/en/documents/country-reports/ahrc5552add1-visit-ukraine-report-special-rapporteur-torture-and-other>.

⁵ OHCHR, Human Rights Situation During the Russian Occupation of Territory of Ukraine and its Aftermath, 24 February 2022-31 December 2023, para. 44 <https://ukraine.un.org/sites/default/files/2024-04/2024-03-20-OHCHR-Report-Occupation-Aftermath-en.pdf>.

⁶ Ibid, para. 3.

forces.⁷ This number included civilians and prisoners of war.

As of 16 June 2024, there were at least 1,763 verified cases of enforced disappearance and arbitrary detention of civilians and PoWs in territories under the Russian Federation's control.⁸ There have been at least two documented cases of victims dying due to lack of medical care following severe torture while they were detained in a school building in Bilyayivka village in the Kherson region.⁹ The Special Rapporteur on extrajudicial, summary or arbitrary executions observed in his country visit report on Ukraine that he received credible evidence of deaths of POWs in custody of the Russian Federation due to torture and medical negligence and that bodies of individuals repatriated between November and December 2023 showed signs of torture, mutilation and traces of tuberculosis infection.¹⁰

In her report of 10 October 2024 to the UN General Assembly (A/79/508)¹¹, the Special Rapporteur on the situation of human rights in the Russian Federation found that as at 2 August 2024, at least 1,672 Ukrainian civilians were known to be arbitrarily detained, including opinion leaders, bloggers, journalists, activists, teachers, officials in local administrations, humanitarian aid volunteers, medical workers and pensioners. They were held in 186 locations in the Russian-occupied territories, in Russia and Belarus. Upon return to Ukraine during prisoner of war exchanges, they have consistently reported torture, ill-treatment, sexual violence and abuse by Russian authorities. Torture during interrogations was employed to extract testimonies about other civilians who opposed the Russian army, to obtain self-incriminating confessions, or to punish those perceived as opposing the Russian army, supporting Ukraine, or providing information to the Ukrainian armed forces. They testified to the use of electric shocks, including the method known as "Call to Putin", mock executions, waterboarding, and shooting of the hands and legs, among other abuses.¹²

The Special Rapporteur on Russia has repeatedly found, including in her 2024 reports to the Human Rights Council (A/HRC/57/59)¹³ and the General Assembly, that Ukrainians are forcibly transferred elsewhere in the Russian-occupied territories of Ukraine or deported to the Russian Federation, kept incommunicado and subjected to widespread and systematic torture and ill-treatment, including rape and other sexual violence. She emphasized that Russian investigations into allegations of torture are often inadequate and biased, leading to a culture of impunity. Complaints are frequently dismissed during preliminary inquiries without the initiation of formal proceedings.

⁷ OHCHR, In Ukraine, survivors speak out about conflict-related sexual violence, 25 November 2024,

https://ukraine.ohchr.org/en/In-Ukraine-survivors-speak-out-about-conflict-related-sexual-violence?utm_campaign=16daysagainstGBV&utm_medium=email&utm_source=pressrelease, para. 43-45

⁸ OMCT, Zmina Human Rights Center, and Media Initiative for Human Rights, "You're Loyal to Ukraine – Are you a Nazi?" Torture and other violations as crimes against humanity by the Russian army in Ukraine, 2024, p. 51, https://www.omct.org/site-resources/files/Ukraine-Report-18.07.2024_English.pdf;

⁹ Ibid, p. 42.

¹⁰ A/HRC/59/54/Add.1, para 51

¹¹ A/79/508: Situation of human rights in the Russian Federation - Report of the Special Rapporteur on the situation of human rights in the Russian Federation, "Torture in the Russian Federation: a tool for repression at home and aggression abroad", para. 98, <https://docs.un.org/en/A/79/508>

¹² Ibid, para. 99.

¹³ A/HRC/57/59: Situation of human rights in the Russian Federation - Report of the Special Rapporteur on the situation of human rights in the Russian Federation, 13 September 2024, <https://docs.un.org/en/A/HRC/57/59>.

Despite some instances of criminal charges being brought against perpetrators, many cases result in minimal penalties or conditional sentences, underscoring systemic obstacles to holding perpetrators of torture and other ill-treatment accountable.¹⁴

In the periodic report of the OHCHR covering the period between 1 September and 30 November 2024, the Office reported that the use of sexual violence continued to be prevalent, against both women and men. Of the 42 POWs interviewed during the reporting period, 32 (22 men and 10 women) reported being subjected to sexual violence, including rape, electric shocks and beatings to genitals, forced nudity, beatings while nude, and threats of rape and castration. In one case, a female POW reported that law enforcement officers raped her nearly every day over a two-and-a-half-month period to elicit information.¹⁵

A separate credible report has documented seven cases of sexual torture out of 38 cases of torture (over 18% of cases) in the forms of stab wounds to the genital area, forced nudity and threats including the use of stun guns to the genital area, castration or rape with a truncheon. Perpetrators accompanied their verbal threats of torture with actions aimed at making the victim perceive them as real, e.g., they would undress survivors during threats of rape and hold a knife to the penis during threats of castration.¹⁶ Another credible report documented multiple incidents of sexual torture, including one extreme case of a gang rape attack against a female involving anal, oral and vaginal penetration, four cases of threats of rape, and four individuals who had reported having been subjected to electric shocks to genitals.¹⁷

On 11 March 2025, the Commission reported that the Russian Federation had committed crimes against humanity in the form of torture and enforced disappearances. In that context, the Commission¹⁸ observed that Russian authorities have systematically used sexual violence as a form of torture against male detainees, and in the recent report found Russian forces raped and sexual violated female detainees as a form of torture with an aim of humiliating and degrading them. The Commission reported violations to the right to health: one pregnant detainee was denied medical assistance, collapsed and regained consciousness in the hospital, and another detainee started coughing blood and was denied medical care.¹⁹ The violent practices and inhuman conditions caused long-term physical and psychological harm.

¹⁴ A/79/508: Situation of human rights in the Russian Federation - Report of the Special Rapporteur on the situation of human rights in the Russian Federation, "Torture in the Russian Federation: a tool for repression at home and aggression abroad", paras 115, 116, <https://docs.un.org/en/A/79/508>.

