
Chairmanship: Poland

**SPECIAL MEETING OF THE PERMANENT COUNCIL
(1369th Plenary Meeting)**

1. Date: Wednesday, 13 April 2022 (in the Neuer Saal and via video teleconference)

Opened: 10.10 a.m.

Closed: 1.25 p.m.

2. Chairperson: Ambassador A. Hałaciński

3. Subjects discussed – Statements – Decisions/documents adopted:

Agenda item 1: MOSCOW MECHANISM INVOKED BY 45 OSCE PARTICIPATING STATES FOLLOWING CONSULTATION WITH UKRAINE

Chairperson, Mr. W. Benedek (Rapporteur under the Moscow Mechanism), Mr. M. Sassoli (Rapporteur under the Moscow Mechanism), Ms. V. Bílková (Rapporteur under the Moscow Mechanism), Romania (also on behalf of Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, the Netherlands, North Macedonia, Norway, Poland, Portugal, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, the United Kingdom and the United States of America) (Annex 1), United Kingdom (Annex 2), United States of America (Annex 3), France-European Union (with the candidate countries Albania, Montenegro and North Macedonia; the country of the Stabilisation and Association Process and potential candidate country Bosnia and Herzegovina; the European Free Trade Association countries Iceland and Liechtenstein, members of the European Economic Area; as well as Andorra, Georgia, Moldova, Monaco, San Marino and Ukraine, in alignment) (Annex 4), Turkey (Annex 5), France (Annex 6), Sweden (Annex 7), Greece (Annex 8), Lithuania (Annex 9), Norway (PC.DEL/562/22), Georgia (PC.DEL/572/22), Ireland (Annex 10), Italy (Annex 11), Russian Federation (Annex 12) (Annex 13), Iceland

(Annex 14), Denmark (Annex 15), Bulgaria (Annex 16), Slovakia (Annex 17), Germany (Annex 18), Canada (Annex 19), Switzerland (PC.DEL/578/22 OSCE+), Spain (Annex 20), Belgium (Annex 21), Slovenia (Annex 22), Portugal (Annex 23), Estonia, Malta (Annex 24), Latvia (Annex 25), Belarus (PC.DEL/575/22 OSCE+), Finland (Annex 26), Czech Republic (Annex 27), Moldova (Annex 28), Netherlands (Annex 29), France-European Union, Ukraine (Annex 30)

Agenda item 2: REVIEW OF CURRENT ISSUES

None

Agenda item 3: ANY OTHER BUSINESS

None

4. Next meeting:

To be announced



1369th Plenary Meeting
PC Journal No. 1369, Agenda item 1

**STATEMENT BY
THE DELEGATION OF ROMANIA (ALSO ON
BEHALF OF ALBANIA, ANDORRA, AUSTRIA, BELGIUM,
BOSNIA AND HERZEGOVINA, BULGARIA, CANADA, CROATIA,
CYPRUS, THE CZECH REPUBLIC, DENMARK, ESTONIA, FINLAND,
FRANCE, GEORGIA, GERMANY, GREECE, HUNGARY, ICELAND,
IRELAND, ITALY, LATVIA, LIECHTENSTEIN, LITHUANIA,
LUXEMBOURG, MALTA, MOLDOVA, MONACO, MONTENEGRO,
THE NETHERLANDS, NORTH MACEDONIA, NORWAY, POLAND,
PORTUGAL, SAN MARINO, SERBIA, SLOVAKIA, SLOVENIA, SPAIN,
SWEDEN, SWITZERLAND, TURKEY, UKRAINE, THE UNITED
KINGDOM AND THE UNITED STATES OF AMERICA)**

Mr. Chairperson,

I am delivering this statement on behalf of 46 participating States: Albania, Andorra, Bosnia and Herzegovina, Canada, Georgia, Iceland, Liechtenstein, Moldova, Monaco, Montenegro, North Macedonia, Norway, San Marino, Serbia, Switzerland, Turkey, the United Kingdom, the United States, the European Union Member States, and Ukraine.

Mr. Chairperson,

On Tuesday, 12 April 2022, OSCE participating States received the independent experts' report of the Moscow Mechanism to address the human rights and humanitarian impacts of the Russian Federation's invasion and acts of war, supported by Belarus, on the people of Ukraine, within Ukraine's internationally recognized borders and territorial waters. The mandate for the experts was to:

“Establish the facts and circumstances surrounding possible contraventions of OSCE commitments, and violations and abuses of international human rights law and international humanitarian law;

“Establish the facts and circumstances of possible cases of war crimes and crimes against humanity, including due to deliberate and indiscriminate attacks against civilians and civilian infrastructure; and to collect, consolidate, and analyse this

information with a view to presenting it to relevant accountability mechanisms, as well as national, regional, or international courts or tribunals that have, or may in future have, jurisdiction.”

Our collective invocation of the Moscow Mechanism on 3 March 2022, with the support of Ukraine, reflected our shared concerns about the impact of Russia’s invasion. Unfortunately, the report from the independent experts confirms our fears.

While our capitals and delegations are still reviewing the 99-page report in detail, we would like to highlight a number of critical determinations made by the experts in the report’s executive summary.

1. “The Mission found clear patterns of International Humanitarian Law (IHL) violations by Russian forces in their conduct of hostilities.”
2. “If they (Russia) had respected their IHL obligations in terms of distinction, proportionality and precautions in attack and concerning specially protected objects such as hospitals, the number of civilians killed or injured would have remained much lower.”
3. “Much of the conduct of Russian forces displayed in the parts of Ukraine it occupied before and after 24 February 2022, including through its proxies, the self-proclaimed ‘republics’ of Donetsk and Luhansk, violates IHL of military occupation.”
4. The report has found “credible evidence suggesting that such violations concerning even the most fundamental human rights (right to life, prohibition of torture and other inhuman and degrading treatment and punishment) have been committed, mostly in the areas under the effective control of Russia or entities under overall control of Russia.”

Furthermore, there are strong indications that crimes against humanity committed by Russian forces may have occurred pursuant to widespread or systematic attacks directed against a civilian population, with the report stating:

5. “Some patterns of violent acts violating International Human Rights Law (IHRL), which have been repeatedly documented in the course of the conflict, such as targeted killing, enforced disappearance or abductions of civilians, including journalists and local officials, are likely to meet this qualification. Any single violent act of this type, committed as part of such an attack and with the knowledge of it, would then constitute a crime against humanity.”

In terms of recommendations for additional actions, the report states that:

6. “The report can inform other bodies’ more in-depth investigations into legal accountability. The findings may also contribute to establishing political accountability.”

Mr. Chairperson,

We appreciate that Ukraine has expressed its gratitude to the mission of experts for the “tremendous work accomplished”. We would also like to thank Professors Benedek, Bilkova, and Sassoli for their tireless work in preparing this report in such a short period of time. As stated, this report will require careful consideration and study, in the OSCE area and

beyond. The broad conclusions, however, are clearly and compellingly presented. It is now upon participating States and the international community to ensure that we undertake the necessary actions. That includes a follow-up in the OSCE through the further use of its human dimension tools and mechanisms.

Thank you, Mr. Chairperson, and I ask that this statement be attached to the journal of the day.



**Organization for Security and Co-operation in Europe
Permanent Council**

PC.JOUR/1369

13 April 2022

Annex 2

Original: ENGLISH

1369th Plenary Meeting

PC Journal No. 1369, Agenda item 1

STATEMENT BY THE DELEGATION OF THE UNITED KINGDOM

Mr. Chairperson, I wish to make a statement in my national capacity, to supplement the statement just delivered by Ambassador Stelian Stoian from Romania on behalf of the 45 participating States, including the United Kingdom, that invoked the Moscow Mechanism, with the support of Ukraine.

I would like to welcome Professors Wolfgang Benedek, Veronika Bílková and Marco Sassòli to the Permanent Council today and thank them for their professional and meticulous work in preparing this report. We greatly appreciate that we have, collectively, been able to call on your expertise, and independence, in preparing this important report.

Mr. Chairperson, the United Kingdom strongly supported the joint decision to invoke the Moscow Mechanism. We did so because of our grave concerns about the humanitarian impacts of Russia's invasion and the potential for war crimes and crimes against humanity. Since the invocation of the Mechanism on 3 March, we have spoken regularly in this Council about some of the truly shocking incidents that have come to light. We have spoken about the events in Mariupol, Bucha, Irpin, and Borodyanka. Earlier this week, we expressed our horror about the tragic events in Kramatorsk: missile strikes on a crowd, reported to be over a thousand people, waiting for trains to escape Russia's onslaught. Over fifty people – innocent civilians – women, men, and children – reportedly killed in this barbaric attack, and over hundred injured.

The report presented today by Professors Benedek, Bílková and Sassòli makes clear that we, and the wider international community, were right to invoke the Moscow Mechanism in response to our concerns about Russia's invasion. We read in the report about the human impact directly caused by Russia's actions – in sections covering deportations, sieges and humanitarian corridors, on targeted attacks on individual civilians and civilian infrastructure, and on the impact on vulnerable groups. The sections on two specific attacks, against the Mariupol Maternity House and Children's Hospital, and Mariupol Theatre, remind us in detail of the terror of what is still happening – today – to that city's inhabitants, and the cost of Russia's aggression.

Mr. Chairperson, the report covers incidents between 24 February and 1 April. It does not cover the most recent atrocities in Ukraine, although we note the authors' comments that Bucha "deserves and requires a serious international enquiry". This report, the first

independent report under the auspices of an international organization, is important. It confirms our concerns, including “clear patterns of International Humanitarian Law (IHL) violations by the Russian forces in their conduct of hostilities.”

This report is just the first of likely many. We must, as an international community, hold accountable those responsible for the atrocities that have been committed in Ukraine, including military commanders and other individuals in the Putin regime. Soldiers and commanders who issue or follow illegal orders need to understand that their actions will be documented, and they will be held to account. Justice will be served.

Mr. Chairperson, we may hear today from the Russian delegation. If so, we can probably expect the usual distortions, denials and disinformation. But, as we have said before – facts matter. That is precisely why a large majority of participating States, with the support of Ukraine, asked for this fact-finding mission. It is with the facts that we can ensure accountability for all those that violate international humanitarian law.

