



## EUROPEAN UNION

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#### EU Statement at the Security Dialogue on the Code of Conduct

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The European Union and its Member States commend the Bulgarian FSC Chair for holding this important Security Dialogue on the OSCE Code of Conduct on Politico-Military Aspects of Security. We also thank the keynote speakers for their insightful presentations.

The Code of Conduct is a fundamental and unique OSCE document fostering democracy, the rule of law, human rights and the principles of international law in the politico-military security dimension. It provides normative, ethical and political standards to guide all participating States in strengthening and upholding comprehensive and indivisible security in the OSCE area through clear standards applicable to inter-state and intra-state behaviour. It is crucial to emphasize that the commitments outlined in the Code of Conduct remain vital, and all participating States have a responsibility to implement them in both letter and spirit. Much to our dismay, Russia's unprovoked, unjustified and illegal war of aggression against Ukraine blatantly violates every single principle outlined in the Code.

Against this backdrop, for the second year in a row, it is not possible to hold the focused Annual Discussion on the implementation of this important document, that participating States decided to establish twelve years ago. Particularly at a time when fundamental principles and commitments of the OSCE are violated by two participating States, we remind all participating States of their commitments made in this regard and look forward to a sober and thorough evaluation of the application of the Code of Conduct in the OSCE in the near future.

Madam Chair, we highly appreciate the important Ukraine Human Rights Monitoring Initiative through which ODIHR monitors violations of human rights and international humanitarian law standards. The two interim reports presented so far

clearly demonstrate the devastating impact of Russia's ongoing war of aggression on the human security of the people of Ukraine. We strongly condemn these possible cases of war crimes and crimes against humanity.

In this context, we equally condemn the reported ill-treatment of prisoners of war by Russian forces. We have witnessed footage apparently showing a Ukrainian prisoner of war being decapitated. The recent public testimonies by two individuals claiming to be former members of the so-called 'Wagner' group, detailing killing of civilians, including children, in Ukraine, were shocking and appalling. All those responsible for these atrocities committed against Ukrainian people must be held to account. The recurring threats voiced by the Russian delegation here and at the PC about foreign nationals volunteering in the Ukrainian Armed Forces are utterly reprehensible. It is essential to recall that any individual who participates in the hostilities in the armed forces of a Party to the conflict assumes the status of combatant and the respect of relevant principles of international humanitarian law. Russia must respect its obligations under international humanitarian law, including with regard to humane treatment, adequate protection and immediate access for the ICRC.

We also condemn in the strongest terms the forced transfer and unlawful deportation of children from parts of Ukraine's territory, temporarily occupied by Russia, to the Russian Federation, as a means of war.

We underline that paragraph 31 of the Code of Conduct holds armed forces personnel accountable for violations and abuses. In agreeing this paragraph, participating States assumed responsibility to ensure that their armed forces personnel vested with command authority exercise it in accordance with relevant national as well as international law and are made aware that they can be held individually accountable under those laws for the unlawful exercise of such authority. The Code unequivocally stipulates that no order may be given that is contrary to national or international law. The responsibility of superiors does not relieve subordinates from any of their individual responsibilities not to carry out unlawful orders.

Furthermore, paragraph 34 of the Code specifies that each participating State will ensure that its armed forces are, in peace and in war, commanded, manned, trained and equipped in ways that are consistent with the provisions of international law and its respective obligations and commitments related to the use of armed forces in armed conflict, including as applicable the Hague Conventions of 1907

and 1954, the Geneva Conventions of 1949 and the 1977 Protocols Additional thereto, as well as the 1980 Convention on the Use of Certain Conventional Weapons.

Madam Chair, Private Military and Security Companies (PMSCs) should not be used as a pretext to bypass international law and OSCE commitments, as clearly indicated in paras 25 and 26 of the Code. The lack of legislation on PMSCs in the Russian Federation should not be used as a cover-up to deny responsibility for Russian PMSC actions internationally. We are aware that Russian law provides a number of loopholes making it possible to use PMSCs as an important political and military tool in conflicts around the globe. Russia bears a responsibility for the actions of the ‘Wagner Group’ in Ukraine and beyond and it must be held to account for its breaches of international law.

Furthermore, in its most recent answers to the Code of Conduct Questionnaire Russia did not provide any information on the latest amendments to the Federal Law on Mobilization, which allow Russian citizens, who have a criminal record, to be called-up to military service as part of mobilization. In this regard, we call on Russia to explain how it implements paragraphs 29, 30, 31, 32, 33 and 34 of the Code.

The EU and its Member States urge all participating States to take resolute and urgent action to assess potential accountability gap of PMSCs, including with regard to transparency oversight and monitoring. We also remind all participating States of their obligation to ensure that PMSCs under their jurisdiction or operating within their territory respect human rights and other obligations. The EU underlines the need to ensure judicial remedies, including criminal sanctions, for human rights violations resulting from the activities of PMSCs. We take this opportunity to remind all participating States of the voluntary supplement to the questionnaire of the annual information exchange on the Code of Conduct, pertaining to information on PMSCs, in order to contribute to more transparency in this area.

Finally, the meaningful implementation of the provisions of the Code becomes even more urgent when thousands of Ukrainian civilians have been and continue to be killed, tortured, harassed, sexually assaulted by Russian forces and Russian PMSCs. The EU continues to strongly support the implementation of UNSCR 1325 and the Women, Peace and Security Agenda in the OSCE through the Code of Conduct, amongst others, and encourage pS to make use of the updated reporting documents on WPS.

In conclusion, we reiterate that the current politico-military challenges and in particular Russia's war of aggression against Ukraine further underline the relevance of the commitments contained in the Code, which remain essential to uphold rule of law, respect for human rights and IHL and to promote transparency and confidence-building among OSCE participating States.

Thank you.

The Candidate Countries NORTH MACEDONIA\*, MONTENEGRO\*, ALBANIA\*, UKRAINE, REPUBLIC OF MOLDOVA and BOSNIA and HERZEGOVINA\*, the Potential Candidate Country GEORGIA, the EFTA countries NORWAY and LIECHTENSTEIN, members of the European Economic Area, as well as ANDORRA and SAN MARINO align themselves with this statement.

\* North Macedonia, Montenegro, Albania and Bosnia and Herzegovina continue to be part of the Stabilisation and Association Process