¹⁵ OHCHR, Periodic Report on the Human Rights Situation in Ukraine: 1 September – 30 November 2024, para. 42. <https://ukraine.ohchr.org/en/reports/periodic-reports-on-the-human-rights-situation-in-ukraine>

¹⁶ OMCT, Zmina Human Rights Center, and Media Initiative for Human Rights, "You're Loyal to Ukraine – Are you a Nazi?" Torture and other violations as crimes against humanity by the Russian army in Ukraine, 2024, p. 41, https://www.omct.org/site-resources/files/Ukraine-Report-18.07.2024_English.pdf;

¹⁷ Kharkiv Human Rights Protection Group, Article 15 Submission to the Office of the Prosecutor of the International Criminal Court Concerning the Alleged Crime of Torture Committed by the Russian Military in Ukraine (2024); <https://library.khpg.org/1731360182>

¹⁸ A/HRC/58/67, Report of the Independent International Commission of Inquiry on Ukraine, 11 March 2025, paras. 37, 48 and 55, <https://www.ohchr.org/sites/default/files/documents/hrbodies/hrcouncil/sessions-regular/session58/advance-version/a-hrc-58-67-auv-en.pdf>.

¹⁹ Ibid, paras. 22 and 54.

she was being held.

There was no information about her whereabouts until 5 August 2024, when an investigator called ██████████ mother and said she could visit her daughter and deliver a package at the investigative office in Tavrychanka. The visit lasted only two minutes under guard supervision.

On 10 November 2024, ██████████ mother received a call from a man claiming to be her lawyer. The lawyer said ██████████ was being held at the Novotroitske police department, where packages could be sent. He said ██████████ was accused of being a Russian citizen (despite never receiving a Russian passport) and of attempted murder. He warned her that her son's service in the Ukrainian Armed Forces would negatively affect ██████████ sentencing.

On 25 November 2024, the final visit between ██████████ and her mother took place in Novotroitske. ██████████ revealed that she had been brutally raped on the first day of detention. Witnesses later have informed they had seen ██████████ in the hospital after May 18, suggesting medical treatment after the rape. Her mother said ██████████ had lost a lot of weight and looked terrible.

A court hearing had been held on 4 December 2024 and ordered that ██████████ be held in pretrial detention.

██████████ requested stationery through her lawyer. But when a friend in Novotroitske tried to deliver it on 25 December 2024, she was told ██████████ was no longer held there. On 28 December 2024, the lawyer confirmed that ██████████ had been transferred to the Chonhar detention centre on 24 December 2024.

On 9 January 2025, a new court hearing extended ██████████ pretrial detention until 10 February 2025. The family noticed that the new court documents now included an additional charge under article 317 of the Russian Criminal Code – “Attempt on the life of a law enforcement officer,” punishable by 12-20 years in prison, life imprisonment, or the death penalty.

Until early May, ██████████ was held in Chonhar detention centre. On 7 May 2025, she was transferred to a pre-trial detention centre in Simferopol (occupied Crimea). On 19 May, she was transported to Krasnodar for a week, and later transferred to Rostov, where she is currently being held (pre-trial detention centre №1 in Rostov-on-Don). She is registered as “captured” by the Ukrainian authorities.

Case of Mr. Oleksandr Hryhorovych Bassarab

On 23 August 2023, Mr. Oleksandr Hryhorovych Bassarab, a 50-year-old male resident of Hola Prystan (presently occupied), Kherson region was detained by Russian soldiers while driving his car through the city. They questioned him about why his vehicle had not been re-registered with Russian license plates and

why he had not obtained a Russian passport. His car was confiscated, a bag was put over his head, and he was transported to the “Hopry” sanatorium in Hola Prystan. He was taken to the assembly hall of the building, where approximately ten other civilians were being held.

The next day, at approximately 9:00 a.m., the Russian officials called for Mr. Bassarab, put a bag over his head, tied his hands with tape, and took him outside where they immediately applied electric shocks to his body. The pain caused him to lose consciousness, after which they poured water on him to revive him. They interrogated him while simultaneously torturing him—beating him with electric shocks and kicking him in the kidneys. They returned him to the assembly hall.

On 25 August 2023, around 1:00 p.m., Mr. Bassarab was taken for another interrogation, during which electric shocks, beatings, and threats of rape were used. He was thrown into a car, driven out of town, and dumped with his hands tied and a bag over his head. A passing man saw Mr. Bassarab and helped him. He believes that FSB officers were likely present in the sanatorium building owing to their Caucasian features and a characteristic accent.

On 15 February 2024, four Russian soldiers came to Mr. Bassarab’s house. They conducted a visual search of the house and took all the phones, even broken ones, saying they would be returned in a few days.

On 17 February 2024, at approximately 11:30 p.m., Russian soldiers returned to Mr. Bassarab’s house. When he opened the gate, they put a bag over his head, twisted his arms, pressed his face to the garage, and beat him in the ribs. They accused him of being an IT specialist and collaborating with Ukrainian forces. He was then thrown into a vehicle and taken to a driving school. They hit him on the head with a rifle butt, which caused him to lose consciousness and left a scar. They poured water on him and interrogated him about his family’s savings. Simultaneously, they beat him all over his body – face, ribs, and legs – for about 15 minutes. Mr. Bassarab lost consciousness again soldiers left.

The next morning, Russian soldiers returned with the same questions. They used various torture methods, including beatings and electric shocks to Mr. Bassarab’s abdomen and genitals. After these forms of torture, Mr. Bassarab revealed where the money was. Even after they found the money, they continued to interrogate him and ask about other valuables. They struck his face about 40 times and then began sodomizing him with anal penetration using a rifle through his clothes. They left and returned later that evening. They repeated the act, filming it and forcing Mr. Bassarab to say that he enjoyed it.

The next day, the beatings continued, and the Russian soldiers knocked out Mr. Bassarab’s teeth. They also staged a mock execution.

On 21 February 2024, at approximately 11:00 p.m., the Russian soldiers put a bag over his head again, took him out, hit him several times, and released him. When he returned home, Mr. Bassarab discovered that his house had been totally ransacked and was missing household appliances, his car, and money. He

went to his mother-in-law's house and stayed there until 5 March 2024.

On 5 March 2024, Mr. Bassarab left the city. At the checkpoint in Novoazovsk, Donetsk region, he was held for about seven hours by FSB officers but was eventually allowed to continue. After that, he travelled without issues or interrogations. On 7 March 2024, Mr. Bassarab arrived in Sumy, where he contacted the Security Service of Ukraine.

Mr. Bassarab recalls a Russian soldier with the callsign "Caesar," who was likely the commander of the 116th brigade.

Since his captivity, Mr. Bassarab has suffered from various health problems, including knocked-out teeth, hypertension, and heart pain. He requires medical, psychological, and legal assistance.

Case of Mr. AB

Mr. AB, 26-year-old male resident of Kherson at the time of the crime and now residing in a different region.

On 6 September 2022, at approximately 10:00 a.m., Mr. AB was detained in the centre of Kherson by three people and a driver, contextually identified as the Russian FSB (they used civilian clothes and balaclavas; the detention was conducted in a professional manner, involving twisting of his arms and blows to his torso). They placed a bag over his head, seized his phone and documents, and confiscated his car. They took him to the temporary detention centre in Kherson. During the transfer, they beat him in the stomach. Attempts by Mr. AB to defend himself by tensing his muscles increased the level of aggression towards him.