We call on Russia in the strongest possible terms to end its attacks on civilians in all their forms, to pull back their troops from the entire territory of Ukraine and to stop this war. The United Kingdom will remain resolute in our support for Ukraine’s sovereignty, territorial integrity, independence and unity within its internationally recognized borders.

Thank you, Mr. Chairperson, and I request that this statement be attached to the journal of the day.



1369th Plenary Meeting

PC Journal No. 1369, Agenda item 1

**STATEMENT BY
THE DELEGATION OF THE UNITED STATES OF AMERICA**

Thank you, Mr. Chairperson.

And I too fully align myself with the statement just made by my distinguished colleague, the ambassador of Romania, on behalf of the States invoking the Moscow Mechanism.

I'd like to start by thanking Professors Wolfgang Benedek, Veronika Bílková and Marco Sassòli for their meticulous and well-documented report produced under the OSCE's Moscow Mechanism – covering the initial period of the Russian Federation's renewed aggression against Ukraine from 24 February to 1 April 2022. I'd also like to thank the Office for Democratic Institutions and Human Rights for its support to the mission. While operating under intense time constraints, the mission produced a thorough and compelling account of what it found to be Russia's violations and abuses of human rights, and its violations of international humanitarian law. In several places, the report details instances in which war crimes and crimes against humanity may have been committed.

Taken as a whole, the report documents the catalogue of inhumanity perpetrated by Russia's forces in Ukraine. This includes evidence of direct targeting of civilians, attacks on medical facilities, rape, executions, looting, and forced deportation of civilians to Russia. The mission found "clear patterns of international humanitarian law (IHL) violations by Russian forces" and, as Professor Sassòli just explained, it is "not conceivable that so many civilians would have been killed and injured and so many civilian objects ... would have been damaged or destroyed if Russia had respected its international humanitarian law obligations in terms of distinction, proportionality and precautions" (page 93).

The report documents many particularly egregious attacks, such as the 9 March attack striking the Mariupol Maternity House and Children's Hospital, determining that the hospital was destroyed by a Russian strike. The mission concluded that this attack was deliberate, with no effective warning given, and thus constitutes a "clear violation of IHL" – international humanitarian law – and "a war crime" (page 47). While the Russian Government alleged the hospital was used for military purposes, the mission categorically dismissed these claims.

Similarly, the mission found that the 16 March attack on the drama theatre in Mariupol that killed approximately 300 people was most likely an egregious violation of international humanitarian law and those who ordered or executed it committed a war crime. The mission also dismissed the Kremlin's attempt to blame Ukraine for this and other attacks (pages 47–48).

The report is powerful in documenting the sheer scope of the Russian Government's cruelty. For instance, it chronicles how Russia's forces used the Red Cross emblem, white flags, Ukrainian flags, civilian clothes, and even OSCE symbols to facilitate their military operations (page 43). It documents cases of Russia's forces arresting civilians, including journalists, without any procedure, and ill-treating them by methods that amount to torture. One case involved a Ukrainian interpreter and fixer for Radio France who was held in captivity in central Ukraine for nine days. As the report notes: "Left in an icy cellar, he was repeatedly beaten with an iron bar and rifle butts, tortured with electricity, deprived of food for 48 hours and subjected to mock execution" (page 18).

The report also cites evidence showing that Russia's forces engaged in a "widespread and systematic pattern" of damage to Ukrainian healthcare facilities with attacks on 52 facilities just between 24 February and 22 March by "indiscriminate bombardment and in some cases intentional targeting," which constitute war crimes (pages 36-37).

It demonstrates how Russia's forces opened fire on peaceful protesters in Skadovsk on 16 March. It documents 24 cases of wrongful detention and disappearance of local officials in regions held by Russia's forces, as well as the wrongful detention and disappearance of 21 journalists and civil society activists. It documents pillage conducted by Russia's soldiers, which "constitutes a violation of [International Humanitarian Law] and a war crime" (page 23). It documents those who have been forcibly displaced, as well as the unlawful conscription of Ukrainian nationals in Donetsk and Luhansk. It also discusses how on 7 March, Yuriy Prylypko, the head of the local self-government in the village of Hostomel, and two volunteers, Ruslan Karpenko and Ivan Zorya, were shot dead by Russia's soldiers while delivering food and medicine to local residents. It goes on: "On 13 March 2022, Oleksander Kononov, a disabled pro-Ukrainian activist from the Luhansk region, was shot dead at home, in his wheelchair, by Russian soldiers." In its understated way, the report concludes: "These incidents seem hard to explain by military necessity." Indeed, I would go a step further: this entire war has been unnecessary. This is a war of choice, a war of cruelty, and a war of monstrous barbarity.

Mr. Chairperson, as we all know, Russia's atrocities continue even after this report's conclusion. Since the mission completed its report, the world has been horrified by the scenes of large-scale civilian killings at the hands of Russia's forces in Bucha, Irpin, and other areas that Ukraine has liberated. Ukrainian authorities reported on 10 April that more than 1,200 bodies have been discovered in the Kyiv region alone following the retreat of Russia's troops from the area. Ukrainian authorities also continue to report appalling cases of sexual violence committed by Russia's troops against women and children in the Kyiv region and elsewhere. In the mere eight days since this report was submitted, the world has additionally borne witness to Russia's barbaric missile attack hitting Kramatorsk's railway station on 8 April that killed at this point 57 civilians and injured scores more. There have also been reports that Russia's forces in Mariupol have deployed mobile crematoria, as I noted the other day, in an attempt to cover up atrocities and are conducting forced deportations and

transfers of Ukrainian civilians from Mariupol and other areas it has taken control of since 24 February. Who but Russia would think to use mobile crematoria? The destruction of whole cities and killings of civilians are ongoing in Mariupol, Kharkiv, Iziun, and other cities and towns due to Russia's relentless air strikes, mortaring, and shelling of these areas.

Currently we are looking into reports that Russia's forces used chemicals in an attack in Mariupol. There has been credible information that Russia's forces may have used a variety of riot control agents, including tear gas mixed with chemical agents that would cause stronger symptoms, to weaken and incapacitate entrenched Ukrainian fighters and civilians as part of its aggressive campaign to take Mariupol. This is a scenario we have been concerned about for some time and repeatedly warned the world about. We must now urgently gather the evidence to ensure there is accountability for what could well be another war crime in Ukraine.

Mr. Chairperson, the key aim of the Moscow Mechanism in this instance was to promote accountability for human rights abuses, violations of international humanitarian law, war crimes, and crimes against humanity. It is critical that, consistent with the mission's mandate, all the information collected in this report be made available to the relevant accountability mechanisms, as well as national, regional, and/or international courts or tribunals that have, or may in the future have, jurisdiction. I note that the report contains language suggesting that new accountability mechanisms could be created, and you referred to this Professor Benedek. I am curious to hear if you have any specific recommendations. Unfortunately, many more atrocities are likely to come to light in the coming days and weeks, and participating States around this table must be prepared to keep using the tools at our disposal to keep documenting, collecting evidence, and building cases for future accountability.

Mr. Chairperson, we must do everything possible to ensure that every single responsible individual is held accountable. The United States will continue to use the full range of its tools and resources to support documentation and accountability efforts, together with our allies and partners. We owe it to the victims and to the broader cause of humanity.

Thank you, Mr. Chairperson. I request this statement be attached to the journal of the day.



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**STATEMENT BY
THE REPRESENTATIVE OF THE EUROPEAN UNION**

The delegation of France, in its capacity as EU Presidency, passed the floor to the representative of the European Union, who delivered the following statement:

The European Union welcomes Professors Wolfgang Benedek, Veronika Bílková and Marco Sassoli to the Permanent Council and thanks them for their report. The report was prepared in accordance with the OSCE Moscow Mechanism, invoked – with the support of Ukraine – by 45 participating States, including all European Union Member States, in light of our grave concerns regarding the human rights and humanitarian impacts of Russia’s brutal and illegal war of aggression against Ukraine, which we condemn in the strongest terms.

We thank the experts for their impartial assessment and their efforts in gathering the relevant information, and we thank Ukraine for its invitation and for facilitating this immense task. We note that Ukraine has expressed its gratitude to the experts for the “tremendous work accomplished”. We also express our appreciation to the Office for Democratic Institutions and Human Rights for its technical assistance to the mission. This war is not only fought on the ground. It is clear that the Kremlin is also waging a shameful disinformation campaign in order to hide the facts of Russia’s brutal attacks on civilians in Ukraine. Reliable information and collection of facts have therefore never been as important as today.

The report identifies violations on both sides but its conclusion is clear: “The violations committed by the Russian Federation are by far larger in scale and nature”. The report, regrettably, depicts the appalling and devastating reality of clear patterns of violations of international humanitarian law by the Russian armed forces in their conduct of hostilities. The report also confirms that much of the conduct of the Russian armed forces displayed in the parts of Ukraine it temporarily occupied before and after 24 February 2022, including through its proxies in the Donetsk and Luhansk oblasts, violates international humanitarian law of military occupation. The mission has found credible evidence suggesting that such violations, concerning even the most fundamental human rights – the right to life, prohibition of torture and other cruel, inhuman and degrading treatment and punishment – have been committed mostly in the areas under the effective control of Russia or entities under overall control of Russia. Furthermore, the mission has found that while the conflict has affected all inhabitants of Ukraine, it has had and continues to have a disproportionately negative impact on persons belonging to vulnerable groups, including women and children, the elderly or persons with disabilities. The report also identifies patterns of violent acts violating

international human rights law, such as targeted killings, enforced disappearances or abductions of civilians, including journalists and local officials, stating that any single violent act of this type, committed as part of such an attack and with the knowledge of it, would constitute a crime against humanity.

