



Supplementary Human Dimension Meeting

**TORTURE AND OTHER GRAVE BREACHES OF
INTERNATIONAL HUMANITARIAN LAW
AND GROSS VIOLATIONS OF INTERNATIONAL HUMAN
RIGHTS LAW**

**24-25 April 2023
Vienna**

FINAL REPORT



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1. EXECUTIVE SUMMARY

The second Supplementary Human Dimension Meeting (SHDM) of 2023, organized by the OSCE 2023 Chairpersonship of North Macedonia with the support of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), was dedicated to “International cooperation to address violations of humanitarian law and international human rights law.” The meeting provided an opportunity for OSCE participating States (pSs), OSCE institutions and executive structures, international organizations, civil society and other stakeholders to exchange views and develop recommendations.

The sessions and ensuing discussions focused on the concepts of grave breaches of International Humanitarian Law (IHL) and gross violations of International Human Rights Law, and ensuing obligations for States. In addition, participants in the meeting explore the role of national institutions, international organizations and civil society in preventing and responding to grave breaches of IHL and gross violations of IHRL, as well as practical ways to enhance cooperation among stakeholders. The meeting also included discussions on specific aspects related to the documentation of cases of torture during armed conflict, including sexual and gender-based violence (SGBV) as a form of torture, in accordance with the Istanbul Protocol, as well as responses to gross violations occurring in times of peace.

274 individuals registered to participate in the meeting. It brought together 204 attendees (88 men, 114 women, 2 non disclosed), including 115 representatives of 47 pSs, 61 representatives of 47 civil society organizations (CSOs), as well as 28 participants from international organizations, OSCE institutions and field missions, National Human Rights Institutions and other participants.



Neuer Saal conference room, Hofburg, Vienna, during the Opening Session on 24 April 2023.

2. SYNOPSIS OF THE SESSIONS AND RECOMMENDATIONS

OPENING SESSION

Opening remarks:

H.E. Ambassador Igor Djundev, Ambassador and Head of Permanent Mission of North Macedonia to the OSCE, Chairperson of the OSCE Permanent Council

Mr. Matteo Mecacci, Director, OSCE/ODIHR

Keynote addresses:

Ms. Oleksandra Matviychuk, Head of the Board, Center for Civic Liberties, Civic Solidarity Platform Secretariat

Mr. Xavier Philippe Professor of Law, University of Paris I, Panthéon-Sorbonne

In the opening session, speakers focused on respect of international humanitarian law (IHL) and international human rights law (IHRL) as cornerstone of the OSCE commitments. As the OSCE Chair-in-Office explained, however, breaches continue to disturb the OSCE region, as is being experienced, for instance in the context of the Russian Federation war of aggression against Ukraine in which IHL norms are being violated regularly. During the session, the Chair-in-Office emphasized accountability for IHL and IHRL violations as a core necessity, and called on the international community to take additional steps to prevent such violations and ensure accountability when they occur.

The Director of ODIHR recalled every stakeholder's role in ensuring participating States' (pSs) commitments to provided accountability for violations of IHL and IHRL, whenever and wherever they occur. While States have a specific duty to enact adequate legislation, provide appropriate penal sanctions and prosecute those responsible for grave breaches of IHL, national human rights institutions, national preventive mechanisms under the Optional Protocol to the Convention Against Torture, international organizations, and civil society, all have an important role to play to ensure prevention of and efficient responses to gross violations of IHRL law during times of crisis. Director Mecacci highlighted ODIHR's continued monitoring work of the situation in Ukraine, which in 2022 resulted in the publication of two reports, with a third to be published in the summer. He also mentioned the relevance of this issue in other areas of the OSCE region, where instances of torture and other abusive tactics are being used to repress dissent.

The Director recalled that ODIHR has also paid specific attention to the implementation of pSs' commitments on the prevention and eradication of torture and explained how the documentation of torture can be particularly challenging in times of conflict or crisis. He highlighted how some forms of torture, such as sexual and gender-based violence as a form of torture also require specific sensitivity, skills and training.

