



United States Mission to the OSCE

Response to Moscow Mechanism Report on Ukraine

As delivered by Ambassador Michael Carpenter
to the Permanent Council, Vienna
July 14, 2022

Professors Bilkova, Guercio, and Sancin: welcome to the Permanent Council and thank you for presenting us with your comprehensive experts' report. We appreciate the amount of work that has gone into your mission and how laborious and sobering it must have been to collect all the facts reflected in the report. But these facts matter – to us, to the victims of Russia's brutalities, and to the world.

Russia's attacks on Ukraine continue, and I must point this out, even as this council deliberates. As we were meeting this morning Russian missiles struck the town of Vinnytsia and killed at least 20 people, including three children. Many of you have probably seen the images on Social Media: a children's carriage, on its side, the body underneath. It is disgusting, but sadly, it's become a reality that we contend with each and every day in this Council.

That's why today's efforts at accountability are so important. Today's Moscow Mechanism report gives us an opportunity to pull back and document the unconscionable atrocity crimes, human rights violations, and abuses members of Russia's forces have committed since Russia launched its brutal full-scale invasion in February of this year in an attempt to seize additional territory from Ukraine. Today's report covers the period from April 1 to June 25, so it necessarily gives us only a limited window into the depravities of Russia's war. But even so, it clearly states that "the magnitude and frequency of the indiscriminate attacks carried out against civilians and civilian objects, including sites where no military facility was identified, is credible evidence that hostilities were conducted by Russian armed forces disregarding their fundamental obligation to comply with the basic principles of distinction, proportionality and precaution that constitute the fundamental basis of International Humanitarian Law" (p. 3).

The report states that "The events concerning the towns of Bucha and Irpin, that were visited by the mission, are two emblematic examples of the breaches of International Humanitarian Law under the Geneva Conventions and their Additional Protocols, which constitute war crimes" (p.

3). Moreover, the report states that "some patterns of violent acts violating International Human Rights Law, which have been repeatedly documented during the conflict, such as targeted killing, enforced disappearance or abduction of civilians," meet the qualification of a "widespread or systematic attack directed against any civilian population." As the report notes, "any single violent

act of this type, committed as part of such an attack and with the knowledge of it, constitutes a *crime against humanity*” (p. 4).

Mr. Chair, the perpetration of atrocities by one of the participating States in this Council is an affront to this entire organization and every single principle it represents. The paid apologists of the regime that commits these horrors would have us believe that the people of Ukraine are doing this to themselves. But we have facts, and not just facts but evidence, on our side.

Let us examine some of the details. The experts noted that photographic and video evidence appears to show “that Russian forces carried out targeted, organized killings of civilians in Bucha” who were “frequently found shot dead, hands tied behind their backs” (p. 38). They also cite the Kyiv regional police force, which reported that 900 civilian bodies had been discovered in the Kyiv region after the withdrawal of Russian forces (p. 38). According to the police, nearly 95 percent were “simply executed” (p. 38). If that were not abhorrent enough, allow me to quote at length this passage from the report on Russia’s makeshift torture chambers to give you a sense of what the victims of these crimes went through:

“A series of torture chambers separated by concrete walls were discovered in a summer camp in Bucha. At the front, there was a room that appeared to be used for executions, with bullet holes in the walls. The following room contained two chairs, an empty jug, and a wooden plank. The Russians had brought in two metal bedsprings and leaned them against the wall in another. The tableaux suggested to Ukrainian investigators that prisoners were tortured here: tied to the bedsprings and interrogated; strapped to the plank and waterboarded. In that chamber, five dead men dressed in civilian clothes were discovered. They were covered with burns, bruises, and lacerations. Also, in Zabuchchya, a village in the Bucha district, 18 mutilated bodies of murdered men, women, and children were discovered in a basement: some had their ears cut off, while others had their teeth pulled out” (p. 38-9).

Colleagues, this report was harrowing to read. The scale of Russia’s atrocities is vast. For example, the mission cited “abundant” reports of women and girls being raped and sexually abused by Russia’s armed forces (p. 90). The report mentions the case of 23-year-old Karina Yershova in Bucha who was abducted, raped, tortured, and finally shot dead by Russian troops. The report also highlights a report by Commissioner for Human Rights Denisova that 25 girls aged 14 to 24 were kept in a basement in Bucha and gang-raped by Russian troops, resulting in nine becoming pregnant (p. 91). The report also states that a one-year-old boy was sexually abused and a 78-year-old woman was raped by Russian troops (p. 94).

The report documented that Russian troops in Bucha engaged in “systemic” looting “from the displaced, deceased, and those still in the city” (p. 29). Many of the items were then marketed by Russian troops at bazaars set up in Belarus to sell the looted goods: “Washing machines, dishwashers, refrigerators, jewelry, automobiles, bicycles, motorcycles, dishes, carpets, works of art, children’s toys, and cosmetics are examples of such items” (p. 29).