The European Union notes the call of the experts for further investigation, in particular to establish individual criminal responsibilities for war crimes. As we have already stated, there will be no impunity for war crimes and crimes against humanity. In particular, we are shocked and appalled by the reported massive atrocities committed by the Russian armed forces in Bucha and Borodianka, as well as in Irpen, Hostomel, Ivankiv and other places that have now been liberated by Ukraine. We strongly condemn the ongoing ghastly siege of Mariupol and the constant shelling of other places, including Chernihiv and Kharkiv. The brutal, indiscriminate bombing of defenceless civilians, including children, will be another blood stain on the conscience of those who decided to wage this senseless war. This will be the case for the bombing of the Mariupol Children's Hospital, which, as the mission concludes, was destroyed by a Russian attack. It will also be the case for the attack in Kramatorsk last week and the reported use of cluster munitions and other UN-prohibited weapons in residential areas. The perpetrators of war crimes or crimes against humanity, as well as any responsible State officials and military leaders, must be and will be held accountable. The European Union supports all measures to ensure accountability for human rights and international humanitarian law violations and we call on all participating States to do likewise. We commend the tireless efforts and contributions of civil society and human rights defenders to this end. The OSCE Moscow Mechanism report is an essential contribution to a first collection and analysis of facts with a view to present it to accountability mechanisms that have, or may have in the future, jurisdiction. It is now up to OSCE participating States and the wider international community to ensure that necessary follow-up actions are undertaken, including through the further use of OSCE tools and mechanisms.

We repeat our call on Russia to fully respect Ukraine's independence, sovereignty and territorial integrity within its internationally recognized borders and territorial waters. We demand that Russia immediately and unconditionally cease its military actions and withdraw all its troops from the entire territory of Ukraine. Russia must also urgently and unconditionally provide safe pathways, both for civilians to evacuate to other parts of Ukraine, as well as for those delivering humanitarian assistance. We also reiterate our call on the co-aggressor, Belarus, to stop enabling the Russian aggression by allowing Russian armed forces to use its territory and to abide by its international obligations. We stand by Ukraine in these dark hours.

I kindly ask that this statement be attached to the journal of the day.

The candidate countries the Republic of North Macedonia¹, Montenegro¹, and Albania¹, the country of the Stabilisation and Association Process and potential candidate Bosnia and Herzegovina, and the EFTA countries Iceland and Liechtenstein, members of the European Economic Area, as well as Ukraine, the Republic of Moldova, Georgia, Andorra, Monaco and San Marino align themselves with this statement.

1 The Republic of North Macedonia, Montenegro and Albania continue to be part of the Stabilisation and Association Process.



**Organization for Security and Co-operation in Europe
Permanent Council**

PC.JOUR/1369

13 April 2022

Annex 5

Original: ENGLISH

1369th Plenary Meeting

PC Journal No. 1369, Agenda item 1

**STATEMENT BY
THE DELEGATION OF TURKEY**

Mr. Chairperson,

Turkey aligns itself with the statement delivered by Ambassador Stelian Stoian, the distinguished Permanent Representative of Romania to the OSCE. I also would like to make some remarks in my national capacity.

We would like to thank Professors Wolfgang Benedek, Veronika Bílková and Marco Sassòli for their report on the effects of the conflict in Ukraine on human rights.

Since 24 February 2022, the humanitarian situation in Ukraine has worsened day by day. While millions of people have been displaced, the numbers of civilians killed, wounded and suffering increase also day by day. Countless videos and photos concerning the grave human rights violations have been disseminated on various platforms as an attestation to the ongoing atrocities.

Human dignity is and should always be above all political or economic interests and it should be protected under all circumstances. Targeting innocent civilians and civilian infrastructure can never be accepted.

We cannot fail to act in the face of shocking reports of mass killings, torture, rape and inhuman treatments.

In this respect, it is essential to collect data and evidence, to reach witnesses and to verify information about the ongoing human rights violations as well as to identify disinformation. Identifying those who are responsible and bringing them to account by holding an independent investigation is our main expectation.

With this understanding, my country is one of the 45 participating States that has invoked the Moscow Mechanism.

The report reflects human rights violations of both sides but expresses that the violations of the Russian Federation are larger by far in nature and scale. Certainly, the Moscow Mechanism is not a judicial process. However, the report includes some valuable collection of data and legal analysis about the humanitarian situation in Ukraine.

On this occasion, in order to avoid further humanitarian tragedies, we repeat our call for the opening of secure humanitarian corridors for the evacuation of civilian population and to meet the basic humanitarian needs of those stranded in specific regions such as Mariupol.

We renew our call for an immediate ceasefire.

There is an urgent need for a political solution. The meaningful momentum of the recent Istanbul meeting should be sustained. We support all diplomatic efforts aimed at putting an end to this humanitarian tragedy.

Mr. Chairperson,

We underline once again that we reject the ongoing assault of the Russian Federation against Ukraine. We strongly support the preservation of the sovereignty, political unity and territorial integrity of Ukraine within its internationally recognized borders, including its territorial waters.

We kindly ask that our statement be attached to the journal of the day.

Thank you.



**Organization for Security and Co-operation in Europe
Permanent Council**

PC.JOUR/1369

13 April 2022

Annex 6

ENGLISH

Original: FRENCH

1369th Plenary Meeting

PC Journal No. 1369, Agenda item 1

**STATEMENT BY
THE DELEGATION OF FRANCE**

Mr. Chairperson,

France aligns itself with the statement made by Romania on behalf of the 45 participating States that have invoked the Moscow Mechanism and with the statement by the delegation of the European Union. It would also like to make the following comments in a national capacity.

France listened very closely to the report by Professors Wolfgang Benedek, Veronika Bílková and Marco Sassòli. The report follows the invoking of the OSCE Moscow Mechanism on the initiative of 45 countries, including France. This record number attests to the deep concern of the vast majority of participating States about the atrocities and abuses committed by Russia since the start of its war of aggression against Ukraine. It also reflects our willingness to collectively implement the mechanisms within our Organization to ensure that the commitments made by the participating States are respected.

We welcome the report that has just been presented to us, which is the result of exemplary work carried out in a very short space of time and under difficult conditions. Following the publication of this extremely well-documented report, it is no longer a question of expressing fears or concerns but of denouncing and condemning specific actions and facts that provide clear proof of violations of international law and international humanitarian law by Russia. The conclusions by the experts in this report brook no argument: they confirm “clear patterns of international humanitarian law violations by Russian forces in their conduct of hostilities”, some of which, they conclude, could probably qualify as crimes against humanity. The report identifies violations by both sides, but its conclusion is clear: “The violations committed by the Russian Federation ... are by far larger in nature and scale” and “Russia is the aggressor and therefore responsible for all human suffering in Ukraine”.

Without any possible doubt, this report places responsibility for this war of aggression on Russia, which, with its proxies, is violating the provisions of international law regarding military occupation of a sovereign country. Another terrible finding by the experts is that if Russia and its proxies had respected their obligations under international humanitarian law, which prohibits attacks on civilians and civilian objects, the number of civilians killed or injured would have been much lower.

Mr. Chairperson,

This report is an important step in the efforts by the international community to combat violations of international humanitarian law and human rights and their impunity. Its findings will undoubtedly inform ongoing investigations aimed at formally establishing legal and political responsibility for the atrocities committed by the Russian forces on Ukrainian territory.

True to its values, France will not turn a blind eye to these atrocities and abuses. France remains resolutely committed to fight alongside the Ukrainians, its international partners and the international courts against impunity for unacceptable acts that may constitute war crimes but also crimes against humanity. It is fully committed to providing practical support to the efforts of the Ukrainian authorities and international courts, including the International Criminal Court, in their investigations in the context of the war in Ukraine.

France will assist in investigations to ensure that justice is done in Kramatorsk and Bucha regarding all the atrocities committed by the Russian aggressor. Following the abuses committed in Bucha, a technical team from the French Ministry of the Interior, tasked with providing expertise in identification and collection of evidence to the Ukrainian authorities, arrived in Ukraine on Monday, 11 April. In agreement with the Ukrainian authorities, this team will also be able to help with the investigation by the International Criminal Court, to which France contributes financially and by sending judges and investigators.

In the weeks since it embarked on its war of aggression against Ukraine, Russia has stepped up its outrageous denials and disinformation tactics in the vain hope of concealing the extent and horror of its crimes. The report that has just been presented to us, based on concrete facts – facts that count – makes an important contribution to discrediting the despicable propaganda that Russia is trying to spread, including and especially in this body.

Mr. Chairperson,

France remains fully committed to ending this war of aggression, the human cost and humanitarian impact of which are mounting daily. In the face of the horror and devastation of Russian aggression, carried out with the complicity of Belarus, France reaffirms its solidarity and support for Ukraine and the Ukrainians. We support those in Russia and Belarus who continue to find ways, despite repression, to repudiate this conflict conducted in their name and to express their opposition to the war. These actions are necessary to break with the logic of hatred in which Vladimir Putin wants to ensnare Ukrainians, Russians and Belarusians.

I request that this statement be attached to the journal of the day.



**Organization for Security and Co-operation in Europe
Permanent Council**

PC.JOUR/1369
13 April 2022
Annex 7

Original: ENGLISH

1369th Plenary Meeting
PC Journal No. 1369, Agenda item 1

**STATEMENT BY
THE DELEGATION OF SWEDEN**

Sweden aligns itself with the statement made on behalf of the European Union. Sweden also fully aligns itself with the statement made by the Romanian ambassador on behalf of the 45 participating States that invoked the Mechanism. I would also like to make some brief remarks in my national capacity.

Firstly, we thank the experts, Professors Benedek, Bílková and Sassòli, for their professional, impartial and objective work, and the Office for Democratic Institutions and Human Rights for its technical assistance to the mission. We also want to commend the tireless efforts and contributions of civil society and human rights defenders.

As you have all read and heard from the experts, the report confirms the appalling and devastating reality of clear patterns of violations of international humanitarian law by the Russian armed forces. Furthermore, it provides evidence confirming that violations by the Russian Federation concern even the most fundamental human rights and principles such as the right to life or the prohibition of torture and other cruel, inhuman and degrading treatment and punishment.

Let me also repeat what has already been stated by the European Union and others who spoke before me, because it cannot be emphasized strongly enough: the perpetrators of war crimes or crimes against humanity must be and will be held accountable, as must any responsible State officials and military leaders. There will be no impunity for war crimes and crimes against humanity.

We stand by Ukraine in these dark hours.

Thank you, Mr. Chairperson.

I kindly ask that this statement be attached to the journal of the day.