Mr. AB was interrogated. A bag was placed over his head and taped tightly at eye level. He sat in a chair with his hands tied behind his back around the back of the chair. The interrogators were 3-4 persons identified by Mr. AB as "FSB investigators", including military personnel who acted as guards.

After interrogators clarified Mr. AB's personal data, they severely beat him on his solar plexus, arms and legs with their hands, feet, and rubber police batons. Mr. AB fell from the chair and they pushed him to the floor and continued to beat him. They lifted him to the chair, pulling his arms behind his back with force which resulted in an injury to his right shoulder joint.

Mr. AB was interrogated about ties to the Ukrainian military. During the interrogations, he was tortured with electric shocks, in particular with the use of a modified TA-57 military field telephone ("tapik") and stun guns. The terminals were applied to the earlobes, gradually increasing the voltage level. He fell face down on the floor and they held his legs and threatened him with rape (one of the "investigators" began to take off his trousers). He was tortured with electric shocks to his genitals by forcibly pressing the stun gun into his scrotum, applying the terminals of the "tapik" to his scrotum. They told him that "would not be able to have children". As a result of the electric shock torture,

he defecated uncontrollably at the interrogation site. The interrogators said that due to the use of severe electric shocks, Mr. AB was “steaming”.

Mr. AB was interrogated for the first eight days of his detention. During the fourth interrogation, he was tortured by drowning - he was hung upside down, water was poured through a cloth until he lost consciousness. On the tenth day of detention, the interrogators threatened they would rape his girlfriend or a work colleague, which would take place in his presence.

After 15 days. Mr. AB was released “on the condition that he would take a vacant position in the occupation administration and provide information requested by the FSB” - two people who called themselves his “curators”.

As a result of the alleged torture and other cruel, inhuman and degrading treatment, Mr. AB lost 7 kilograms of weight, and was diagnosed with a shoulder joint injury, an injury to his left wrist, a microstroke and sensorineural hearing loss of the second degree, and one of the chambers of his heart is functioning poorly. He suffers from constant central nervous system excitation (likely post-traumatic disorders) and constantly wakes up at night.

Case of Ms. CD

Ms. CD, a 50-year-old female resident of Zaporizhzhia region at the time of the event in question.

On 6 October 2022, at approximately 4:00 p.m., Ms. CD was detained at her place of residence. The reason given was allegedly that her husband is a military serviceman and his connections.

Ms. CD was taken to the local police station in a civilian car. She was searched, groped, and forced to undress. She was tied to an office chair and interrogated for about four hours.

The interrogation was led by a man who identified himself as a representative of the FSB but was later identified through investigation as a citizen of Ukraine and a collaborator. The interrogation was also attended by two persons who had participated in her detention, along with two members of the “Kadyrovtsy” (Chechnya-based detachment). Ms. CD was beaten on the head with a plastic bottle filled with water. She was later diagnosed with two closed head injuries in the parietal lobe of her head. One of the Kadyrovtsy officers placed a bag over her head, while the man in charge of the interrogation pressed it against her throat, strangling her. They also strangled her with the cable of an electric kettle.

Ms. CD briefly lost consciousness. Falling uncontrollably to the floor with a chair, she tore a ligament in her right shoulder joint and damaged the femoral neck in the right hip joint.

Ms. CD was threatened with a weapon by imitating shots fired in her direction. This was done by reloading a pistol with a partially inserted magazine and pulling the trigger until it clicks. She was also threatened with electric torture

through demonstrating a tapik adapted for this purpose, and threatened with gang rape.

The next day, from around 9:00 a.m., Ms. CD was moved to another house that she owned and interrogated further. A large Ukrainian flag was found during a search. One of the soldiers threw it on the ground, then pushed her and held her down with the muzzle of his rifle, threatening to kill her. After that, she was returned to the police station where she was interrogated until around 5:00 p.m.

Ms. CD was held in a cell of approximately 3 by 4 metres, without access to running water and a non-functioning toilet. Drinking water was provided to her in a bottle. No medical care was provided. She was not fed for the first two days of detention. After, she was fed twice a day with millet porridge. Her family was not allowed to bring her food, clothes or personal hygiene items.

On 14 October 2022, Ms. CD participated in the recording of a propaganda video where she “confesses” to adjusting the strikes of Ukrainian artillery. The video was edited in such a way as to distort what she said. After the video was recorded, she was threatened with a long prison sentence.

On 21 October 2022, Ms. CD was transferred to the police station in the village of Velyka Bilozerka. There were 8-10 women in a three-seat cell. The conditions of detention were worse than in the previous place of detention. The women were fed once a day and had to use a bucket as a toilet. The cell was cold and damp. No medical care was provided. Men were held in other cells.

During her months in detention, Ms. CD was interrogated approximately once a month. During one of the interrogations, the “police chief” (identified by investigation) forced her to undress and threatened her with rape with a police baton. She reports losing consciousness and does not remember the details of the incident.

On 18 January 2023, Ms. CD was taken to a Russian checkpoint near the village of Vasylivka. They videorecorded as they read out the “expulsion order” and “released” her. After the video was recorded, Ms. CD was detained by unidentified Russian military personnel. Together with other victims, she was transferred to a camp of the Russian military near the village of Verkhnia Krynytsia. Here, the detainees were forced to “dig trenches” - to prepare positions for the Russian military.

Ms. CD states that she was a victim of rape(s) in the camp.

Ms. CD was released on 16 March 2023. She was forced to go into hiding and managed to leave the occupied territory.

As a result of her detention and interrogations, Ms. CD was diagnosed with head injuries, injuries to the right shoulder and hip joints, and PTSD.

Case of Ms. EF

Ms. EF, a 40-year-old female resident of Kherson at the time of the events in question.

On 30 August 2022 at approximately 9:30 a.m., Ms. EF was detained at her place of residence in Kherson.

At the time of her detention, Ms. EF was a military cadet for non-combat post-graduate education. According to international humanitarian law, persons in military training are not considered combatants until such time as they are part of the armed forces.

About 30 military personnel, representatives of the Russian FSB and Rosgvardia (National Guard), took part in the detention of Ms. EF.

At around 11:00 p.m., Ms. EF was taken to a temporary detention centre in Kherson. She was searched, told to undress because the men would “conduct an inspection”. She was surrounded by a circle of soldiers who began to lift her T-shirt, pull down her pants, and touch her body parts (they did not touch her intimate areas). She was threatened with rape (“You will serve the soldiers”).

The next day, Ms. EF was interrogated. The interrogation was led by a military officer who was the leader of the group that had detained her. The interrogation was accompanied by psychological pressure – she was shown a device used for electric torture and threatened with rape against her and her minor daughter. The interrogator also hit her in the kidney area.