The report underscores that mass forcible transfers of civilians from occupied territory to the territory of the occupying power are prohibited under the 1949 Geneva Conventions and the practice is considered a war crime (p. 31). Yet despite this clear prohibition, the report notes that

more than 1.3 million Ukrainian civilians are reported to have been deported against their will to Russia, including more than 200,000 children (p. 72). The report cites the Mariupol mayor's description of how these deportations are carried out: "At night, a man with a gun entered the shelter, claiming it was an evacuation. People who had been in the shelter for about 20 days were let out, put in cars, and driven somewhere, only to realize they had been taken somewhere out of Ukraine. They were then loaded onto trains and transported to the Russian Federation's hinterland" (p. 30).

The report provides evidence that tens of thousands of civilians are being detained at "filtration centers" and then transported to detention places in Russia or the so-called Donetsk and Luhansk People's Republics. Many of them are then held incommunicado, have no contact with their families, and are subject to various forms of mistreatment. The mission notes that these centers, such as the Bezimenne center in Donetsk region, serve to "filter, on unclear grounds, individuals seeking to leave besieged cities or other dangerous areas" and that the filtration process involves "harsh interrogation and humiliating body inspection." Those who pass through the filtration are "often transferred, with their consent or without it, to Russian territory" (p. 108). The experts note that they have "no doubts that such practices violate international human rights law and may amount to a crime against humanity or a war crime" (p. 30, 72). The mission in fact documents "a relatively consistent pattern of behavior on the side of the Russian Federation, when the military occupation of a certain area is followed by abductions, interrogations, mistreatment and sometimes killings of important public figures, such as mayors or local journalists." (p. 71-2)

Russia is not only waging war on its neighbor but reportedly forcing some Ukrainian citizens to fight against their own country. The mission reported conscription was imposed on all local men between the age of 18 and 65 in areas under Russian control in the Donbas as well as of the oblasts of Kharkiv, Kherson, and Sumy. Residents report that men with no military experience are regularly "plucked from the streets and immediately sent to the front" (p. 31). The mission also reported the use of non-combatants, including children, as human shields, contrary to international humanitarian law. For example, Russia's soldiers reportedly used over 300 Ukrainian civilians as human shields and held them captive for 25 days in March in the basement of Yahidne School, where a major Russian military camp was located (p. 40).

The report notes that the Ukrainian Defense Ministry accused Russia's forces of stealing "hundreds of thousands of tons of grain" from storage facilities in temporarily occupied parts of Ukraine and transported it to Russia (p. 29). The experts found that these acts "amount to violations of [international humanitarian law] and [international human rights law] and must be properly investigated" (p. 82). The UN World Food Program has warned grain theft could exacerbate global hunger (p. 29) and has called for the immediate opening of the Black Sea ports to allow critical food from Ukraine reaching people facing food insecurity in other countries where millions are on the brink (p. 55). Vulnerable populations across the world will suffer as a result of Russia's abuses in Ukraine.

Children have of course been killed as well, as we have documented in this Council previously. Per the report, "in Bucha alone, 31 children under the age of 18 were killed and 19 wounded, according to local authorities" (p. 93). The report cites the region's chief prosecutor saying that "all children were killed or injured deliberately, since Russia's soldiers deliberately shot at evacuating cars that

had the signs CHILDREN and white fabric tied to them, and they deliberately shot at the homes of civilians” (p. 93). Some children witnessed executions of their parents, relatives and friends, with impacts that will last for generations (p. 93). And on top of this the mission relayed reports that “approximately 2,000 children from various orphanages and children’s institutions” have been “purportedly transferred to Russia, even though they have living relatives and were in the institutions only for medical care” (p. 95).

The report also elaborates on the weapons Russia has used and how they have been employed, noting that “the Russian invasion has resulted in unnecessary and disproportionate harm to civilians due to the Russian military carrying out both deliberate attacks against civilian targets and indiscriminate attacks in densely populated areas in manifest disregard of the principle of distinction.” The report also notes that Russia’s forces have employed cluster munitions and used explosive weapons such as air-dropped bombs, missiles, heavy artillery shells, and multiple launch rockets in populated areas (p. 58).

Professor Bilkova, Professor Guercio, and Professor Sancin, thank you for your tireless work documenting these horrific atrocities and human rights abuses. The OSCE’s Moscow Mechanism is just one of many tools that the international community has available to collect information that can be used to hold perpetrators to account. And we must not rest until there is accountability for the individuals who carry out these horrific actions and others in the chain of command who are responsible for them. Your efforts will prove instrumental in ensuring justice is served for the victims and survivors of Russia’s needless war against Ukraine. Let me assure you, the United States will spare no effort in supporting all efforts to bring those responsible for war crimes and other atrocities to account.

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