1369th Plenary Meeting

PC Journal No. 1369, Agenda item 1

**STATEMENT BY
THE DELEGATION OF GREECE**

Greece fully aligns itself with the statement made by the European Union as well as with the joint statement delivered by Romania on behalf of 46 participating States. I would also like to add some brief remarks in my national capacity.

Greece has consistently and unequivocally stood up for Ukraine in this unjustified and unjustifiable war.

Protection of all civilians is a top priority under international humanitarian and human rights law.

We strongly condemn all the horrific crimes committed against innocent unarmed civilians in many Ukrainian towns and cities such as Bucha, Kramatorsk and Mariupol.

We call for the full and in-depth investigation of these crimes and for those responsible to be brought to justice.

One subject that is particularly on our minds is the protection of the long-established Greek community of Ukraine, which exceeds 100,000 people and is found particularly in the south of the country in the areas of Mariupol and Odessa.

We have repeatedly stressed the urgent need to send humanitarian aid to those who suffer and to create humanitarian corridors for the evacuation of civilians.

In this connection, the Foreign Minister of Greece, Mr. Nikos Dendias, has recently visited Odessa accompanying humanitarian aid to be delivered to the Ukrainian people, including diaspora Greeks.

Minister Dendias had initially announced his intention to personally lead a humanitarian mission to Mariupol, in co-ordination with the International Committee of the Red Cross. However, security conditions on the ground meant that this plan could not be implemented. It is to be hoped that it will take place soon, when conditions on the ground allow for a safe passage.

Allow me to once again express my country's gratitude to the OSCE Secretariat and personally to the Secretary General, Ms. Helga Schmid, for offering shelter to the staff of the Greek Consulate General in the premises of the Special Monitoring Mission to Ukraine in Mariupol and for facilitating their safe evacuation.

Finally, we express the hope that today's meeting will initiate the process of full investigation of crimes committed against civilians.



1369th Plenary Meeting

PC Journal No. 1369, Agenda item 1

**STATEMENT BY
THE DELEGATION OF LITHUANIA**

Mr. Chairperson,

The Lithuanian delegation aligns itself with the joint statement delivered on behalf of the participating States which invoked the Moscow Mechanism and the statement delivered on behalf of the European Union. Yet I would like to add some remarks in my national capacity.

Allow me to join the others in thanking Mr. Wolfgang Benedek, Ms. Veronika Bílková and Mr. Marco Sassòli for their professional and dedicated work in preparing the substantial report under the OSCE Moscow Mechanism, which was completed under great constraint of time and intense circumstances.

The findings of the report presented today have confirmed clear patterns of the international humanitarian law violations by the Russian forces in their conduct of hostilities. The mission has also found credible evidence suggesting that violations concerning the most fundamental human rights have been committed, mostly in the areas under the effective control of Russia or entities under overall control of Russia. In combination, such violent acts as the targeted killing, enforced disappearance or abduction of civilians, including journalists and local officials, are likely to qualify as a widespread or systematic attack directed against a civilian population. As just reported, any single violent act of this type, committed as part of a military attack against Ukraine and with the knowledge of it, constitutes a crime against humanity.

This report has clearly confirmed that Russia's unprovoked military invasion against Ukraine has brought suffering and destruction such as have not been seen in Europe for decades.

We are determined to hold Russia accountable for the unjustified and unprovoked war and all atrocities committed. This we have been underlining since the very beginning – no one responsible for the aggression and the atrocities committed in Ukraine will escape responsibility, including personal responsibility. Those who give criminal orders to commit these crimes, those who then implement these orders, those who try to deny these war crimes or to whitewash them, everyone responsible should be held to account.

In reaction to the act of aggression against Ukraine being committed by Russia, Lithuania, like many other States around this table, is taking legal action to ensure that impunity will not prevail.

Lithuania was the first State to make a State Party referral to the Prosecutor of the International Criminal Court (ICC) over Russia's and Belarus's war crimes and crimes against humanity. Many other countries did the same and the ICC investigation is now ongoing and enjoying our support. It is a matter of crucial urgency to collect and preserve evidence, especially after the atrocities perpetrated by the Russian military forces in Bucha and other cities of Ukraine. We should use every available means to ensure accountability. Given that there are many evidence-collecting mechanisms already in place, it is very important that they all support the Prosecutor's investigation in a co-ordinated manner.

At the initiative of Lithuania, on 25 March, a joint investigation team comprising Ukrainian, Polish and Lithuanian representatives was created in Eurojust, the European Union Agency for Criminal Justice Cooperation. Other States that have started national investigations into these war crimes might consider joining it.

At a national level, the Office of the Prosecutor General of Lithuania has opened a criminal investigation under Lithuania's Criminal Code, based on universal jurisdiction, concerning the crime of aggression committed by the regimes of Russia and Belarus against Ukraine, as well as war crimes and crimes against humanity committed by them in Ukraine. Lately, the Office of the Prosecutor General of Lithuania, together with the Lithuanian Police, opened a dedicated website (<https://report.epolicija.lt/>) where anyone who has any information about these crimes can provide it.

Neither Russia nor Belarus will enjoy impunity for the war crimes and crimes against humanity they commit. They will be held to account for their brutal actions.

I thank you, Mr. Chairperson, and I kindly ask you to attach this statement to the journal of the day.



**Organization for Security and Co-operation in Europe
Permanent Council**

PC.JOUR/1369

13 April 2022

Annex 10

Original: ENGLISH

1369th Plenary Meeting

PC Journal No. 1369, Agenda item 1

**STATEMENT BY
THE DELEGATION OF IRELAND**

Ireland aligns itself with the statement made by the European Union, and I make the following brief comments in my national capacity.

Ireland welcomes the report of the expert mission established under the Moscow Mechanism. We deeply regret that such a mission was necessary, and commend the experts, (Professors Wolfgang Benedek, Veronika Bílková and Marco Sassoli), for their report, which we are studying in detail.

We have all seen the images of this war on our screens and this report commits to paper the grim realities of those atrocities. The findings of the report are amplified by new horrors and ongoing human rights abuses that we learn of on a daily basis.

Mr. Chairperson,

The report's conclusions make for sombre reading, in particular in relation to civilian losses and international humanitarian law.

The quote that the mission "found credible evidence suggesting that such violations concerning even the most fundamental human rights (right to life, prohibition of torture and other inhuman and degrading treatment and punishment) have been committed" is one of the most telling of all.

There can be no impunity for those who target civilians. There can be no impunity for those who intentionally shell hospitals, shelters and other areas where citizens are clearly at their most vulnerable and exposed. There can be no impunity for those who bomb civilians at a train station, as they try to leave a city.

There will be no impunity for such actions: those responsible will be held to account.

As the mission experts acknowledge, further investigations will be necessary. Documenting the horrors of this war will be an important part of what happens next and this report will, we believe, prove to be an invaluable asset to those engaged in other accountability mechanisms. The importance of this work cannot be overstated.

We commend Ukraine for its approach to this report and call on the Russian Federation to engage with the findings.

Mr. Chairperson,

I reiterate that Ireland condemns Russia's actions in the strongest possible terms. We call on Russia to immediately and unconditionally cease its military actions, withdraw all its troops from the entire territory of Ukraine, and engage in true dialogue and diplomacy towards peace.

I request that this statement be attached to the journal of the day.



**Organization for Security and Co-operation in Europe
Permanent Council**

PC.JOUR/1369

13 April 2022

Annex 11

ENGLISH

Original: ITALIAN

1369th Plenary Meeting

PC Journal No. 1369, Agenda item 1

**STATEMENT BY
THE DELEGATION OF ITALY**

Mr. Chairperson,

Italy fully aligns itself with the statements by the European Union and Romania on behalf of the participating States that have invoked the Moscow Mechanism and would like to add some comments in a national capacity.

Only a week ago, at another special meeting of the Permanent Council, we expressed horror and condemnation of the crimes committed in Bucha and other areas liberated by the Ukrainian army. In the time since then, other horrors have unfortunately come to light and other atrocities have been discovered.

Once again, we strongly urge Russia to immediately stop this unjustified and unjustifiable war, end the violence against civilians and withdraw its armed forces from Ukraine.

Italy has from the outset strongly supported international initiatives to identify and punish those responsible for violations of international humanitarian law and human rights. Within the OSCE, we were among the 45 participating States that invoked the Moscow Mechanism. We thank the mission of experts who worked intensively on the report presented today. It makes an important contribution to establishing responsibility and punishing those responsible for the heinous crimes committed in Ukraine. As we announced, Italy will work to ensure adequate follow-up.

We very much regret the failure on the part of Russia to co-operate with the mission of experts and emphatically reiterate that Russia will be called to account for the violations of international humanitarian law and human rights.

I kindly ask that this statement be attached to the journal of this meeting. Thank you.



**Organization for Security and Co-operation in Europe
Permanent Council**

PC.JOUR/1369

13 April 2022

Annex 12

ENGLISH

Original: RUSSIAN

1369th Plenary Meeting

PC Journal No. 1369, Agenda item 1

**STATEMENT BY
THE DELEGATION OF THE RUSSIAN FEDERATION**

Mr. Chairperson,

First of all, I should like to touch upon the organizational modalities of today's special meeting of the Permanent Council.

We resent the artificial time constraints created by the Polish Chairmanship for discussing the report produced under the Moscow Mechanism. We are sure that the tight deadline for convening the meeting did not allow all delegations, including our own, to thoroughly analyse this lengthy document, which was presented only yesterday afternoon – and this despite the fact that the lion's share of the report is devoted to Russia.

It would appear that a serious discussion of the opus was not envisaged at all. It is designed to fulfil the basic political objective of assigning blame by default.

Yet Ukraine's representatives, along with their foreign handlers, were undoubtedly in possession of the text of the document as early as 5 April and were able to study it at leisure. In these circumstances, the dishonest behaviour of the Chairmanship in scheduling this special meeting hastily and in breach of the established procedures (according to the rules, the meeting should be a "regular" one) does not stand up to scrutiny and certainly does not add credit to its supposed role as an "honest broker". There are also questions about "technical" management by the Office for Democratic Institutions and Human Rights, but this is a topic for a separate discussion.

Now to the Moscow Mechanism itself. We continue to believe that this instrument has long since outlived its usefulness. Its repeated and highly selective use in recent years has confirmed that it is being employed to exert political pressure on individual OSCE States rather than for objective and impartial analysis.