The first keynote speaker, Ms. Matviychuk, representing Center for Civil Liberties described the work of the 'Tribunal for Putin' initiative, set up by a dozen of civil society organizations since 24 February 2022 with the ambitious goal to document every criminal episode happening in Ukraine. Over the course of one year, the initiative documented 36,000 episodes of war

crime, some occurring in the smallest village. The introducer then proceeded to share many testimonies/individual stories reflecting the suffering of civilians caused by this conflict. Ms. Matviychuk emphasized that the war in Ukraine is the result of total impunity and called on the international community to establish a special tribunal on aggression to hold those responsible to account. The speaker closed by calling on the OSCE pSs to think of a new security architecture in Europe which is not based on a country's participation in a military block or on the strength of its military, but where human rights take a central role.

The second keynote speaker, Mr. Philippe, Professor of Law at University of Paris I, Panthéon-Sorbonne, detailed the legal framework surrounding these issues. He noted that the two notions – grave breaches of IHL and gross violations of IHRL – are often mixed up and clarified that grave breaches only occur in times of armed conflict, while gross violations of IHRL can occur at any the time. Mr. Philippe further highlighted two key principles linked to grave breaches: i) the principle of imprescriptibly according to which grave breaches can be prosecuted at any time, without any prescription, and ii) the principle of universal jurisdiction, according to which States can try any person who has committed a grave breach, provided their own judicial system provides for universal jurisdiction.

With respect to States' obligations to prevent grave breaches, Mr. Philippe emphasized the obligation for States to include grave breaches of IHL in their own criminal system and to update their criminal code accordingly. When such breaches occur, States must act immediately to put an end to the violations and avoid their repetition. Mr. Philippe further highlighted the need to clearly define the competent courts that will deal with grave breaches of IHL and make sure they respect fair trial rights and to provide specific training for judges in terms of international criminal law. Finally, he explained that alleged perpetrators are entitled to the right to a fair trial and the presumption of innocence, as well as the right to not be subjected to public curiosity, as trials that do not respect those standards constitute a grave breach in themselves.

SESSION I: GRAVE BREACHES OF INTERNATIONAL HUMANITARIAN LAW (IHL) AND RELATED OBLIGATIONS

Introducers:

Ms. Kasey McCall-Smith, *Senior Lecturer in Public International Law, University of Edinburgh*

Mr. Ljupcho Stojkovski, *Assistant Professor in International Law and International Relations, Ss. Cyril and Methodius University*

Mr. Volodymyr Yermolenko, *philosopher and journalist, Director of PEN Ukraine*

Moderator: Mr. Andrew Gardner, Deputy Head, Human Rights Department, OSCE/ODIHR

The first session focused on the fundamentals of grave breaches of IHL and the roles of States and others in ensuring respect for IHL.

The first introducer, Ms. McCall-Smith, Senior Lecturer in Public International Law at the University of Edinburgh, reflected on the link between the prohibition on torture in IHL and IHRL, explaining that these two bodies of law are not mutually exclusive but overlapping and mutually reinforcing. Recalling the many treaties which mandate States to respect, protect and fulfil the rights of everyone to be free of torture and other inhuman treatment, Ms. McCall-Smith discussed the need for better IHL enforcement mechanisms rather than the adoption of additional rules and treaties. She explained that both IHL and IHRL place a duty on States to educate, including their own military, and to adopt measures affording access to justice and redress to victims. She noted the crucial importance of education, as incremental breaches of human rights law often culminate in grave breaches of IHL and gross violations of IHRL.

Ms. McCall-Smith highlighted the need for a better understanding of what torture means, as torture can encompass many things, during conflict but also in peacetime. While there is not one form that is more or less legal than the others, there is often silence when these breaches happen in times of peace. By educating everyone on values of tolerance, non-discrimination and respect for human rights, Ms. McCall-Smith explained, we can develop a stronger understanding of the circumstances in which torture occur, avoid turning a blind eye and lessen the cumulative effect of human rights violations. In turn, by creating environments in which human rights are respected for all and by all, grave breaches of IHL are less likely to be committed.

The second introducer, Mr. Ljupcho Stojkovski, Assistant Professor in International Law and International Relation at Ss. Cyril and Methodius University, discussed how IHL confers universal jurisdiction on all States parties to the Geneva Conventions, including all OSCE participating States who have to enact penal legislation, search, prosecute and bring perpetrators before their own courts or extradite them to third states for prosecution. In this respect, grave breaches provisions represent a landmark in the evolution of criminal jurisdiction. Their inclusion in the Geneva Conventions represented the first treaty-based and multilateral recognition of universal jurisdiction by States. Prosecutions have an important preventive effect, sending the message that such criminal behaviour will be punished. Mr. Ljupcho Stojkovski further noted that international courts have an important function but will never be able to cope with the 100,000+ violations that are part of every major conflict, which means that national courts have a crucial role to play. Mr. Ljupcho Stojkovski highlighted that to ensure compliance with the obligation to prosecute, renewed efforts are required, noting that many states have not yet provided sufficient legislation in this respect. Finally, he recalled that States should not solely focus on criminal prosecution to mask the important work they need to do in terms of prevention, dissemination of IHL and education.