In total, Ms. EF was interrogated four times, forced to sign a statement and participate in propaganda videos accusing another person of collaboration. During the third interrogation, she was threatened with murder, intimidated with shouting and demonstrative aggression, and threatened with the rape of her daughter.

Prior to her detention, her medical history included a stroke, 10 surgeries and clinical death. The conditions of detention, combined with constant psychological pressure and pre-existing medical history, were critical for her.

Ms EF had panic attacks three times while in detention. She went to extreme lengths to get out of detention, including purposely worsening her health condition by taking heart medication that she did not actually need in the hopes that it would cause her health to deteriorate so that she would be released from custody and taken to the hospital.

Ms. EF was released on 17 September 2022, however she reports that Russian forces tried to control her after her release – for example, they recorded a propaganda video with her in her house, they gave her the number of a Russian mobile operator to maintain contact, and threatened to murder her family and friends if she tried to leave the temporarily occupied territory.

Case of Mr. GH

Mr. GH, a 38-year-old male resident, Kherson region at the time of the events in question.

Mr. GH worked as a gamekeeper/hunting forestry worker and as such legally owned firearms. Ms. GH was detained on three occasions.

Mr. GH was first detained on 2 March 2022 by a large group of soldiers travelling in a minibus and a truck. The leader of the group was identified by name and call sign. Mr. GH was dragged out of his car, thrown face down on the ground, kicked several times and shot near his head. They handcuffed his hands, placed a bag over his head and drove him in a truck to a local boarding house, which was allegedly used as the unit's location.

Mr. GH was forced to stand with a bag over his head for approximately two hours. After that, the group leader began to interrogate him about the weapon he owned. He was released and given his car back, with a preliminary agreement that he would hand over his weapon, an “assault rifle”, the next day. His detention was allegedly facilitated by the local village head, who had cooperated with the Russians and was present the next day when Mr. GH handed over the “assault rifle” to the head of the detention group.

Mr. GH was detained for a second time on 15 September 2022 in his own home. Three military officers and one person in civilian clothes ordered him to change into a ranger uniform and beat him. They asked about money, gold, and weapons in the house. Mr. GH said that he had handed over his assault rifle but had another hunting rifle in the safe. They beat him with a ramrod to the rifle and threatened to rape him with it (“Get down on your knees and we will...”). They also put a gun to his temple and threatened to kill him.

Documents and phone were taken from Mr. GH’s car. They did not tell his wife where they were taking him. With a bag over his head and his hands tied, he was dumped in a forest belt. They tied his legs with tape and tortured him with electric shocks applied to his fingers. He broke teeth as a result of clenching his jaw to resist the intense pain. The tape on his legs broke and one of the military officers pressed his leg to the ground and began to beat him in the coccyx. They placed him in car and drove to Kherson. On the way, he was beaten, periodically losing consciousness. He was also hit with an assault rifle at one of the checkpoints.

Mr. GH was taken to a place of detention in Kherson in a basement unsuitable for long-term stay. He was mocked when he asked for a drink. He was not provided any medical assistance. Detainees slept on wooden pallets, were fed irregularly (once a day or every three days), and were taken to the toilet once every three days.

For approximately ten days, Mr. GH was interrogated once or twice a day, beaten until he lost consciousness (with hands, feet, plastic pipes), strangled with a bag, and threatened with gang rape. He was accused of allegedly helping

sabotage groups and arranging weapons storage sites. He refused to sign incriminating statements.

After 38 days in detention, Mr. GH was released on 23 October 2022.

Mr. GH was taken away by car and detained for the third time on 14 November 2022 and held in the cellar of a private house.

They took Mr. GH out of the car with a bag on his head and beat him on the back and kidneys. They intimidated him by saying that he was walking through a mined area. When he fell, they threatened to shoot off his fingers by shooting near his hands.

Later in the cellar, drunk Russian soldiers threatened to pull out Mr. GH's fingernails with pliers. When they did not find the pliers, they severely beat him with a sapper's shovel on the back and in the parietal lobe of his head. They also threatened him with rape using a sapper's shovel. They did not carry out their plan because they were drunk and could not take off his trousers. They beat him, knocked him to the ground, and stepped on his face with the sole of a boot.

Mr. GH was released on 19 November 2022. Later he was able to leave the occupied territory. He requires medical and psychological assistance for injuries he sustained including broken ribs, broken/damaged bones of his spine, and he is suffering from speech problems.

Case of Ms. IJ

Ms. IJ, a 19-year-old female resident in Kharkiv region at the time of the events in question.

In July 2022, the Russian military came to Ms. IJ's house searching for an acquaintance's brother who was an active service person. She was alone at home and could not provide information.

Around 2-3 September 2022, Ms. IJ and her acquaintance were arrested on the street near their place of residence. The detention was carried out by 6-7 servicemen with their faces covered and carrying weapons. Their apartment was searched. Their phones were taken away. The man was accused of passing on information about the movements of Russian troops.

They were taken to the police station and separated. She was kept in the prison yard, which was covered with a net but had no roof. It was raining outside. Later, she was moved to a cell with other female detainees.

The next morning, Ms. IJ was taken for interrogation on the first floor of the police station. A bag was over her head and her hands were handcuffed. She did not understand the questions she was asked and could not answer them. The absence of answers appeared to irritate the interrogators – she was beaten, including with a bat. The blows were delivered by a woman. She was tortured with electric shock.

In the first days, Ms. IJ was interrogated every two hours. The interrogations were accompanied by beatings and electric shocks – terminals were applied to Ms. IJ’s neck, under the ribs, to the wrists, legs, and lower abdomen. She was threatened with rape.

Ms. IJ reported that in the women’s cells they received a litre of water for the entire cell per day. There was a wash basin in the cell but it often did not work. The detainees did not have access to personal hygiene items, nor were they provided with the necessary medicines.

Ms. IJ was released in mid-September 2022. For a long period, she experienced the consequences of beatings and being in handcuffs. She had problems with her knees, high blood pressure, and insomnia. She needed psychological assistance.

Case of Mr. KL

Mr. KL, a 48-year-old male resident in Kherson at the time of the events in question.

On 14 September 2022, Mr. KL was detained in Kherson and taken to his house, where a search was conducted with a bag over his head.

After the search, Mr. KL was transferred to the Kherson temporary detention centre. During the first interrogation, he was hit several times with a baton and told to “write down everything he knows”. On the third day of his detention, he was taken to conduct a search of the apartments that he owned. They recovered his correspondence on social media which led to further accusations against him.

On the third day, Mr. KL was tortured with electric shocks applied to his fingers while he was sitting on a chair with a bag over his head. As a result of the electric torture, he lost the ability to speak.