The cynical appointment to the mission of experts of the ill-famed Professor Wolfgang Benedek, who once submitted highly politicized reports on Russia and Belarus under the Mechanism, also supports this conclusion. Why then keep a roster of more than 60 experts when there is Mr. Benedek – the "man for all seasons"? And how "objective" can an expert be from the Czech Republic, a country that openly supports the Kyiv regime

and supplies it with weapons? Not to mention the representative of Switzerland, a State that long ago ceased to adhere to its formal neutral status. So we did not expect objective and balanced assessments today *a priori*. We were not at all surprised by what we have seen – the level of unprofessionalism and bias of the so-called mission of experts is simply overwhelming.

The overtly biased report is an attempt to shift the blame for the crimes committed by the Ukrainian authorities against the residents of the Donetsk and Luhansk People's Republics for eight years from the Ukrainian armed formations to Russia. The report is based solely on the unsubstantiated propaganda that we have heard in the Permanent Council over the years from Ukraine and Western countries and that we have compellingly refuted. The document contains references to dubious sources such as obscure media and Internet bloggers and is replete with “highly likely” logic, unsubstantiated data, one-sided interpretations and non-consensus terminology. Alternative views on many of the subjects raised in the report are dismissed without explanation. In this way, the authors convince themselves from the first pages that they have “reliable information”. There is no doubt that the aim is to replicate these dubious fabrications afterwards, but now as “OSCE data”. Be warned: we intend to strongly oppose this. This “report” cannot serve as a source of credible information.

We shall not even speak of the attempts to ignore realities and “sell” to the reader the Ukrainian vision of the root causes of the crisis in Ukraine by repeating mantras about the so-called “occupation of Crimea and the Donetsk and Luhansk regions by Russia from 2014 to 2022”.

At the same time, among other things, the pseudo-analysts almost completely ignore – if not cover up – the crimes of the Kyiv regime in the territories of the Donetsk and Luhansk People's Republics. In fact, the authors of the report – Wolfgang Benedek, Veronika Bílková and Marco Sassòli – have departed from the original aims and objectives of the Moscow Mechanism when it was created in 1991. With their “work” they have devalued the efforts and constructive intentions of our predecessors at the OSCE, ham-fistedly fulfilling the opportunistic political orders of their patrons.

In view of what I have said, we consider the Moscow Mechanism and the conclusions of this report to be both legally and politically null and void for the Russian Federation.

I request that this statement be attached to the journal of today's special meeting of the OSCE Permanent Council.

Thank you for your attention.



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13 April 2022

Annex 13

ENGLISH

Original: RUSSIAN

1369th Plenary Meeting

PC Journal No. 1369, Agenda item 1

**STATEMENT BY
THE DELEGATION OF THE RUSSIAN FEDERATION**

Mr. Chairperson,

I should like briefly to exercise the right of reply. We have heard many strange, absurd and far from diplomatic comments and accusations today which, frankly, we consider beneath our dignity to comment on.

However, I should like to focus on one of them. This is the statement by the distinguished representative of the European Union who, if I recall correctly, said literally the following in her response – please forgive me if the quote is not 100 per cent correct, but this is the gist: “We urge Russia to engage and facilitate all independent investigations for the crimes for which Russia is responsible.”

In that regard, I refer to the primary source – the document that established the Moscow Mechanism, namely the Moscow Document of 1991. Paragraph 6 clearly states: “The inviting State will co-operate fully with the mission of experts and facilitate its work.”

The thing is, we have not invited anyone anywhere. This is a point of principle that undercuts the logic of all those who accuse Russia of being unco-operative with the authors of the document the Permanent Council considered today.

I thank you for your attention and request that this statement be attached to the journal of today’s special meeting of the OSCE Permanent Council.



1369th Plenary Meeting
PC Journal No. 1369, Agenda item 1

**STATEMENT BY
THE DELEGATION OF ICELAND**

Mr. Chairperson,

Iceland aligns itself with the statement made by Romania, as well as with the statement of the European Union.

I wish to make short remarks in my national capacity.

Iceland is among the 45 OSCE States that invoked the Moscow Mechanism to address the human rights and humanitarian impacts of the Russian Federation's invasion of Ukraine and acts of war, supported by Belarus, upon the people of Ukraine, within Ukraine's internationally recognized borders and territorial waters.

The invocation of the Moscow Mechanism was a necessary step to take. Today, we have listened to our expert team reporting on the violations of international human rights law and international humanitarian law in Ukraine in the wake of the invasion.

I thank you all, Professors Benedek, Bílková and Sassòli for your tireless work in preparing this report in such a short period of time. Let me also express gratitude to the Office for Democratic Institutions and Human Rights for facilitating the work of the mission.

Mr. Chairperson,

The fact-finding mission has confirmed what we had feared and had heard from civilians and the media. Human rights violations are confirmed; civilians have clearly been widely targeted in this war of choice by Russia, supported by Belarus. "Appalling" is too weak a word to describe the numerous incidents cited here today.

We had all hoped that through our common commitments and respect for international law, Europe would never witness such horrors again. Women, children and the elderly have been forced to flee their homes in desperation. Others have not been so lucky – all too many have lost their lives or been locked in besieged towns and cities with no means of escape. Fathers have been left behind in Ukraine to defend their country against an aggressor that has no principles, honours no commitments and has no regard for human life.

We cannot but repeat our call on Russia to stop the atrocities, withdraw its forces from Ukraine, and adhere to its obligations and commitments.

Mr. Chairperson,

The findings of this report need to be taken seriously and used to ensure accountability. This in turn necessitates immediate follow-up in the OSCE through the further use of its human dimension tools and mechanisms.

Thank you. Mr. Chairperson, and I ask that this statement be attached to the journal of the day.



**Organization for Security and Co-operation in Europe
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PC.JOUR/1369

13 April 2022

Annex 15

Original: ENGLISH

1369th Plenary Meeting

PC Journal No. 1369, Agenda item 1

**STATEMENT BY
THE DELEGATION OF DENMARK**

Thank you, Mr. Chairperson.

Denmark fully aligns itself with the statement delivered by the European Union and the joint statement delivered by Romania on behalf of 46 OSCE participating States. Allow me, however, to add a few remarks in my national capacity.

Denmark stands in full solidarity with Ukraine and the Ukrainian people. We condemn in the strongest possible terms Russia's blatant act of aggression against Ukraine.

We would like to thank Professors Benedek, Bílková and Sassòli for their thorough and impartial report and for their presentation to the Permanent Council today.

Sadly, the report confirms our fears and expectations that there is a clear pattern of violations of international humanitarian law by the Russian forces in their conduct of hostilities in Ukraine. That violations of even the most basic human rights have been committed.

There can be no impunity for such acts. The report is an important first step towards accountability for Ukraine. There might still be a long way to go. But war crimes will not go unpunished.

We call on Russia to immediately and unconditionally cease the hostilities, withdraw all its troops from Ukraine, and fully respect Ukraine's territorial integrity, sovereignty and independence within its internationally recognized borders and territorial waters.

I kindly request that this statement be attached to the journal of the day.

Thank you, Mr. Chairperson.



**Organization for Security and Co-operation in Europe
Permanent Council**

PC.JOUR/1369

13 April 2022

Annex 16

Original: ENGLISH

1369th Plenary Meeting

PC Journal No. 1369, Agenda item 1

**STATEMENT BY
THE DELEGATION OF BULGARIA**

Mr. Chairperson,
Distinguished colleagues,

Bulgaria fully aligns itself with the statement made by the delegation of the European Union and with the joint statement made on behalf of the 46 participating States that invoked the Moscow Mechanism, Bulgaria being one of them.

In addition, allow me to make the following remarks in my national capacity.

We thank the Polish Chairmanship for convening this special meeting of the Permanent Council on the occasion of the presentation of the fact-finding mission's report following the invocation on 3 March 2022 of the OSCE Moscow Mechanism by Ukraine, supported by 45 participating States.

We highly appreciate the work done by the eminent mission experts Professors Wolfgang Benedek, Veronika Bílková and Marco Sassòli in order to gather and assess the relevant information and facts on the basis of a variety of sources. It is crucially important to shed light on the situation on the ground regarding the violations of international humanitarian law and human rights law, war crimes, and crimes against humanity committed in Ukraine since the beginning of the Russian invasion on 24 February 2022. We welcome the report as a valuable tool providing an unbiased, objective and impartial basis for further dialogue and action.

We strongly condemn the massive atrocities reported to have been committed by the Russian armed forces in Ukraine, especially given their disproportionately negative impact on persons belonging to vulnerable groups, including women, children and the elderly. Like many other participating States, we are shocked and appalled by the horrific acts of violence against civilians in Mariupol, Bucha, Kramatorsk, Irpin and many other places in Ukraine. The perpetrators of these crimes must face international justice and be held accountable.

We call on the Russian Federation to immediately end its aggression against Ukraine, withdraw its armed forces from the territory of Ukraine, and respect Ukraine's independence, sovereignty and territorial integrity within its internationally recognized borders and territorial waters.

Mr. Chairperson, I kindly ask that this statement be appended to the journal of the day.



**Organization for Security and Co-operation in Europe
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PC.JOUR/1369

13 April 2022

Annex 17

Original: ENGLISH

1369th Plenary Meeting

PC Journal No. 1369, Agenda item 1

**STATEMENT BY
THE DELEGATION OF SLOVAKIA**

Mr. Chairperson,

Slovakia fully aligns itself with the statement delivered earlier by the European Union. Allow me to add few remarks in my national capacity.

We would like to thank Professors Benedek, Bílková and Sassòli for the impartial, independent and comprehensive work they did in the very short time available to them.

We also thank Ukraine for facilitating this important task.

Despite the fact that according to experts violation of international humanitarian law and international human rights law have occurred on both sides, it is clear that the violations committed by the Russian Federation have been far more serious and larger in nature and scale. The mission also found clear patterns of international humanitarian law violation in the Russian forces' conduct of hostilities.

Mr. Chairperson,

The most horrifying pictures, videos and testimonies from Bucha, Irpin, Hostomel and other localities arrived only after the report's official completion deadline.