The third introducer, Mr. Volodymyr Yermolenko, philosopher, journalist and Director of PEN Ukraine, highlighted the importance of the law as a tool to limit violence, also flagging how, conversely, some leaders are using violence to limit rights. He then proceeded to share different individual stories about the war in Ukraine and its impact on civilians, highlighting the ravages of mines left behind in Ukraine, the discovery of mass graves and the widespread use of torture.

During the session, participants emphasized the need for national and international accountability, noting that disregard for IHL by authoritarian governments undermines security in the wider OSCE area. Numerous participants drew attention to the need for a comprehensive approach to accountability, one that takes into account victims' needs, and called on the OSCE to work more effectively with civil society on these issues.

Recommendations for the OSCE pSs:

- To strengthen the cooperation with CSOs and proactively engage in dialogue with CSOs;
- To condemn and take appropriate action against continued breaches of IHL and send strong signal that further violations will not be tolerated;
- To engage further to address humanitarian consequences and human rights violations occurring in Ukraine.

Recommendations for the OSCE institutions and field operations:

- For this and future Chairs to promote including cooperation with CSOs in their programmatic priorities

SESSION II: DOCUMENTING CASES OF TORTURE IN SITUATIONS OF ARMED CONFLICT

Introducers:

Ms. Therese Rytter, Legal Director, DIGNITY – Danish Institute against Torture

Mr. James Lin, Senior Legal Advisor and Istanbul Protocol Programme Coordinator, International Council for Torture Victims

Moderator: Ms. Andrea Huber, Head, Human Rights Department, OSCE/ODIHR

The second session focused on the specific challenges related to the documentation of cases of torture in situations of armed conflict. The first introducer, Ms. Therese Rytter, Legal Director of DIGNITY – Danish Institute against Torture, emphasized that any real prospect of accountability for torture is premised on effective investigation and documentation, in line with the Istanbul Protocol which sets out the international standards for prompt, effective investigation of acts of torture as defined in the Convention against Torture (CAT).

Ms. Rytter pointed the crucial role played by CSOs in investigating and documenting torture, as they have easy access to remote areas, close connection with affected communities and more readily enjoy trust of victims, especially in States where law enforcement authorities are not trusted. Talking of the many forms the crime of torture can take, she highlighted the importance of prosecuting and punishing sexual and gender-based violence (SGBV) as the war crime of torture when it fulfils the required elements, as this allows to recognise the gravity and purpose of SGBV. She also mentioned the publication of a recent report by DIGNITY and its partners titled "9 Circles of Hell" which documents torture and other international crimes committed against prisoners and civilians detained in official prisons and unofficial places of detention, including makeshift torture chambers, under the Russian occupation. The report is based on interviews with victims and witnesses, as well as open-source analysis, and documents 152 cases of torture and inhuman treatment, shedding light on the specific purpose of torture.

Finally, Ms. Rytter also mentioned the importance of applying victim-centred approaches to justice process, with an aim to empower victims, to prioritise their needs throughout the justice process, to support them psychologically and to minimise the risks of re-traumatisation.

The second introducer, Mr. James Lin, Senior Legal Advisor and Istanbul Protocol Programme Coordinator for the International Council for Torture Victims (ICTR), presented the work of ICTR which includes the operation of 160 torture rehabilitation centre in 75 countries, and the provision of services to over 60,000 survivors of torture a year. He emphasised the need to separate legal accountability and criminal prosecution from the right of survivors to rehabilitation which exists irrespective of whether a perpetrator has been convicted. Mr. Lin noted that while legal accountability and prosecution are often discussed as a matter of priority, they constitute just one part of survivors and their communities' healing process. In this respect, Mr Lin explained that the Istanbul Protocol and the adoption of trauma-informed approaches are essential to support documentation efforts that contribute to supportive social environments and provide accountability. Mr. Lin also commended ODIHR's training on trauma-informed interviewing, which was presented during a side-event.

