

## Frequently Asked Questions

### **What is the mandate of the Independent International Commission of Inquiry on Ukraine?**

On 4 March 2022, the United Nations Human Rights Council adopted [resolution 49/1](#) on the "situation of human rights in Ukraine stemming from the Russian aggression". The Human Rights Council established an independent international commission of inquiry through the resolution.

The Human Rights Council provided the Commission with the following mandate:

- To investigate all alleged violations and abuses of human rights and violations of international humanitarian law, and related crimes in the context of the aggression against Ukraine by the Russian Federation, and to establish the facts, circumstances and root causes of any such violations and abuses;
- To collect, consolidate and analyse evidence of such violations and abuses, including their gender dimension, and to systematically record and preserve all information, documentation and evidence, including interviews, witness testimony and forensic material, consistent with international law standards, in view of any future legal proceedings;
- To document and verify relevant information and evidence, including through field engagement, and to cooperate with judicial and other entities, as appropriate;
- To identify, where possible, those individuals and entities responsible for violations or abuses of human rights or violations of international humanitarian law, or other related crimes, in Ukraine, with a view to ensuring that those responsible are held accountable;
- To make recommendations, in particular on accountability measures, with a view to ending impunity and ensuring accountability, including, as appropriate, individual criminal responsibility, and access to justice for victims; and

On 4 April 2023, the Human Rights Council renewed the mandate of the Commission for one year in its resolution [52/32](#) and requested the Commission to provide an oral update to the Human Rights Council at its fifty-fourth session, to be followed by an interactive dialogue, to submit a comprehensive report to the Council at its fifty-fifth session, to be followed by an interactive dialogue, and to submit a report to the General Assembly at its seventy-eighth session, also to be followed by an interactive dialogue.

### **What is the scope of the mandate?**

*Material scope:*

Paragraph 11 (a) of Resolution 49/1 request the Commission to investigate "all alleged violations and abuses of human rights and violations of international

humanitarian law, and related crimes in the context of the aggression against Ukraine by the Russian Federation" and to "establish the facts, circumstances and root causes of any such violations and abuses". The Commission will decide the themes, incidents and alleged violations and crimes that will receive particular focus based on objective criteria and taking into account, *inter alia*, the time and resources available to the Commission to carry out its work.

*Geographical scope:*

The Commission's general mandate, as per Resolution 49/1, does not exclude specific geographic areas.

The Commission's primary focus is to examine and investigate all alleged violations and abuses of human rights and violations of international humanitarian law and related crimes committed throughout Ukraine. The Commission may examine, investigate and report on events outside Ukraine's territory as long as such events are closely related to ongoing events in Ukraine.

*Temporal scope:*

Resolution 49/1 does not explicitly restrict the Commission's mandate to a specific time period.

The Commission will examine, investigate and report on events closely related to ongoing hostilities in Ukraine. The Commission also examines events since 2013/2014, when relevant.

*Actors Investigated:*

Paragraph 11 (d) of Resolution 49/1 tasks the Commission with identifying, "where possible, those individuals and entities responsible for violations or abuses of human rights or violations of international humanitarian law, or other related crimes, in Ukraine, with a view to ensuring that those responsible are held accountable".

In doing so, the Commission examines alleged violations and abuses of human rights and violations of international humanitarian law and related crimes regardless of the identity or nationality of the alleged responsible individual or entity.

**Which bodies of law will be applied by the Commission?**

International humanitarian law, international human rights law, and international criminal law will constitute the law applicable to the Commission's mandate. The Commission will also consider other obligations under international law as applicable and where relevant. In doing so, the Commission will apply treaty law and customary international law, as appropriate.

**What standard of proof will be used by the Commission?**

In the course of its work, the Commission adopts the standard of proof of “reasonable grounds”. This means that findings will be included in the reports where the “reasonable grounds” standard of proof has been met, namely where, based on a body of verified information, an objective and ordinary prudent observer would have reasonable grounds to conclude that the facts took place as described and, where legal conclusions are drawn, that these facts meet all the elements of a violation or abuse, and any individual identified is responsible for the violation or abuse.

### **What is the composition of the Commission?**

The Commission is currently comprised of two independent and impartial experts, Erik Møse (Norway) and Pablo de Greiff (Colombia), who were appointed by the President of the Human Rights Council on 30 March 2022, with Møse selected as the Chair. The President of the Human Rights Council will appoint a new Commissioner to replace Jasminka Džumhur (Bosnia and Herzegovina) whose mandate ended on 31 March 2023. The Commissioners are appointed on a *pro bono* basis and are not paid for their work. A secretariat supports the Commissioners with the necessary expertise to implement the mandate, including professional investigators and legal analysts.