It is shameful and despicable that Russia is spreading lies and disinformation about these atrocities, not only through social media but also through official channels.

Slovakia supports all measures to ensure accountability with respect to violations of human rights and international humanitarian law. The war crimes and crimes against humanity committed by the Russian forces must and will be documented and those responsible must be brought to justice. There is no impunity for such horrendous crimes.

In conclusion, let me quote President Zuzana Čaputová of Slovakia: “An aggressor is an aggressor even if it blames the victim.”

Thank you.

I kindly ask that this statement be attached to the journal of the meeting.



**Organization for Security and Co-operation in Europe
Permanent Council**

PC.JOUR/1369

13 April 2022

Annex 18

ENGLISH

Original: GERMAN

1369th Plenary Meeting

PC Journal No. 1369, Agenda item 1

**STATEMENT BY
THE DELEGATION OF GERMANY**

Mr. Chairperson,
Esteemed colleagues,

The European Union and Romania have already declared their support, also on our behalf, for the work of the commission established under the Moscow Mechanism. Within a very short time and under difficult conditions, Professors Benedek, Bílková and Sassòli have presented a comprehensive report on violations of international humanitarian law and evidence of human rights violations, war crimes and crimes against humanity. I should like to thank them explicitly for this on behalf of the Federal Government, which helped initiate the Moscow Mechanism.

I should also like to thank all the Ukrainians who contributed to the report by describing their terrible experiences in this war. Finally, our thanks go to the non-governmental organizations that secure evidence and made it available for this report.

Mr. Chairperson,

Thanks to this work, we now have a detailed, balanced and at the same time harrowing report. The report documents massive violations of international humanitarian law and international human rights by the armed forces of the Russian Federation. It confirms violations that were already known from the available evidence, for example the attacks on the children's hospital and the theatre in Mariupol. Many victims – children, women, elderly people and others – come from particularly vulnerable groups of the Ukrainian population.

The report speaks of clear patterns in the violations of the law. Some of the particularly shameful Russian attacks on the civilian population could only be touched upon in the report – such as those in Bucha – or are not yet documented – such as the one in Kramatorsk. The observation period of the Moscow Mechanism may be limited in time. Our attention is not. Justice is not limited by time. Murder has no statute of limitations.

The report describes situations that require further clarification but which already suggest, on the basis of the current evidence, that the Russian Federation has not respected its obligations to protect the civilian population. Such a high number of civilian casualties would be inconceivable if the Russian Federation had respected its obligations, the authors note.

The experts point to aspects where further clarification is needed. Together with Ukraine and our international partners, the Federal Government will do everything in its power to ensure that the crimes are thoroughly investigated and the perpetrators identified so that they can be brought to justice before national and international courts. We will also continue to support the Office for Democratic Institutions and Human Rights in its efforts to document human rights violations.

The Moscow Mechanism is an instrument that provides an unbiased and factual basis for further dialogue and action. It was established by consensus and in good faith by all participating States to fulfil our shared commitments in the human dimension. Professors Benedek, Bílková and Sassòli were selected from a list of prominent experts and entrusted with the preparation of an independent report.

They were mandated to “identify violations and abuses of international human rights and international humanitarian law”. They have analysed the fighting between the Russian Federation and Ukraine. The balanced report shows deficits on both sides, but comes to a clear conclusion. I quote: “The violations committed by the Russian Federation, however, are by far larger in scale and nature.”

Unlike the Russian Federation, Ukraine answered the experts’ questions. After doing so, the Ukrainian Government evidently took further steps to implement international humanitarian law, for example with regard to the treatment of prisoners of war. I regard this will to remedy deficits as exemplary. Unfortunately, such self-examination is not in evidence on the Russian side.

Mr. Chairperson,

Wars must be conducted in such a way that international humanitarian law is respected and international human rights remain protected. This war, however, should not have been waged by the Russian side in the first place. It is and remains in breach of international law. It is and remains a war of aggression, waged by the Russian side in a brutal and inhuman manner. The war must stop – and it must stop now.

Thank you, Mr. Chairperson. I kindly ask you to attach this statement to the journal of the day.



1369th Plenary Meeting
PC Journal No. 1369, Agenda item 1

**STATEMENT BY
THE DELEGATION OF CANADA**

Mr. Chairperson,

Canada fully supports the joint statement delivered by Romania on behalf of the 45 invoking States of the Moscow Mechanism, as well as Ukraine.

I would like to express our deep gratitude to the team of experts for their diligent work in such a very short period of time in preparing this thorough report. It was a significant request from the invoking States and we very much appreciate your willingness to undertake this task. Professors Benedek, Sassoli, and Bilkova's work as part of this mission is invaluable and an essential step towards holding Russia accountable for its crimes.

Mr. Chairperson,

On 24 February, President Putin launched his so-called "special military operation" under the false pretence of protecting those in Ukraine, especially its Russian-speaking inhabitants. The Russian delegation consistently attempted to push this narrative here, in stark contrast to what we were all seeing, and to what was being reported from the ground. We have listened week after week to Russia's provocatively titled current issues and its absurd claims of alleged crimes committed by Ukraine against its own people, including its Russian speakers. Today, the mission's report proves that Russia's narrative and its claims are demonstrably untrue.

It is important to underscore that the pages of this report depict immeasurable suffering; lives shattered and destroyed. Many are too young to understand why this is happening, and no one should ever have to experience such atrocities in their lifetime. It should be made clear that all of these recent violations of international law causing this immense human suffering and outlined in the mission's report are instigated by Vladimir Putin.

Mr. Chairperson,

The mission found clear patterns of violations of international humanitarian law by Russian forces, causing significant civilian deaths and casualties. The report details how:

1. Russian forces have used disproportionate and indiscriminate force in their attacks.

2. Russian forces used indiscriminate means such as cluster munitions, unguided bombs and missiles, and heavy artillery in densely populated areas.
3. Russian forces attacked civilians and civilian objects such as houses, hospitals, schools, residential buildings, water stations, and electricity systems, all critical infrastructure essential for the survival of civilians.
4. Russia's attack on the Mariupol Maternity House and Children's Hospital constitutes a clear violation of international humanitarian law and those responsible for it have committed a war crime.
5. Russia's attack on the Mariupol Drama Theatre where civilians had been sheltering and was clearly marked as housing for children constitutes most likely an egregious violation of international humanitarian law and those who ordered or executed it committed a war crime.

Russia, the self-proclaimed protector of Russian speakers of Ukraine, killed and destroyed the lives of those same Russian speakers. The mission found credible evidence that Russia, a permanent member of the United Nations Security Council, had violated human rights, including the right to life.

However, this is also just the beginning of uncovering the true extent of Russia's crimes in Ukraine. The terrible events in Bucha happened after the formal end of this investigation, but as the report states "if confirmed, such killings would constitute egregious violations of international humanitarian law and war crimes". The report also indicates that Russian forces' patterns of violent acts are likely to meet the qualification of widespread or systemic attacks directed against a civilian population that would constitute crimes against humanity.

We need not say more to describe the horrors perpetrated by Russian forces since 24 February when President Putin launched his illegal and unjustifiable war against Ukraine. We have all seen these horrors.

Now, we have the documentation to support what we have seen. Russia's leadership and its forces must be held both legally and politically accountable. This report is an important step towards doing so.

Mr. Chairperson,

We acknowledge that although the report found that the violations of international law committed by Russia are grossly larger in nature, scale and number, it did find issues on the Ukrainian side as well. This includes how some Ukrainian forces treated prisoners of war in ways that are incompatible with the Geneva Conventions. All alleged violations of international humanitarian law must be investigated and those responsible must be held to account. We are encouraged by Ukraine's response to the report and how it has already taken steps to address the issues reported by the mission.

While facing the existential threat of President Putin's invasion and the brutality of Russia's disproportionate and indiscriminate tactics, Ukrainians from all walks of life,

whether they speak Ukrainian or Russian, have stood side by side resisting President Putin's invaders and supporting one another through these grievous times. As the report noted, Ukraine has put considerable efforts into protecting and preserving cultural heritage sites, including of Russian heritage. These sites have been under attack by Russian forces, which is also prohibited under international humanitarian law.

Let us be clear, Russia is the aggressor in this conflict. We urge Russia to follow Ukraine in taking action to address the issues raised by the mission.

We reiterate our call for an unconditional ceasefire and the immediate removal of all Russian troops from Ukraine's sovereign territory.

We stand with Ukraine and its people.

Thank you, Mr. Chairperson, thank you to the experts, and I would ask that this statement be attached to the journal of the day.



**Organization for Security and Co-operation in Europe
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PC.JOUR/1369

13 April 2022

Annex 20

ENGLISH

Original: SPANISH

1369th Plenary Meeting

PC Journal No. 1369, Agenda item 1

**STATEMENT BY
THE DELEGATION OF SPAIN**

Thank you, Mr. Chairperson.

Spain fully aligns itself with the statement by the European Union. However, I should like to make a few brief remarks in a national capacity.

The invasion of Ukraine in February this year is an unjustified act of war and therefore has no legitimacy under international law. The sovereignty of a State is being violated and, in addition, there are other serious violations of international humanitarian law, which is binding at all times and in all circumstances in accordance with the Hague Conventions of 1899 and 1907 and the Geneva Convention of 1949 and its Additional Protocol of 1977, which extends the protection of the civilian population to medical, military and civilian personnel in all armed conflicts.

Spain therefore supported the invoking of the Moscow Mechanism.

The Russian Federation's action is contrary to OSCE principles and is in no way justified by just cause or lawful circumstances, as Article 2(4) of the Charter of the United Nations prohibits the use of force. Countries that abide by the Charter are required not only to maintain peace but also to respect the sovereignty, independence and territorial integrity of Member States, establishing the obligation to settle disputes by peaceful means and not to interfere in the internal affairs of other States.

Spain supports the initiatives to bring those responsible for this action to international justice and calls on the Russian Federation to put an immediate stop to this aggression.

I would be grateful, Mr. Chairperson, if this statement could be attached to the journal of the day.

Thank you.