The discussion recognized that accountability is not an abstract concept but a means to address the horrific, and often long-lasting, impact of torture on victims. Some participants also pointed that accountability and redress are essential preventive tools and a prerequisite for conflict resolution and reconciliation. Several participants expressed alarm at the systematic use of torture by Russian military in Ukraine and appreciation for the many efforts to document such violations, including the work being conducted human rights defenders who continuously risk their health and security. Some participants pointed to the need to investigate and prosecute war crimes and instances of torture that have occurred in other regions, outside of Ukraine. ODIHR trainings on human rights monitoring and trauma-informed interviewing were also commended as positive action to contribute to accountability and victim-centered approaches.

Recommendations for the OSCE pSs:

- To make use of universal jurisdiction more often;
- To support the documentation of all international crimes committed by the Russian military in Ukraine and provide support to future accountability mechanism;
- To increase the integration of mental health and psychosocial support (MPHSS) into accountability efforts;
- To better coordinate the various documentation and victims' support initiatives in order to avoid the overlap and duplication of efforts;
- To consider reparations and reflect on how to better integrate rehabilitation in wider accountability processes.

Recommendations for the OSCE institutions and field operations:

- To make use, and support health, legal and human rights professional's use, of the Istanbul Protocol as an up-to-date practical guide for comprehensive investigation and documentation of abuse;
- To adopt a trauma-informed and victim-centered approach not only in the context of interviewing victims or witnesses of atrocities, beyond statement-taking;
- To establish victim support centres that offer psycho-social, humanitarian and legal support, and can create the kind of trust and support system needed in order for victims to come forward, including victims of SGBV.

SESSION III: RESPONSES TO GROSS VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS LAW (IHRL) DURING TIMES OF CRISIS

Introducers:

Amb. Roeland Böcker, Adviser to Legal Department and Human Rights and Multilateral Affairs Department of the Ministry of Foreign Affairs of the Netherlands

Ms. Ekaterina Vanslova, Head of the North Caucasus, Representative, Crew against Torture (CAT)

Mr. Arman Tatoyan, Member, Council of Europe Committee for the Prevention of Torture, and Professor, American University of Armenia

Mr. Pavel Sapelko, Lawyer, Human Rights Centre Viasna

Moderator: Ghenadie Barba, Chief of the Rule of Law Unit, OSCE/ODIHR

The third session focused on responses to gross violations during times of crisis and on practical ways to give effect to victims' right to truth, justice and reparations, with the aim of identifying good practices and recommendations.

The first introducer, Ambassador Roeland Böcker, Adviser to Legal Department and Human Rights and Multilateral Affairs Department of the Ministry of Foreign Affairs of the Netherlands recalled that while States have a primary responsibility to respond to gross human rights violations, the international community also has a role to play. He explained that if States cannot respond appropriately, the international community's responsibility is triggered. Ambassador Böcker also highlighted some good practices of the Dutch MFA inside and outside the OSCE region, including in Syria, Iraq, Myanmar and Ukraine. He closed by urging pSs who have not ratified the Rome Statute of the International Criminal Court to ratify it as quickly as possible, mentioning the crucial importance of having a standing, permanent institution such as the ICC to effectively respond to IHLR and IHL violations.

The second introducer, Ms. Ekaterina Vanslova, representing Crew against Torture (CAT) focused on certain aspects of the ban on torture in the Russian Federation and challenges related to access to justice and reparations. She explained that with the Russian Federation's withdrawal from the Council of Europe, there is no possibility for victims to bring cases to the ECtHR and receive compensation. She also noted that while CSOs have an important role to play in protecting victims of torture they face a lot of pressure. Ms Vanslova mentioned the worsening situation of human rights defenders and increasing pressure on NGOs and human rights defenders in the North Caucasus, as well as in the Russian Federation with important organisations, such as Memorial and the Moscow Helsinki Group who have been shut down or issued with shut-down orders. She called for public recognition of the legitimate role played

by human rights defenders and increased efforts to protect them from enforced disappearances, the disproportionate use of force, and torture in line with relevant international standards.

The third introducer of the session, Mr. Arman Tatoya, a member of the Council of Europe Committee for the Prevention of Torture, warned of the use of derogations and overreliance on states of emergency and martial law by States to repress human rights. He remarked that NHRIs have a crucial role to play in ensuring proper documentation of violations, through the verification of evidence and its presentation to international bodies. Mr. Tatoya also commented on the role of CSOs who have unique and direct access to the situation on the ground and called for pSs to ensure NHRIs and CSOs feel supported by the international community.

