



Delegation of Canada
to the OSCE

Délégation du Canada
auprès de l'OSCE

**STATEMENT BY CHARGE D'AFFAIRES DANIEL BARBARIE
ON THE MOSCOW MECHANISM INVOKED BY 45 PARTICIPATING STATES
FOLLOWING CONSULTATIONS WITH UKRAINE
1382nd MEETING OF THE PERMANENT COUNCIL
14 JULY 2022**

Mr. Chair,

I would like to make a national statement in addition to the statement delivered by Albania on behalf of the 45 invoking states and Ukraine. As with others today, we very much appreciate the work of the experts in preparing this report and presenting it today.

Mr. Chair,

This second Moscow Mechanism report has reaffirmed and reinforced our concerns regarding the actions of the Russian forces in Ukraine. In contrast to the blatant lies propagated by Russia, including here at this council, today's report not only confirms the findings of the first report but also adds further evidence of grave violations committed by the Russian Federation.

My delegation has studied the report closely, and we would like to draw the Council's attention to some of the stark findings in the report.

On the overall situation for civilians, the report states:

"The level of death, destruction, and suffering that continues to be inflicted on civilians is terrible and unacceptable... Generally speaking, the situation in areas occupied by Russian forces is catastrophic."

On schools, the report found that:

"All the evidence gathered indicates that Russia's intentional attacks on schools and other civilian facilities can be proved on a large scale. Evidence gathered refutes claims that schools' destruction was merely collateral damage."

On Russian torture and summary executions in Bucha and Irpin, the report states plainly that:

"The events concerning the towns of Bucha and Irpin, that were visited by the mission, are two emblematic examples of these grave breaches of IHL under the Geneva Conventions and their Additional Protocols, which constitute war crimes."

On the action of the so-called republics, the report states that:

“The Russian Federation is... clearly responsible for violations of the fundamental judicial guarantees in trials carried out by courts in the two entities, whether it is through handing over detainees to them or through the direct attributability of the acts of such courts to Russia.”

And on the potential use of the death penalty by the so-called Donetsk People’s Republic, the report states that:

“The imposition of the death penalty by courts established by a non-recognized entity, which moreover do not respect the fundamental guarantees of a fair trial thus gives rise to serious concerns and amounts to a violation of IHL, a war crime and, potentially, a crime against humanity. The handing over of detained persons by the Russian military forces to such courts for a trial constitutes, in addition, a violation of the right to life.”

The report is unambiguous on torture, stating:

“The second mission has come across extensive evidence demonstrating that torture or inhuman and degrading treatment has been used by the Russian armed forces against Ukrainian civilians,” and that “Instances of torture and inhuman or degrading treatment have been reported from all territories which were or have been temporarily occupied by the Russian armed forces.”

The report grimly assesses the actions of Russia in occupied territories:

“[T]here seems to be a relatively consistent pattern of behaviour 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 journalist,” and that the mission has “documented a pattern of serious mistreatment of local civilian inhabitants of areas under the temporary control of the Russian armed forces. The evidence suggests that such areas were usually turned into lawless zones, where civilians were left at the complete mercy of the Russian soldiers occupying the area.”

Although the mission was not able to determine with certainty “whether this situation resulted from a coordinated plan or from the disorganization of the Russian troops” it affirmed that:

“[T]he Russian Federation is responsible for all the acts of mistreatment carried out by its armed forces, including those acting ultra vires, and that it also has the obligation to investigate such instances and hold concrete individuals having engaged in mistreatment responsible.”

The report recalls that deliberate starvation of the civilian population constitutes a violation of both IHL and international human rights law, as well as a war crime and a crime against humanity. In this regard, the report finds that:

“Although the second mission has not been able to conclude whether starvation of the civilian population has been used as a deliberate strategy by the Russian Federation, there

are signs—denial of access for humanitarian aid, blocking of humanitarian corridors etc.—that it might indeed be so.”

This finding links to the report’s assessment of Russian theft of Ukrainian grain, about which the report states that:

“There have been reports of Russian forces stealing tons of grain from Ukraine and Ukrainian farmers without any financial compensation. Under IHL, pillage—i.e. the appropriation of public and private movable property—is strictly prohibited... The reported behaviour of the Russian soldiers, therefore, amounts to pillage, which constitutes a violation of IHL and a war crime.”

I would like to highlight the report’s clear conclusions on violations of international humanitarian law:

- 1) “On the basis of the data and information that was gathered, the mission concludes 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.”
- 2) “The evidently huge numbers of civilians killed or injured, as well as civilian buildings destroyed, many of which [were] far apart from where the ground forces were actually fighting... led the mission to believe that in all reported cases it is highly unlikely that the military advantage sought was significant enough to justify the negative impact on civilians.”
- 3) “The proofs of incidental losses of civilian lives, the injuries to civilians, and damages to civilian buildings gathered during the mission appear to be largely disproportionate with respect to the expected practical and direct military advantages. This constitutes a violation of the proportionality principle. Furthermore, the anticipated losses are clearly excessive, which may constitute a war crime.

I will finish with the fact that the second mission fully upheld the conclusion of the first mission that certain patterns of violent acts resulting from Russia’s attack against Ukraine, such as targeted killing, enforced disappearance or abductions of civilians, met the qualification of constituting a “widespread or systematic attack directed against any civilian population”. The second mission also noted that “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,” and that “such patterns have become more evident in the period under scrutiny.”

Mr. Chair,

Taken together, the second Moscow Mechanism report represents another damning indictment of Russia’s illegal actions in Ukraine—actions that violate international law and that, in many cases, have been characterized in the report as war crimes and potentially crimes against humanity. This report, alongside initiatives undertaken through the UN, the International Criminal Court and other bodies, will ensure that Russia is held to account.

Thank you.