

## MOSCOW MECHANISM REPORT – PROF. VERONIKA BÍLKOVÁ

It is an honour to attend this hearing. In my part, I will focus on the alleged violations of international human rights law.

The report starts from the assumption that this law continues to apply in the situation of armed conflict and that some of its basic guarantees may never be suspended. It however also accepts that in times of war, human rights standards must be interpreted in light of the applicable *lex specialis*, i.e., international humanitarian law.

The Mission was not in the position to verify all the reported incidents which might involve violations of international human rights law. Yet, based on a thorough analysis of these incidents, it was able to come to four main conclusions.

First, the Mission found credible evidence suggesting that violations of human rights had taken place during the first five weeks of the conflict, the period under scrutiny in the report. Most of these violations occurred in the areas under the temporary occupation of the Russian Federation and the available evidence makes them largely attributable to Russia. The most serious of these violations include, but are not limited to: targeted killing of civilians, including journalists and human rights defenders; mistreatment of civilians, including torture of civilians and rape of women and girls; or abductions, enforced disappearance or deportations of large numbers of civilians. The seriousness of these violations is further compounded by their denial and the lack of any attempt to investigate them and bring those responsible for them to justice.

Second, the Mission concluded that the impact of the conflict on human rights had gone beyond the direct violations of these rights. By causing a high level of destruction and by interfering with the provision of vital services, such as healthcare or education, the conflict has made it very difficult for the Ukrainians to fully enjoy their human rights and it has also made it very difficult for Ukraine to effectively respect, protect and fulfil all the human rights of its inhabitants. The number of persons who might suffer or even die in result of all these disruptions is likely to be as high as, if not higher than, the number of persons harmed by active hostilities.

Third, the report notes that while the conflict has affected all inhabitants of Ukraine, it has had a particularly strong effect on individuals belonging to vulnerable groups. These groups encompass, but again are not limited to: women, who experience various forms of gender-based violence; children, who have their family links disrupted; or older persons and person with disabilities, who are often left behind or decide to stay behind, without care and means of subsistence. The conflict has also produced new vulnerable groups, especially refugees and internally displaced persons.

Fourth, the report has established that some of the violations of IHRL are likely to amount to crimes against humanity, thus giving rise not only to the responsibility of the state, mostly Russia, but also to criminal responsibility of individual perpetrators. Crimes against humanity are violent acts such as murder, torture or rape which are committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack. The Mission was not able to conclude whether the Russian attack on Ukraine *per se* could qualify as a widespread or systematic attack against a civilian population. Yet, it found credible evidence suggesting that at least some patterns of violent acts which had been repeatedly documented in the course of the conflict, for instance targeted killing, rape, abductions or massive deportations of civilians, met this qualification. It is now for national or international courts to identify concrete individuals standing behind these crimes and hold them criminally responsible.