**Organization for Security and Co-operation in Europe
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PC.JOUR/1369

13 April 2022

Annex 21

ENGLISH

Original: FRENCH

1369th Plenary Meeting

PC Journal No. 1369, Agenda item 1

**STATEMENT BY
THE DELEGATION OF BELGIUM**

Mr. Chairperson,

Belgium aligns itself with the joint statement and the statement made by the European Union and, given the importance of the occasion, wishes to add a few words in a national capacity.

As the Russian war of aggression against Ukraine continues, it is essential to document the serious violations of international humanitarian law and the serious violations and abuses of international human rights law. We should like to thank Professors Benedek, Bílková and Sassòli for their excellent work and for undertaking this evaluation under extremely difficult circumstances.

The report has revealed the existence of clear patterns of systematic violations of international humanitarian law by the Russian armed forces. The perpetrators of these violations must be held accountable for their actions. We shall examine the findings and conclusions of the report in detail. The report will inform more detailed investigations by other bodies tasked with establishing individual criminal responsibility, and will also help to establish the responsibility of the Russian authorities.

Mr. Chairperson, I request that this statement be attached to the journal of the day.
Thank you.



**Organization for Security and Co-operation in Europe
Permanent Council**

PC.JOUR/1369
13 April 2022
Annex 22

Original: ENGLISH

1369th Plenary Meeting
PC Journal No. 1369, Agenda item 1

**STATEMENT BY
THE DELEGATION OF SLOVENIA**

Thank you, Mr Chairperson.

There is not much to add today to what we have jointly said in the European Union statement and the joint statement of the 46 participating States that invoked the Moscow Mechanism, and to what my other colleagues have already said in their national capacities.

Slovenia is one of the 46 participating States that invoked the Moscow Mechanism.

We thank Professors Benedek, Bílková and Sassòli for the thorough and balanced report drawn up within a short time in accordance with their brought mandate, and the Office for Democratic Institutions and Human Rights for their technical assistance.

As has already been said, taking into account governmental, intergovernmental and non-governmental sources, media reports, interviews, videos, and photos dating from until the end of March – but without taking into account the latest massacres carried out by Russian armed forces in Bucha and Kramatorsk, and other disturbing news coming from the war in Ukraine every day – the mission was, sadly, able to confirm that there were clear patterns of violations of international humanitarian law, even affecting the most fundamental human rights and elements of international human rights law.

The targeted killings, abductions of civilians and enforced disappearances that have been reported may constitute crimes against humanity.

Mr. Chairperson,

We must continue doing our utmost in gathering evidence of these war crimes and crimes against humanity and investigating independently and impartially all allegations of atrocities to secure justice for victims and achieve lasting peace in Ukraine.

Perpetrators must and will be held accountable in accordance with international law. None of them should be left unpunished.

We are pleased that we can contribute to this work, not least through the OSCE Moscow Mechanism mission of enquiry.

That is why Slovenia supports it – because facts matter.

I thank you, Mr. Chairperson, and I ask for this statement to be attached to the journal of today's meeting.



**Organization for Security and Co-operation in Europe
Permanent Council**

PC.JOUR/1369

13 April 2022

Annex 23

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1369th Plenary Meeting

PC Journal No. 1369, Agenda item 1

**STATEMENT BY
THE DELEGATION OF PORTUGAL**

Mr. Chairperson,

Portugal aligns itself with the statement by the European Union, and has subscribed to the statement made by the countries invoking the Moscow Mechanism, but please allow me to add some short remarks in our national capacity.

We would like to thank the team of experts for their work under such difficult constraints and thank them for the report already distributed and presented here today. More time will be needed for a detailed assessment of the facts on the ground and in-depth investigations into legal accountability. Nonetheless, we can already highlight a few elements.

While some findings of the report are necessarily preliminary, this is a timely document. Prepared in accordance with the OSCE Moscow Mechanism, it is the first international report to clearly indicate patterns of violation of international humanitarian law and international human rights law in Ukraine. In particular, the report underlines the large scale and nature of the violations committed by the Russian Federation and its proxies, following Russia's invasion and war of aggression against Ukraine.

Portugal fully supports the international investigation of war crimes and crimes against humanity in Ukraine. We highlight the importance of collecting and preserving evidence of such ignominious crimes and the need to bring the perpetrators to justice. The Moscow Mechanism report is a valuable contribution to this endeavour.

Portugal strongly condemns the invasion and the brutal and unjustified war of aggression launched by the Russian Federation against Ukraine, with the involvement of Belarus. We reiterate our deep solidarity with Ukraine and the Ukrainian people.

Thank you.

I kindly ask that this statement be attached to the journal of the day.



**Organization for Security and Co-operation in Europe
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13 April 2022

Annex 24

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1369th Plenary Meeting

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**STATEMENT BY
THE DELEGATION OF MALTA**

Mr. Chairperson,

While we agree with the statement delivered by the European Union delegation, I would like to just mention a few points.

I join fellow colleagues in thanking Professors Benedek, Bílková and Sassòli for their comprehensive report made in challenging circumstances. It makes clear the importance of OSCE human rights mechanisms in monitoring the upholding of human rights and fundamental freedoms in the OSCE area.

The report by the independent experts reflects the bleak crisis our area is facing. To attack civilian targets such as hospitals, schools and residential areas is considered a serious breach of international humanitarian law and runs counter to what was agreed in the OSCE Code of Conduct on Politico-Military Aspects of Security.

Such behaviour does not have a place in modern and democratic Europe. This being the case, we join others in condemning such horrific crimes and calling for the end of these atrocities.

It is crucial that each and every perpetrator is brought to justice and held accountable for the war crimes committed in Ukraine. To this end, we welcome the reference made by the rapporteurs to accountability mechanisms and their recommendations in this regard.

In conclusion, Malta reiterates its unwavering support for Ukraine's independence, sovereignty and territorial integrity within its internationally recognized borders, and joins its partners in calling upon Russia to cease its military operations in Ukraine. Furthermore, we call on all parties to pursue a peaceful resolution of the conflict, which is the only way forward if we are to maintain the security and stability of Europe.



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Annex 25

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**STATEMENT BY
THE DELEGATION OF LATVIA**

Thank you, Mr. Chairperson.

Latvia fully aligns itself with the statement delivered by the European Union and by Romania on behalf of Ukraine and the 45 States that invoked the Moscow Mechanism. However, let me add the following remarks in my national capacity.

First of all, let me thank the team of experts – Professors Wolfgang Benedek, Veronika Bílková and Marco Sassòli – for their comprehensive report.

Concerning the report, I have only one remark to make.

While Russia's economy is plummeting under the most severe sanctions in history being imposed on Russia because of its war against Ukraine and atrocities against its people, it seems that Russia's main export commodity continues to be human rights violations.

We have to stop that export just like the export of Russia's coal, oil and gas.

Moments ago the distinguished Russian representative expressed discontent that the language used in the report is not consensus language.

Nor was there ever a consensus in favour of Russia's war against Ukraine in the first place.

Thank you, Mr. Chairperson, and I kindly ask for this statement to be attached to the journal of the day.



**Organization for Security and Co-operation in Europe
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Annex 26

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**STATEMENT BY
THE DELEGATION OF FINLAND**

Thank you Mr. Chairperson.

Finland fully aligns itself with the European Union statement, as well as with the joint statement delivered by the distinguished ambassador of Romania on behalf of 46 participating States.

Please allow me to add the following remarks in my national capacity.

We warmly thank the Moscow Mechanism rapporteurs Professors Benedek, Bílková and Sassòli for their hard work. We highly appreciate the professionalism and objectivity of your report, the conclusions of which are very clear.

You “found clear patterns of international humanitarian law violations by the Russian forces in their conduct of hostilities”.

Furthermore, you found credible evidence of violations of international human rights law “concerning even the most fundamental human rights”, mainly in areas controlled by Russia.

While your report notes some recorded violations attributable to Ukraine, Russia’s violations are “far larger in nature and scale”.

Mr. Chairperson,

I would like to reiterate Finland’s condemnation, in the strongest possible terms, of Russia’s unprovoked attack on Ukraine, which is a grave breach of international law.

The horrifying scenes from Ukrainian towns such as Bucha have shocked us all to the core. And as mentioned in the report and by Professor Benedek in his opening statement, these atrocities were revealed only after the formal end of the mission’s investigations.

Mr. Chairperson,

None of these atrocities will be forgotten. There can be no impunity – accountability for war crimes and crimes against humanity must be ensured.

In this regard, it is important that the Moscow Mechanism report’s findings are used in more detailed investigations into legal accountability.

Finland supports the investigation being conducted by the International Criminal Court (ICC). The ICC’s investigation concerns both war crimes and crimes against humanity.

Mr. Chairperson,

Finland values the OSCE Moscow Mechanism highly. It is an important tool for ensuring accountability in connection with OSCE commitments.

We would like to underline that all participating States confirmed in Moscow in 1991, and their Heads of State or Government later reconfirmed in Astana in 2010, that “commitments undertaken in the field of the human dimension are matters of direct and legitimate concern to all participating States”.

We would like to thank Ukraine for inviting the experts to conduct this report.

The OSCE toolbox should be fully used to examine the effects of Russia’s devastating attack on Ukraine.

I thank you, Mr. Chairperson. I would kindly ask that you attach this statement to the journal of the day.



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**STATEMENT BY
THE DELEGATION OF THE CZECH REPUBLIC**

Mr. Chairperson,

The Czech Republic fully aligns itself with the statement delivered by Romania on behalf of the countries that launched the Moscow Mechanism, as well as with the statement of the European Union. Let me add a few remarks in my national capacity. Firstly, let me thank you, Mr. Chairperson, for the speedy submission of the report for the Permanent Council's consideration. There must be no delay in our efforts to prevent further atrocities.

Russia's full-scale unprovoked military invasion of Ukraine represents an unprecedented violation of all principles of international law, the Charter of the United Nations, and human rights in general. It is a slap in the face of humanity.

Let me underline, as many speakers already have before me, that any violation of international humanitarian law entails responsibility under international criminal law. We follow human rights violations in the occupied territories of Ukraine closely and we remain committed to raising concrete cases in the relevant international forums.

