



**PERMANENT REPRESENTATION OF PORTUGAL
TO THE OSCE**

1382nd meeting of the Permanent Council

14 July 2022

Statement by Portugal

on the 2nd Moscow Mechanism

Mr. Chairman,

Portugal aligns itself with the statement delivered by the European Union and has subscribed the statement made by the countries invoking the Moscow Mechanism. Nonetheless, allow us to emphasize some points on our national capacity.

We would like to thank the team of experts for their work and their Report, which is of high importance. This is another step taken in the OSCE – using commonly agreed mechanisms – towards national and international accountability for the war crimes and crimes against humanity committed in Ukraine.

We value that experts have travelled to Ukraine, where they could get direct access to sources. The Report states 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



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their Additional Protocols, which constitute war crimes.” When our Prime-Minister visited Irpin he said: “The levels of destruction and violence are completely devastating. I testified the evidence of vicious, indiscriminate and unjustified attacks.” We are sure you too, were profoundly impressed by the horror caused by the Russian forces.

Unfortunately, the Report conclusions are no surprise: they confirm the previous findings of the Moscow Mechanism and the multiple reports we have from the field: clear patterns of serious violations of International Humanitarian Law and extensive violations of International Human Rights Law. Even more disturbing is the fact that the second Moscow Mechanism mission also notes that such patterns have become more evident in the period under scrutiny.

The Report highlights two new alarming phenomena: firstly, the establishment and use of so-called filtration centres; secondly, Russian’s bypass to its international obligations by handing detained persons over to the two so-called People’s Republics and letting them engage in practices such as the imposition of the death penalty. We would like to refer to the latter.

Portugal opposes firmly and undoubtedly the use of the death penalty at all times and in all circumstances. The imposition of capital punishment by the so-called courts established by a non-recognized entity amounts to a

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osce.missaoportugal.mne.gov.pt | [@RPPortugal_Osce](https://twitter.com/RPPortugal_Osce)

osce.portugal@mne.pt | + (431) 58550510



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violation of International Humanitarian Law, a war crime and, potentially, a crime against humanity. However, let us be clear: the cases presented do not fall under the category of death penalty: they would amount to extrajudicial, summary or arbitrary executions.

Portugal furthermore condemns the total disrespect of the basic guarantees of a fair trial. The United Nations High Commissioner for Human Rights couldn't have been clearer: "such trials against prisoners of war turn into a war crime". We call on Russia to fulfil its obligations in this regard, including, as the Report underlines, the *principle of non-refoulement*.

In conclusion, we condemn once again the brutal and unjustified war launched by the Russian Federation against Ukraine, with the involvement of Belarus, and the atrocities committed by the Russian Armed Forces. We call on Russia to abide by its international obligations, cease the aggression and respect the independence and territorial integrity of Ukraine. Portugal is fully solidary with Ukraine and the Ukrainian people.

Thank you.

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