A “compromising” personal video was found on Mr. KL’s phone. He was again subjected to electric shocks applied to his finger and scrotum. He tried to protect his genitals from the electric shock by clenching his legs. As a result, he received a burn on the inner surface of his left thigh. Subsequently, his legs were tied to a chair and the torture continued until he lost consciousness.

Mr. KL speaks of episodes of beatings that took place directly in the cell, both against him and other detainees. Later, a hidden weapon was found at Mr. LM’s *dacha* (seasonal second home), which significantly worsened his situation. On 19 September 2022, he was interrogated with the use of a polygraph without violence.

Mr. KL was released to attend the funeral of his grandmother. The interrogators kept his documents. Mr. KL gave them his new car and a large sum of money to prove his loyalty. After the funeral, on 3-4 October 2022, Mr. KL escaped and stayed at his *dacha*. On 9 November 2022, the Russian military located his

whereabouts so he hid in the Dnipro River floodplains until 11 November 2022.

Case of Mr. MN

Mr. MN, a 41-year-old male resident in Kherson at the time of the events in question.

Mr. MN was in the employment of the mayor's office in Kherson.

On 28 June 2022 at approximately 9:30 a.m., Mr. MN was detained by a group of ten military servicemen identified as the Russian FSB. The mayor of the city and four employees of the city council were detained together with him. He was taken to his home and office, where searches were conducted. Then he was taken to the temporary detention centre in Kherson.

Mr. MN was held in a cell for 53 days from 28 June 2022 to 19 August 2022. On the third day of detention, he was taken for interrogation. Mr. MN had about 6-8 interrogations during the period of detention. Torture was used during all interrogations.

During at least three interrogations, Mr. MN was subjected to torture with electric shocks. The terminals were alternately applied to his fingers, earlobes and genitals. His fingers turned black as a result of electric shocks. During the interrogations, he was also beaten. His leg was injured and two ribs were broken. He was strangled with a bag. The interrogations were led by an "FSB investigator" identified by his call sign.

Mr. MN witnessed the public rape of a detained police officer with a police baton in the corridor of the temporary detention centre. This violence had a severe impact on all those detained, who feared similar violence being inflicted on them.

The interrogators wanted information about where money was kept, and information about the detained mayor and other colleagues. After his release, Mr. MN was coerced to cooperate and offered a position in the so-called "police".

After his release, the Mr. MN underwent a long period of treatment for his injuries. He complained of memory loss, which he attributes to beatings and blows to the head.

Case of Mr. OP

Mr. OP, a 31-year-old male resident in Kherson at the time of the events in question.

On 8 July 2022, Mr. OP was detained with his friend at his apartment. Approximately ten people wearing masks were involved in their detention. After identifying Mr. OP and his friend, they were driven around the city for about 15 minutes to disorient them. After that, they were transferred to another car and

driven to an illegal detention centre.

Mr. OP was kept alone in a small room for 24 days. For four days, he was not allowed to remove the bag from his head. The room was cold and there was no toilet. He was fed with canned food and given about 1-1.5 litres of water per day.

On approximately the fourth day of his detention, Mr. OP was interrogated for the first time. For two weeks, he was subjected to various types of torture during interrogations: electric shocks all over his body, including to his genitals and ears; beatings with two devices at the same time; beatings with bats, sticks and fists; cutting his fingers with a spoon (one soldier pulled his finger, the other inserted the spoon and twisted it (for which he has scars); and hanging him on a metal digging bar under his knees with his hands and feet tied, while beating him with a stick and electric shock. They threatened him with various things: imprisonment, shooting, throwing him into the river, and raping him with a stick.

After 24 days, Mr. OP and other detainees were moved to the assembly hall where they were forced to incriminate themselves by recording confessions on video. On 19 August 2022, he was released after being forced to sign a “document” stating that he was obliged to appear in case he received a call.

Mr. OP lost ten kilograms of weight and suffered from broken teeth. He suffers from kidney problems and periodic headaches. He needs to undergo periodic courses of treatment.

Without prejudging the accuracy of the information received, we are writing to express our most heightened alarm at the above-referred allegations of torture and other cruel, inhuman or degrading treatment or punishment, in some cases leading to deaths, which, if confirmed, would confirm the view that the Russian Federation is perpetuating a deliberate policy of torture including sexual torture in violation of international humanitarian and human rights laws, including against the civilian population.

The prohibition of torture is absolute and non-derogable, for which there are no circumstances that permit it. The conduct described would variously be in violation of Russia’s international humanitarian law obligations, specifically article 32 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Times of War, 1949.

The conduct would also violate Russia’s human rights treaty obligations, including articles 6, 7, 9 and 10, read alone and in conjunction with article 2(3), of the International Covenant on Civil and Political Rights, ratified by the Russian Federation in 1973; and at least, articles 1, 2, 15 and 16 of the United Nations Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, ratified by the Russian Federation in 1987.

Such practices described in this letter, including rapes, gang rapes, forced nudity, serious injuries to genitals caused by torture, threats of rape or other sexual violence to oneself or others, would constitute torture and/or other cruel, inhuman or degrading treatment or punishment, prohibited at all times and in all circumstances

under international human rights and humanitarian law. Threats of sexual torture also constitute a form of psychological suffering prohibited by international law.

Such acts would also amount to war crimes. As part of the systematic or widespread attack of the Russian Federation against the territory of Ukraine, with knowledge of the attack, they would constitute crimes against humanity.

The consistency in the manner and methods in which these practices are pursued – and the sustained period over which such reports continue to arise suggests that they are committed within the framework of a higher order policy requiring a level of coordination, planning and organisation, as well as the direct authorization, deliberate policy or official tolerance from superior State authorities.

The above-mentioned allegations further illustrate concerns regarding the right to life, enforced disappearances, arbitrary arrests and detention and violations of the right to health, most notably in conflict with articles 6, 7, 9,10 and 16, read alone and in conjunction with article 2.3, of the International Covenant on Civil and Political Rights, ratified by the Russian Federation on 16 October 1973; the right to highest standards of the right to health in article 12 of International Covenant on Economic, Social and Cultural Rights, ratified by the Russian Federation in October 1973, and the right of women to be protected from violence, in line with articles 1 and 2 of the Convention on the Elimination of all Forms of Discrimination against Women, ratified by the Russian Federation in January 1981.

We wish to remind your Excellency's Government that the right to life and the prohibition of enforced disappearance have attained the status of *jus cogens*, and that, when perpetrated as part of a widespread or systematic attack against civilian population, would amount to a crime against humanity.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information as to the directives, policies and laws applicable to Russian military and other personnel (including SBB) and occupying authorities ensure that torture and other cruel, inhuman or degrading treatment or punishment – including sexual torture – are absolutely prohibited and prevented, including application of international human rights and humanitarian law standards of detention, training and education protocols (article 10 Convention against Torture) and reviews of interrogation and custody rules (article 11 Convention against Torture), including those applicable in armed conflict.