### **What is the relationship between the Commission and the United Nations Human Rights Monitoring Mission in Ukraine?**

In carrying out its mandate, the Commission will build on the work of the United Nations Human Rights Monitoring Mission in Ukraine (HRMMU) and work in close coordination with the Office of the United Nations High Commissioner for Human Rights, as mandated in Resolution 49/1. The Commission considers this element of its mandate to be of utmost importance, particularly given the HRMMU's presence in Ukraine since 2014.

The Commission, however, is an independent body and conducts its own investigations independently and separately from the Office of the United Nations High Commissioner for Human Rights and other United Nations offices and agencies. The Commissioners form their own conclusions and make their own recommendations entirely independently of any other body or agency.

### **How does this Commission relate to other accountability initiatives in Ukraine, including the International Criminal Court investigation?**

The Commission is independent. It has no link to any particular country, party, or entity. The findings of the Commission are based on the independent assessment of the Commissioners and their analysis of the information and evidence that comes out of the Commission's investigations.

A large number of national, regional and international entities are engaged in the documentation of the violations and crimes in Ukraine. The Commission is in contact with relevant investigative entities to seek coordination and a victim-centred

approach to ensure the efficiency of investigations and respect for the "do no harm" principle.

The Commission may provide and receive information in the context of its interactions with national, regional or international accountability actors, including judicial bodies. The United Nations has well-established internal processes for such cooperation in judicial and non-judicial contexts, and the Commission fully applies those same policies and standards in its work.

Regarding the ongoing International Criminal Court (ICC) investigations, the Commission has established contacts with the Office of the ICC Prosecutor. It has developed coordination mechanisms as appropriate and complies with the mentioned United Nations internal processes.

### **How does the Commission collect information, and what will happen with the information collected?**

The Commission securely and safely collects first-hand information, including interviews with direct witnesses and victims of alleged violations and abuses of human rights and violations of international humanitarian law and related crimes. It also seeks to collect information and documentation, relevant to its inquiries, from States, relevant bodies and agencies of the United Nations system, civil society, the media, and other relevant actors. Both inculpatory and exculpatory information and evidence are treated on the same basis. Information and evidence collected are reviewed and analysed by the Commission and stored securely in accordance with international best practice standards for such information and evidence to be able to support subsequent accountability efforts. Consistent with the standard practice of Human Rights Council mandated commissions of inquiry, the consent of information providers to further external use(s) pursuant to the mandate is fundamental in handling such information. Finally, the Commission pays particular attention to sexual and gender-based violence, and violations and crimes against and affecting children.

### **When will the Commission issue its next reports?**

The Commission will provide the Human Rights Council, at its fifty-fourth session (September 2023), with an oral update. Additionally, the Commission will submit a report to the General Assembly at its seventy-eighth session followed by an interactive dialogue (October 2023). Finally, the Commission will submit a comprehensive written report at the fifty-fifth session of the Human Rights Council followed by an interactive dialogue (March 2024).

### **What roles do victims and survivors play in the Commission's work?**

Victims and survivors are key to each aspect of the work of the Commission. The Commission has adopted a victim-centred approach in all of its work. Victims and survivors' testimonies, evidence, and information are protected and maintained safely and securely according to international standards in this area. The Commission works closely with victims and survivors and their representatives to

enable and facilitate their informed participation in the relevant work of the Commission mindful of all the vulnerabilities affecting them, including in the development of recommendations on accountability measures to ensure justice for victims and access to their rights. The Commission is sensitive and alert to any protection and support concerns that victims and survivors may have due to its engagement with them, further to the principle of "do no harm".

### **How can victims and survivors, as well as civil society organisations, interact with the Commission?**

In addition to conducting first-hand interviews with witnesses and victims and examining available secondary and open-source materials, the Commission invites individuals, groups and organisations to submit information and documentation relevant to its mandate. In particular, the Commission has issued a call for submissions that can be sent to: [ohchr-submission-coiukraine@un.org](mailto:ohchr-submission-coiukraine@un.org)

### **How is the Commission funded?**

Being mandated by a resolution of the United Nations Human Rights Council, funding for the Commission is through the regular budget of the United Nations.

### **Where is the Commission based?**

The Commission's secretariat, composed of about 20 staff, is based in Vienna, Austria. The Commission and members of its secretariat will continue to visit Ukraine and seek to visit other areas where information and evidence are available.