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auprès de l'OSCE

**STATEMENT BY AMBASSADOR JOCELYN KINNEAR
ON THE RUSSIAN FEDERATION'S ONGOING AGGRESSION AGAINST UKRAINE
1416th MEETING OF THE PERMANENT COUNCIL**

23 March 2023

Mr. Chair,

The past week has been a momentous one for justice and accountability, with yet further confirmation from independent institutions of the crimes being committed by the Russian Federation in its war of aggression against Ukraine.

Last Thursday (March 16th), the UN Independent International Commission of Inquiry on Ukraine, established by the Human Rights Council, released their findings, including that there are “reasonable grounds to conclude that the invasion and Russian armed forces’ attacks against Ukraine’s territory and armed forces qualify as acts of aggression against Ukraine”. The Commission also concluded that “Russian authorities have committed a wide range of violations of international human rights law and international humanitarian law in various regions of Ukraine, many of which amount to war crimes.”

These crimes include “attacks on civilians and energy-related infrastructure, willful killings, unlawful confinement, torture, rape and other sexual violence, as well as unlawful transfers and deportations of children.” Our American colleague just mentioned the example cited of a detainee beaten for speaking Ukrainian and not remembering the lyrics of the Russian national anthem. The Commission also found evidence of rape and sexual and gender-based violence committed by Russian armed forces and its allied groups, as well as the use of the threat of sexual violence, against women and men as an aspect of the torture exercised by Russian authorities.

The Commission’s work is a valuable contribution to the tragically growing body of evidence of serious international crimes being committed in the context of this war. Importantly, while it is not public, the Commission has also developed a list of identified perpetrators and military units responsible for crimes and violations.

Then, on March 17th, the Pre-Trial Chamber of the International Criminal Court issued arrest warrants for President Putin and Russian Commissioner for Children’s Rights, Maria Lvova-Belova. The Pre-trial Chamber found that there were reasonable grounds to believe that President Putin and Ms. Lvova-Belova bear individual criminal responsibility for war crimes for the unlawful deportation and transfer of Ukrainian children from occupied areas of Ukraine to the Russian Federation.

ICC Prosecutor Karim Khan explained that his Office had identified the “deportation of at least hundreds of children taken from orphanages and children’s care homes” who were subsequently given up for adoption in the Russian Federation. This process was facilitated by a law, changed by Presidential decrees, to speed up the conferral of Russian citizenship for these children. The Office of the Prosecutor alleges that this was done with the intent to permanently remove these children from their own country, Ukraine. The OTP also underlined that “most acts in this pattern of deportations were carried out in the context of the acts of aggression committed by Russian military forces against the sovereignty and territorial integrity of Ukraine which began in 2014.”

Unsurprisingly, the Russian Federation responded to this news with threats and denials.

Dmitry Medvedev, deputy chair of Russia’s Security Council was quoted as saying: "Alas, gentlemen, everyone walks under God and rockets. It is quite possible to imagine the targeted use of a hypersonic 'Onyx' from the North Sea from a Russian ship at the Hague courthouse."

The Kremlin described the warrants as "outrageous and unacceptable", and repeated that Russia did not recognize the jurisdiction of the Court.

While Russia is not a State Party to the ICC, it *did* sign on to the Rome Statute establishing the ICC. At the 1998 Conference that adopted the Rome Statute, the Russian delegation spoke in favour of “creating a permanent international criminal court to strengthen peace and justice... to put into effect the principle of individual responsibility for the most serious crimes affecting the international community” – including genocide, aggression, war crimes, and crimes against humanity.

Russia never ratified the Rome Statute, but only purported to “withdraw” its signature from the founding statute of the ICC in November 2016 – one day after the publication of a report of the ICC Prosecutor which recognized that Crimea was occupied by Russia; that Russia was militarily involved in the conflict in eastern Ukraine; and that there was a reasonable basis to believe that a broad range of crimes falling within the Court's jurisdiction had been committed in Ukraine.

The Russian Federation accuses the Court of being politicized and one-sided.

The ICC is on one side: it is on the side of international law, justice and accountability.

Putin has chosen to take Russia to the other side – violating the fundamental norms of international law in a quest to remake the borders of the Russian Federation through aggression regardless of the cost in human lives and suffering.

The Russian Federation may not be a State Party to the ICC but it is still bound by international law. It is bound by the UN Charter. It is bound by the Geneva Convention and IHL. It is bound by international human rights law under both treaty obligations and customary international law.

As the ultimate architect of Russia's war strategy, President Putin bears individual criminal responsibility for the crimes committed at his command or when he fails to exercise control properly over civilian and military subordinates who committed those crimes.

As a firm supporter of international law, Canada welcomes the report of the UN Independent International Commission of Inquiry on Ukraine, and we welcome the ICC's decision to issue arrest warrants for President Putin and for Commissioner Maria Lvova-Belova for their alleged roles in the egregious scheme to deport Ukrainian children to Russia.

To borrow the words of the ICC Prosecutor: we cannot allow children to be treated as if they are the spoils of war.

We call upon Russia to end its war of aggression by immediately and unconditionally withdrawing all troops and military equipment from the internationally recognized territory of Ukraine, including Crimea. We call upon Russia to immediately end the deportation of civilians, including children, from occupied territories, and to end the violations of IHL and international human rights law being perpetrated against the people of Ukraine.

Canada stands firmly with Ukraine, and we will continue to do so for as long as it takes.