3. Please provide information about all measures – legislative, executive, military, administration, and other measures – being taken to prevent the recurrence of cases of torture and specifically sexual torture and the dismantlement of the asserted policy and pattern of sexual torture or other cruel, inhuman, or degrading treatment or punishment and arbitrary detention, perpetrated on Ukrainian civilians and/or prisoners of war by Russian military personnel.
4. Please provide detailed information about the factual and legal basis for the arrests and detentions of [REDACTED] and steps taken to secure her immediate release, and explain their compatibility or otherwise with Russia’s obligations under international humanitarian and human rights law. Please also advise what measures are being taken to inform her relatives and/or lawyer about her arrest and the grounds therein, the proceedings if any, and updated information about her transfers and place of their detention.
5. Please provide detailed information about the factual and legal basis for the arrest and detention of Mr. Oleksandr Hryhorovych Bassarab, and explain its compatibility or otherwise with Russia’s obligations under international humanitarian and human rights law. Please also advise what measures were taken to inform his relatives and/or lawyer about their arrest, and the place of their detention.
6. Please explain whether any investigation is being or was conducted in respect of these allegations reflecting a pattern of torture and ill-treatment in accordance with international standards in respect of any of the aforementioned cases, including the Istanbul Protocol (Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 2022 edition) and please provide details on any outcomes (prosecutions, penalties), including persons in positions of command. If no investigation has been carried out, please explain why.
7. Please also explain what efforts have been taken to permit consular access to all those persons detained, including States exercising consular functions on behalf of Ukraine, pursuant to the Vienna Convention on Consular Relations 1963, acceded to by the Russian Federation in 1989.
8. Please provide an explanation why detention facilities occupied by the Russian Federation, or within the territory of the Russian Federation, have not allowed access of the International Committee of the Red Cross, and other international independent observers, to inspect and visit with detainees, as required by international humanitarian law.
9. In relation to alleged deaths in detention related to torture and denial of medical care, please provide information on whether any investigation is being or was conducted, details on how the investigations complied with international standards including the Minnesota Protocol on the Investigation of Potentially Unlawful Death and the results of the

investigation.

10. In relation to allegations of enforced disappearances, please provide information on the measures taken to elucidate the fate and whereabouts of persons reported missing or forcibly disappeared, to investigate the corresponding allegations, identify perpetrators, and where appropriate, prosecute and sanction them.

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

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(s) responsible for the alleged violations.

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 the case 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 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. The Government is required to respond separately for the present communication and the humanitarian procedure.

Given the seriousness of these allegations, 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.

Please be informed that a copy of this letter will be sent to Ukraine for their information.

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

Alice Jill Edwards
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Matthew Gillett
Vice-Chair on communications of the Working Group on Arbitrary Detention

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

Morris Tidball-Binz
Special Rapporteur on extrajudicial, summary or arbitrary executions

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

Laura Nyirinkindi
Chair-Rapporteur of the Working Group on discrimination against women and girls

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to the following:

Absolute prohibition against torture and other cruel, inhuman or degrading treatment or punishment

Article 5 of the Universal Declaration of Human Rights (UDHR); article 7 of the International Covenant on Civil and Political Rights (ICCPR); article 37(b) of the Convention on the Rights of the Child; and at least articles 1, 2 and 16 of the United Nations Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (Convention against Torture) prohibit torture and other cruel, inhuman or degrading treatment or punishment. The prohibition on torture has attained the status of a peremptory norm of international law for which no exceptions or derogations are permissible.

Attached to such prohibition are obligations to criminalize and investigate all acts of torture or other cruel, inhuman or degrading treatment or punishment, to prosecute or extradite suspects, to punish those responsible and to provide remedies to victims.²⁰

States parties to the Convention against Torture have explicit treaty duties to establish all acts of torture as offences under domestic law (art. 4), to exercise jurisdiction over said offences (art. 5), to receive complaints and examine them promptly and impartially (art. 13), and to investigate those allegations promptly and impartially (art. 12).

Defendants cannot rely on orders of a superior or public authority, or states of emergency, to exonerate their actions (art. 2 (3) and 2(2)), while any legal mechanisms which interfere with that obligation, such as statutes of limitations, immunities or amnesties, are considered contrary to the non-derogable nature of the prohibition (art. 2(2)). Amnesties provided at domestic law do not remove criminal liability pursuant to international tribunals or universal jurisdiction. Prosecutors and courts have a duty to refuse evidence obtained, or suspected of having been obtained, through torture or other illicit means (art. 15).

Victims are to be protected from reprisals or intimidation during said investigations (art. 13) and they have an enforceable right to fair and adequate compensation including the means for as full rehabilitation as possible (art. 14).

States are to establish jurisdiction over all acts of torture on territoriality, flag State, active nationality, passive nationality and universal jurisdiction principles (art. 5). The Convention against Torture further imposes duties to extradite alleged offenders when they are not prosecuted (arts. 5 (2) and 7 (1)).

²⁰ For full explanation of the obligations to criminalize, investigate and prosecute the crimes of torture and related ill-treatment, see Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/77/502): <https://documentsddsny.un.org/doc/UNDOC/GEN/N22/610/77/PDF/N2261077.pdf?OpenElement>

At no time shall torture be used to extract information or a confession (art. 1), and any statement which has been obtained via such methods, shall be excluded from any proceedings except against a person accused of torture as evidence that the statement was made (art. 15).

States parties to Convention against Torture have overarching obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment via effective legislative, administrative, judicial and other measures (articles 2 and 16), to educate and train relevant personnel including military officials on the prohibition (article 10) and to keep all rules, instructions, methods and practices relating to interrogation, custody and treatment under systematic review (article 11).

Under international humanitarian law, torture and other inhumane acts are likewise absolutely prohibited.

1949 Geneva Convention (III) relative to the Treatment of Prisoners of War, Geneva, 12 August 1949, provides:

Article 17, fourth para: “No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to unpleasant or disadvantageous treatment of any kind.”

Article 87, third para.: “Any form of torture or cruelty is forbidden.”

Article 89: “In no case shall disciplinary punishments be inhuman, brutal or dangerous to the health of prisoners of war.”

Article 32 of the 1949 Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, Geneva, 12 August 1949, article 32 provides: “The High Contracting Parties specifically agree that each of them is prohibited from taking any measure of such a character as to cause the physical suffering ... of protected persons in their hands. This prohibition applies not only to ... torture ... but also to any other measures of brutality whether applied by civilian or military agents.”

“Torture or inhuman treatment” and “wilfully causing great suffering or serious injury to body or health” are grave breaches according to article 50 of the 1949 Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, Geneva; article 51 of the 1949 Geneva Convention (II) for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea; article 130 of the 1949 Geneva Convention (III) relative to the Treatment of Prisoners of War; and article 147 of the 1949 Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War.