The fourth introducer, Mr. Pavel Sapelko, a lawyer with the Human Rights Centre Viasna, focused on the situation in Eastern Europe and Central Europe and the impact of recent conflicts. He remarked that a human rights' crisis has affected many countries in the region, with widespread infringement on rights and freedoms. Mr. Sapelko commended the efforts of institutions, such as national preventive mechanisms and CSOs who continue to work these countries in a spirit of respect for and compliance with international law. Commenting on the situation in Belarus, he explained that the civil society there is subjected to a great deal of attacks and is only being sustained by external support. The introducer closed by calling upon pSs to establish and promote mechanisms for unilateral responses to heinous violations of IHR and to bring to justice those responsible for torture and cruelty against activists and human rights defenders, in line with relevant treaties.

During the discussion, several organizations expressed their concern concerning reports of the systematic use of torture in different parts of the OSCE region, in times of peace, and called on pSs and the international community to take action. The discussion also addressed the recent invocation of the Moscow Mechanism to address violations committed in Belarus and the need for further protection of human rights defenders, including those currently detained. Some delegates mentioned the use of personal sanctions as means to provide justice for victims and act as deterrent of future violations. Finally, some participants remarked on the importance to address the grievances of victims and issues of impunity during peace processes, in order for peace to last.

Recommendations for the OSCE pSs:

- To urgently ratify the ICC's Rome Statute and support criminal accountability processes;
- To provide adequate support to NHRIs and CSOs documenting IHRL and IHL violations;
- To activate universal jurisdiction and create a special tribunal on aggression with respect to the war in Ukraine;
- To ensure that any new tribunal created, such as a possible upcoming special tribunal on aggression, is supplemented by a victims' unit;
- To make use of all justice mechanisms that are, above all, focused on the interest of victims;
- To intensify the adoption of individual sanctions for war criminals.

Recommendations for the OSCE institutions and field operations:

- To develop a concrete action plan on the issue of enforced disappearance in cooperation with CSOs;
- To ensure there is adequate support in place for victims of torture in various parts of the OSCE;
- For ODIHR to develop a training course on investigation of war crimes.

CLOSING SESSION

Closing remarks:

Ms. Adelina Marku, *Deputy Permanent Representative, 2023 OSCE Chairpersonship of North Macedonia*

Ms. Kateryna Ryabiko, *First Deputy Director, OSCE/ODIHR*

In the closing session, Ms. Marku remarked that while the protection of civilians in times of war is an undisputable standard, efforts are needed from the international community to implement IHL and IHRL standards in a more effective and fairer manner. She noted that continuous discussions and debates on IHL and IHRL, such as in the context of SHDM, are an excellent way to foster further initiative and action and to create greater respect for these important normative provisions.

ODIHR's First Deputy Director, Ms. Ryabiko noted that the sessions provided an excellent platform to recall the specific obligations for states, but also to explore the crucial contribution of other stakeholders, including international organizations, National Human Rights Institutions and civil society, in the prevention, accountability and redress for torture and other grave breaches of international humanitarian law and gross violations of international human rights law. She briefly reminded participants of key takeaways from the sessions, including the importance of trauma-informed interviewing for survivors to share their stories and help in the documentation of torture, and to address SGBV in accordance with the Istanbul Protocol. She emphasized that there is no justification for torture and that pSs needs to recognize the utmost importance of upholding and strengthening their OSCE commitments in that respect. Without sincere action on the part of pSs to fulfil these commitments, the OSCE run the risk of greater instability and further weakening of democratic societies. Ms. Ryabiko ended by emphasizing that ODIHR will continue to support pSs in their fulfilment of the OSCE human dimension commitments related to the prevention and eradication of torture, in any context, as well as the strict observance of the norms of international humanitarian law. ODIHR will also continue to support important documentation efforts, such as through its Ukraine Monitoring Initiative focused on the most serious violations of human rights and humanitarian law standards happening today in Ukraine.