We greatly appreciate the work of the independent expert panel of the OSCE Moscow Mechanism. On behalf of the Czech Republic, we would like to thank you, Professors Benedek, Bílková and Sassòli, for your thorough work delivered in the limited time frame. Your report unfortunately confirms our worst concerns in that it provides a shocking overview of the numerous human rights abuses committed in Ukraine following Russia's unprovoked full-scale military invasion. These atrocities must be punished. We are certain that your report will provide a solid basis for further investigation and follow-up court cases.

We also highly appreciate the committed involvement of Ukrainian civil society, which was active in providing input, first-hand evidence, and witness accounts for the report. We likewise praise Ukrainian civil society's bravery, which is a key element in the democratic transition and transformation of that country. The Czech Republic is continuing to support numerous Ukrainian civil society organizations that are pursuing their invaluable work even under the conditions of war.

Thank you, Mr. Chairperson. I kindly ask that this statement be attached to the journal of the day.



**Organization for Security and Co-operation in Europe
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Annex 28

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1369th Plenary Meeting

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**STATEMENT BY
THE DELEGATION OF MOLDOVA**

Mr. Chairperson,

The Republic of Moldova aligns itself with the joint statement delivered by the ambassador of Romania on behalf of the participating States who invoked the Moscow Mechanism and to the statement delivered by the delegation of the European Union, but we also want to add our voice in our national capacity.

Excellencies,
Dear colleagues,

The Republic of Moldova joined 44 other countries in invoking the Moscow Mechanism in order to address grave concerns about the violation of international human rights law and horrible humanitarian impact of the unprovoked and unjustified aggression launched by Russia against Ukraine.

Let me join the others in thanking the experts' mission for their essential work under the OSCE's Moscow Mechanism. We are grateful for their professional approach and for the substantial report which they have produced in time-constrained and extremely tense circumstances.

It is clear from this report that we were right to be concerned. The report contains a thorough documentation of facts based on findings on the ground and consistent reporting from NGOs, journalists and victims. It also reveals multiple evidence of indiscriminate attacks by the Russian armed forces against innocent civilians and civilian buildings in different localities of Ukraine, along with numerous atrocities, destructions, major violations of human rights and international human rights law, which cannot be justified.

All these facts need to be properly investigated by professional organizations and relevant accountability mechanisms, at national and international levels in the weeks ahead. All perpetrators of these crimes must be held accountable.

Mr. Chairperson,

Regretfully, we are still witnessing military attacks, terrible human suffering, and loss of life. And I would like to reiterate Moldova's call on Russia to immediately cease all hostilities and to withdraw its troops from the Ukrainian territory. This is the only way to put an end to this terrible war.

Moldova strongly supports the sovereignty and territorial integrity of Ukraine within its internationally recognized borders.

We kindly ask that our statement be attached to the journal of the day.



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Annex 29

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1369th Plenary Meeting

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**STATEMENT BY
THE DELEGATION OF THE NETHERLANDS**

Thank you, Mr. Chairperson.

The Netherlands fully aligns itself with the statement by the Romanian Permanent Representative on behalf of the countries that invoked the Moscow Mechanism and with the statement by the European Union delegation, but would like to add a few elements in its national capacity.

We thank all the three distinguished experts and the Office for Democratic Institutions and Human Rights (ODIHR) for the excellent work they have done despite very difficult circumstances, limited access and a limited time frame. The Netherlands looks forward to studying this well-balanced report in greater detail. We fully support the Polish Chairmanship in convening this special meeting of the Permanent Council as soon as possible after the publication of the report, given the urgency of the situation in Ukraine.

We deeply regret the fact that the Russian Federation continues to deny the validity and importance of the Moscow Mechanism, as reflected both in the report and by the statement just delivered by the Russian delegation.

We keep hearing from the Russian delegation about the need to respect OSCE procedures and accord due respect to facts and documents. But more and more, these words sound hollow. Because when it comes to examining the behaviour of the Russian Federation itself, Russia keeps hiding, as has once more been shown by its reaction to this particular investigation in the framework of the Moscow Mechanism.

As others have stated before me, we see the application of the Moscow Mechanism in this case as part of a much broader international effort to seek justice and accountability. The ODIHR, the United Nations system and the International Criminal Court all have an important role to play in this respect. The report we are discussing today is only a first step in applying all the instruments that the international community can use in a concerted effort to make sure that the perpetrators of the heinous crimes do not escape justice.

Mr. Chairperson, I kindly ask for this statement to be attached to the journal of the day.



1369th Plenary Meeting

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**STATEMENT BY
THE DELEGATION OF UKRAINE**

Mr. Chairperson,

The delegation of Ukraine expresses its gratitude to Professors Wolfgang Benedek, Veronika Bílková and Marco Sassòli, who have acted as experts to the mission established under the OSCE Moscow Mechanism and mandated by 45 OSCE participating States and Ukraine to report on the violations of international humanitarian and human rights law, war crimes and crimes against humanity committed during Russia's ongoing war of aggression against Ukraine.

We highly value your professional and independent work, which has resulted in the comprehensive report you presented to the Permanent Council this morning.

The findings and conclusions of the report clearly testify to the fact that the mass violations of international humanitarian and human rights law, war crimes and crimes against humanity committed by Russia on the sovereign territory of Ukraine are on a scale that the international community has not seen in Europe in decades and that urgent action is needed to stop the aggressor State.

We take note of the fact that the Russian Federation refused to co-operate with the mission of experts, which is nothing but a clear indication of recognition of Russia's full responsibility for the war of aggression it launched against Ukraine, and for its consequences.

While the 94-page report provides strong evidence of the enormous amount of atrocities committed by Russia in Ukraine, we find it important to mention some of the violations and findings identified by the mission of experts:

- The international armed conflict started with the unlawful attack by Russia on Ukraine; Russia is the aggressor and therefore responsible for all human suffering in Ukraine;
- Recognition of the fact of occupation of certain areas of the Donetsk and Luhansk regions of Ukraine by the Russian Federation since 2014;
- Undisputed use by the Russian armed forces of cluster munitions, munitions with a large blast radius, such as large bombs or missiles, unguided missiles, artillery and

mortars, multiple-launch rocket systems and dumb bombs released by aircraft, and the alleged use of incendiary weapons, white phosphorus and thermobaric or vacuum bombs in densely populated areas;

- In most cases, the attack angles, munitions used and objects hit clearly demonstrate that the attacks targeting civilians or civilian objects are attributable to Russia;
- The mission is appalled by the undisputed fact that the Russian invasion of Ukraine since 24 February 2022 has led to the deaths or injury of thousands of civilians; it caused more than ten million refugees and internally displaced persons;
- Among numerous cases of clear violations of international humanitarian law (IHL) and war crimes, attacks on the Maternity Hospital and Drama Theatre in Mariupol are named as the most egregious violations; those who ordered or executed them committed a war crime;
- The mission found out that while the conflict had affected all the inhabitants of Ukraine, it had had a particularly negative effect on individuals belonging to vulnerable groups, such as women, children, older persons or persons with disabilities;
- Russian armed forces arrested civilians, including journalists, without any proper procedures, and ill-treated them by methods that amount to torture;
- Numerous allegations of rapes, including gang rapes, committed by Russian soldiers in many regions in Ukraine. The mission recalled that rape or other forms of sexual violence may constitute a crime against humanity or a war crime;
- Patterns of Russian troops carrying out violent acts violating international human rights law have been repeatedly documented, such as targeted killing, enforced disappearance or abductions of civilians, including journalists and local officials;
- Nearly all the Russian violations of international humanitarian law relating to the treatment of Ukrainian and foreign civilians, and violations of human rights, including the right to life and prohibition of torture and other inhuman and degrading treatment and punishment, occurred in places controlled by Russia. Therefore, according to the functional concept of occupation, such violations occurred in Russian-occupied territory;
- The use by Russian troops of the Red Cross emblem to mark military non-medical vehicles, of Ukrainian flags and Ukrainian army or police uniforms or vehicles, white flags, civilian clothes, and OSCE symbols to facilitate their military operations, which constitute violations of international humanitarian law.

Mr. Chairperson,

The delegation of Ukraine wishes to draw the special attention of the OSCE and its participating States to the mission's conclusion about the need for a serious international enquiry, on the spot, to investigate, I quote, "summary executions of a large number of civilians during the Russian occupation of villages in the proximity of Kyiv, in particular Bucha and at the occasion of the withdrawal of Russian forces. There are photos and videos of civilians killed in the streets partly with their hands tied and reports about one or more mass graves. This evidence points to a major war crime and a crime against humanity committed by the Russian forces." We count on the active engagement of the Office for Democratic Institutions and Human Rights on this issue, in line with its mandate.

Distinguished colleagues,

As stressed in the report, I quote, "the Mission found clear patterns of IHL violations by the Russian forces on many of the issues investigated. This concerns in particular its conduct of hostilities. It is not conceivable that so many civilians would have been killed and injured and so many civilian objects, including houses, hospitals, cultural property, schools, multi-storey residential buildings, administrative buildings, penitentiary institutions, police stations, water stations and electricity systems would have been damaged or destroyed if Russia had respected its IHL obligations in terms of distinction, proportionality and precautions in conducting hostilities in Ukraine."

We view the Moscow Mechanism report as an important contribution to the international community's efforts to prevent impunity and ensure justice by holding accountable all masterminds and perpetrators of the crimes of Russia's war of aggression against Ukraine, war crimes, crimes against humanity and other violations of international humanitarian and human rights law.

Distinguished colleagues, our common obligation is not only to bring to accountability all those responsible for crimes. Our common obligation is also to prevent the Russian Federation from committing new barbaric acts against Ukrainian people. Unfortunately, Putin's war of aggression is getting more toxic from day to day.

Earlier this week, Russia's armed formations in the temporarily occupied areas threatened to use chemical weapons against the Ukrainian defenders of Mariupol. We have to take this kind of threat as seriously as possible. The declaration of such an intention is already a criminal act.

Russia has been preparing the ground for the use of such weaponry long ago. And the consequences of this would be horrifying. We have to do everything possible to ensure that this intention is never implemented in reality. That's why we have to act now. And we have to act tough.

And I want to conclude my statement with the call made by President Volodymyr Zelenskyy to the effect that “it is time to make this package [of actions] such that even a word about weapons of mass destruction is no longer heard from the Russian side.”

I kindly ask that this statement be attached to the journal of the day.

Thank you, Mr. Chairperson.