Also under international humanitarian law, similar investigative obligations exist as those under Convention against Torture. As a grave breach of each of the four Geneva Conventions of 1949, the High Contracting Parties are obliged: to enact legislation to provide penal sanctions for persons committing, or ordering to be committed, torture and inhuman treatment, including biological experiments; to search

for such persons in order to bring them to justice; and to prosecute suspects of acts of torture as grave breaches under universal jurisdiction, which is considered obligatory. States may discharge their obligation to investigate war crimes and prosecute the suspects by setting up international or mixed tribunals.²¹

The duty to investigate and prosecute torture as genocide, war crimes or crimes against humanity is also determined to be customary law, applicable for crimes committed in international and non-international armed conflict, which requires States to establish jurisdiction and investigate war crimes allegedly committed by its nationals or armed forces, or including outside their territory, and, if appropriate, to prosecute the suspects. Customary law has also established that soldiers have a duty to disobey orders of a superior for grave breaches and that there is no relief for following superior orders. Also considered customary norms are the rules against amnesties and statutes of limitation.²²

Absolute prohibition of sexual torture

Sexual torture – like all other forms of torture – is strictly prohibited under international law (A/77/502, para. 29). The obligations and rights mentioned above must also be applied to cases of sexual torture.

Sexual torture may constitute a war crime, crime against humanity or even genocide. Sexual violence in war or other security or terrorism contexts can also constitute a crime of torture without further qualifying elements. The Special Rapporteur on torture considers that there is an overwhelming consensus which crystallizes rape and other forms of sexual aggression of comparable gravity into prohibited forms of torture as *jus cogens*.²³

Sexual torture and similar outrages upon human dignity include such acts as forced nudity, verbal abuse and threats of a sexual nature, forced masturbation or urination, physical trauma, electrocuting, mutilating or targeting of genitalia, reproductive organs or breasts, rape (involving digital, object or penile penetration), enslavement, mock or real castrations and forced abortions, pregnancies or sterilizations. These violations are intended to cause maximum humiliation and cruelty. In extreme cases sexual torture may be part of political and/or military strategies.²⁴

Sexual assaults committed by warring parties are almost always torture.²⁵ The Trial Chamber of the International Criminal Tribunal for Rwanda found “Like torture, rape is used for such purposes as intimidation, degradation, humiliation, discrimination, punishment, control or destruction of the person. Like torture, rape is a violation of personal dignity”.²⁶ The International Criminal Tribunal for the former Yugoslavia held

²¹ Ibid

²² Ibid

²³ A/79/181, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Investigating, prosecuting and preventing wartime sexual torture, and providing rehabilitation to victims and survivors, 18 July 2024, para. 30, <https://www.ohchr.org/en/documents/thematic-reports/a79181-torture-and-other-cruel-inhuman-or-degrading-treatment-or>,

²⁴ Ibid., para. 22

²⁵ Ibid., para. 21

²⁶ International Criminal Tribunal for Rwanda, *Prosecutor v. Akayesu*, ICTR-96-4-T, Judgment of 2 September 1998, para. 687.

that forcing male prisoners to commit sexual acts against each other²⁷, and forcing people to watch other people being raped²⁸, constitute torture or cruel and inhuman treatment. The International Criminal Court has found that rape and sexual violence against abducted women constitutes torture as a crime against humanity and a war crime.²⁹

Every international and regional human rights body (courts and committees) has recognized rape and other sexual assaults of comparable gravity as torture or cruel, inhuman or degrading treatment or punishment, and has placed a priority on victims of war violence.

The Convention on the Elimination of All Forms of Discrimination against Women that your Excellency Government ratified on 23 January 1981, defines in article 1 discrimination against women. The definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. The Committee on the Elimination of All Forms of Discrimination Against Women has acknowledged that various forms of gender-based violence may constitute torture (CEDAW/C/GC/35, paras. 16–18).

The Human Rights Committee held that gang rape by soldiers violated article 7 of the International Covenant on Civil and Political Rights.³⁰

The Committee against Torture has regularly, through its individual communications procedure, prevented the expulsion of individuals at risk of threats of sexual torture.³¹

The European Court of Human Rights has held that individually or by accumulation, acts of physical and mental violence including rape amount to torture in violation of article 3 of the European Convention on Human Rights.³²

Absolute prohibition of enforced disappearances

Enforced disappearance is prohibited under both international human rights and humanitarian treaty law and as customary international law. The prohibition requires states to investigate enforced disappearance. The prohibition on enforced disappearances can be prosecuted as a war crime and a crime against humanity when part of a widespread or systematic attack with knowledge of the attack. According to the UN Declaration on the Protection of all Persons from Enforced Disappearance (Declaration), States shall not practise, permit or tolerate enforced disappearances (article 2) and that no circumstances whatsoever, including the state of war can justify

²⁷ International Criminal Tribunal for the Former Yugoslavia, *Prosecutor v. Tadić*, IT-94-1-T, Judgment of 7 May 1997, paras. 206, 726, and 730.

²⁸ International Criminal Tribunal for the Former Yugoslavia, *Prosecutor v. Furundžija*, IT-95-17/I-T, Judgment of 10 December 1998, paras. 266–269.

²⁹ International Criminal Court, *Prosecutor v. Ongwen*, ICC-02/04-01/15, Judgment of 4 February 2021, paras. 3072–3077

³⁰ *Purna Maya v. Nepal*, [CCPR/C/119/D/2245/2013](#), 23 June 2017, para. 12.4.

³¹ *Bakatu-Bia v. Sweden*, [CAT/C/46/D/379/2009](#), 8 July 2011, paras. 10.6–10.8; *E.K.W. v Finland*, [CAT/C/54/D/490/2012](#), 25 June 2015, para. 9.5; *A.Sh et al. v Switzerland*, [CAT/C/63/D/717/2015](#), para. 9.7.

³² *Aydin v. Turkey*, Application No. 57/1996/676/866, 25 September 1997, paras. 83-87.

enforced disappearances (article 7).

The Declaration also proclaims that each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction. In particular, the Working Group on Enforced or Involuntary Disappearances recalls that the Declaration sets out the necessary protection by the State, in particular articles 9, 10, 11 and 12, which relate to the rights to a prompt and effective judicial remedy to determine the whereabouts of persons deprived of their liberty; to access of competent national authorities to all places of detention; to be held in an officially recognized place of detention, and to be brought before a judicial authority promptly after detention; to accurate information on the detention of persons and their place of detention being made available to their family, counsel or other persons with a legitimate interest; and to the maintenance in every place of detention of official up-to-date registers of all detained persons. Article 13 also stipulates that steps shall be taken to ensure that all involved in the investigation, including the complainant, relatives, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal.

Enforced disappearance is also prohibited under the customary international humanitarian law (Customary IHL – rule 98). Furthermore, each party to the conflict must take all feasible measures to account for persons reported missing as a result of armed conflict and must provide their family members with any information it has on their fate (rule 117).

Furthermore, we would like to recall that under the international humanitarian law, the parties to the conflict have obligations to: whenever circumstances permit, and particularly after an engagement, take all possible measures to search for, collect and evacuate the dead without adverse distinction; take all possible measures to prevent the dead from being despoiled, and to refrain from mutilation of bodies, which is prohibited; facilitate the return of the remains of the deceased upon request of the party to which they belong or upon the request of their next of kin; dispose of the dead in a respectful manner and to respect and properly maintain their graves; and to record all available information prior to disposal and mark the location of the graves in order to ensure the identification of the dead (Customary IHL, rules 112-116).

Enforced disappearance, which, under certain circumstances, may amount to a crime against humanity, entails violations of articles 6, 7, 9, 10 and 16, read alone and in conjunction with article 2(3), of the ICCPR with regard to the disappeared person and of article 7, read alone and in conjunction with article 2(3), of the ICCPR with regard to family members.

In its General Comment on women affected by enforced disappearances³³, the Working Group on enforced or involuntary disappearances reminds that women suffer particular types of harm based on their gender, including instances of sexual violence, and forced impregnation, and the resulting psychological damage and social stigma, as well as the disruption of family structures. (...) in addition, women from minority groups and women affected by poverty and social inequalities are particularly vulnerable and exposed to enforced disappearances.

³³ [A/HRC/WGEID/98/2](https://www.refworld.org/docid/4a61912d.html)

Right to life

We would like to remind your Excellency's Government about its obligations under article 6 of the ICCPR which guarantees the right to life.

The right to life is a supreme right from which no derogation is permitted, even in situations of armed conflict and other public emergencies that threaten the life of the nation. The right to life has crucial importance both for individuals and for society as a whole. It is most precious for its own sake as a right that inheres in every human being, but it also constitutes a fundamental right, the effective protection of which is the prerequisite for the enjoyment of all other human rights and the content of which can be informed by other human rights (general comment no. 36).

Article 6 of the ICCPR is included in the list of non-derogable rights in article 4 (2) of the Covenant. Hence, the guarantees against arbitrary deprivation of life contained in article 6 continue to apply in all circumstances, including in situations of armed conflict and other public emergencies.

In its general comment no. 36, the Human Rights Committee provided that "States parties also have a heightened duty of care to take any necessary measures to protect the lives of individuals deprived of their liberty by the State, since by arresting, detaining, imprisoning or otherwise depriving individuals of their liberty, States parties assume the responsibility to care for their life and bodily integrity, and they may not rely on lack of financial resources or other logistical problems to reduce this responsibility. The same heightened duty of care attaches to individuals held in private incarceration facilities operating pursuant to an authorization by the State. The duty to protect the life of all detained individuals includes providing them with the necessary medical care and appropriately regular monitoring of their health."

We wish to stress that the obligation to respect and to ensure the right to life extends to reasonably foreseeable threats and life-threatening situations that can result in loss of life even if such threats and situations do not result in loss of life.³⁴

Loss of life occurring in custody, in unnatural circumstances, creates a presumption of arbitrary deprivation of life by State authorities, which can only be rebutted on the basis of a proper investigation that establishes the State's compliance with its obligations under article 6.1. Investigations and prosecutions of potentially unlawful deprivations of life should be undertaken in accordance with relevant international standards, including the Minnesota Protocol on the Investigation of Potentially Unlawful Death, and must be aimed at ensuring that those responsible are brought to justice, at promoting accountability and preventing impunity, at avoiding denial of justice and at drawing necessary lessons for revising practices and policies with a view to avoiding repeated violations (Human Rights Committee, general comment 36).

³⁴ See Human Rights Committee, General comment no. 36, Article 6: right to life (CCPR/C/GC/36): <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsrdB0H115979OVGGB%2bWPAXhNI9e0rX3cJImWwe%2fGBLmVrGmT01On6KBQgqmxPNjrlLdefuuQjjN19BgOr%2fS93rKPWbCbgoJ4dRgDoh%2fXgwn>

Arbitrary Detention

We would like to remind your Excellency's Government about its obligations under article 9 of the ICCPR, which provides that no one shall be subjected to arbitrary arrest or detention or deprived of their liberty except on such grounds and in accordance with such procedure as are established by law. As interpreted by the Human Rights Committee in general comment No. 35 (CCPR/C/GC/35), the notion of "arbitrariness" is not to be equated with "against the law" but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity, and proportionality (paragraph 12). According to the same general comment (paragraph 17) and the jurisprudence of the Working Group on Arbitrary Detention, arrest or detention of an individual as punishment for the legitimate exercise of the rights guaranteed by the ICCPR, including freedom of opinion and expression (article 19), freedom of assembly (article 21), freedom of association (article 22), is arbitrary. Further, the Working Group on Arbitrary Detention has reiterated that a deprivation of liberty is arbitrary when it constitutes a violation of international law on the grounds of discrimination based on birth, national, ethnic, or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability, or any other status, that aims towards or can result in ignoring the equality of human beings. In this respect, the Working Group on Arbitrary Detention has concluded that being a human rights defender is a protected status under article 26 of the ICCPR.

We stress that States parties to the ICCPR have an obligation to respect and to ensure the rights under article 9 of the Covenant to all persons who may be within their territory and to all persons subject to their jurisdiction.

Violations on the right to health

Concerning detention conditions, we would like to remind your Excellency's Government of article 10 of the ICCPR, which requires that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. In this regard, we would also like to refer your Excellency's Government to the UN Standard Minimum Rules for the Treatment of Prisoners adopted by the General Assembly on 17 December 2015 (the Mandela Rules). We wish to draw your Excellency's Government's particular attention to relevant rules concerning health – namely rules 1, 13, 18, 19, 22, and 24-35, concerning the respect due to the inherent dignity and value of all prisoners as human beings, prison administration's obligation to provide every prisoner with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served, as well as a number of obligations concerning healthcare services and personal hygiene.

We wish to remind your Excellency's Government that article 6 of the International Covenant on Civil and Political Rights extends to reasonably foreseeable threats and life-threatening situations that can result in loss of life. The duty to protect the life of all detained individuals includes providing them with the necessary medical care and appropriate regular monitoring of their health. States assume a heightened duty of care and must take all necessary measures to protect lives of individuals deprived of their liberty (see CCPR/C/GC/36 para. 25).

We further refer you to article 12 of International Covenant on Economic, Social and Cultural Rights, ratified by the Russian Federation in October 1973.