ANNEX I: AGENDA



Supplementary Human Dimension Meeting on Torture and Other Grave Breaches of International Humanitarian Law and Gross Violations of International Human Rights Law

Vienna, 24-25 April 2023

AGENDA

Day 1

[12.30 – 13.30 – side events]

14.00 – 15.00 **OPENING SESSION**

Opening remarks

H.E. Ambassador Igor Djundev, Chairman of the OSCE Permanent Council and Permanent Representative of the North Macedonia to the OSCE

Mr. Matteo Mecacci, Director, OSCE/ODIHR

Introductory addresses

Ms. Oleksandra Matviichuk, Head, Centre for Civil Liberties

Mr. Xavier Philippe, Professor of Law, University of Paris I Panthéon-Sorbonne

Technical information: Ms. Kateryna Ryabiko, First Deputy Director, OSCE/ODIHR

15.00 – 17.00 **SESSION I: Grave Breaches of International Humanitarian Law (IHL) and Related Obligations**

Introducers:

Ms. Kasey McCall-Smith, Senior Lecturer in Public International Law, University of Edinburgh

Mr. Ljupcho Stojkovski, Assistant Professor in International Law and International Relations, Ss. Cyril and Methodius University

Mr. Volodymyr Yermolenko, Director of Analytics, Internews Ukraine

Moderator: Mr. Andrew Gardner, Deputy Head, Human Rights Department, OSCE/ODIHR

[17.30 – 18.30 – side events]

Day 2

[9.00 – 10.00 – side events]

10.30 – 12.30 **SESSION II: Documenting Cases of Torture in Situations of Armed Conflict**

Introducers:

Ms. Therese Rytter, Legal Director, DIGNITY – Danish Institute against Torture

Mr. James Lin, Senior Legal Advisor and Istanbul Protocol Programme Coordinator, International Council for Torture Victims

Moderator: Ms. Andrea Huber, Head of Human Rights Department, OSCE/ODIHR

[13.15 – 14.15 – side events]

14.30 – 16.30 **SESSION III: Responses to Gross Violations of International Human Rights Law (IHRL) During Times of Crisis**

Introducers:

Amb. Roeland Böcker, Adviser Adviser to Legal Department and Human Rights and Multilateral Affairs Department of the Ministry of Foreign Affairs of the Netherlands

Ms. Ekaterina Vanslova, Head of the North Caucasus Representative, Crew against Torture (CAT)

Mr. Arman Tatoyan, Member, Council of Europe Committee for the Prevention of Torture, and Professor, American University of Armenia

Mr. Pavel Sapelko, Lawyer, Human Rights Centre Viasna

Moderator: Mr. Ghenadie Barba, Chief of Rule of Law Unit, OSCE/ODIHR

16.30 – 17.30 **CLOSING SESSION**

Reports from the working sessions, Comments from the floor, and

Closing remarks

Ms. Kateryna Ryabiko, First Deputy Director, OSCE/ODIHR

Ms. Adelina Marku, Deputy Permanent Representative, 2023 OSCE Chairpersonship of North Macedonia

17.30 Closing of the meeting

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ANNEX II: LIST OF SIDE EVENTS: Topics and Conveners

Torture in places of detention in Ukraine under the Russian occupation in official and unofficial places of detention

Convened by: Ukraine without Torture; DIGNITY - Danish Institute against Torture; European Prison Litigation Network (EPLN), Kharkiv Human Rights Protection Group (KHPG), Protection of Prisoners of Ukraine (PPU)

Forced transfer and deportation of the civilian population of Ukraine, in particular children, by the Russian Federation

Convened by: Yale School of Public Health, the Ukrainian Helsinki Human Rights Union, and the Kharkiv Human Rights Protection Group. Hosted by the delegations to the OSCE of Ukraine, the United States of America, the United Kingdom, the European Union, and Norway

Turkmenistan: 20 years of systematic government repression and enforced disappearances – time to increase international pressure.

Convened by: Turkmen Initiative for Human Rights; “Prove They Are Alive!” Campaign; International Partnership for Human Rights

Tortures in the Occupied Territories of Ukraine as Crimes Against Humanity and War Crimes: Analysis and Survivors’ Testimonies

Convened by: Human Rights Centre ZMINA, Media Initiative for Human Rights (MIHR), World Organisation Against Torture (OMCT), Human Rights House Foundation

Broad-Scale Practice of Tortures and Ill-Treatment in Conditions of Russian Occupation: Crimean Examples

Convened by: Crimean Tatar Resource Center

Torture and other grave violations of international humanitarian law in Ukraine – legal avenues, challenges and opportunities for accountability

Convened by: International Partnership for Human Rights

Violation of IHL regarding Ukrainians imprisoned by power structures of the Russian Federation as a result of aggressive war

Convened by: Center for Civil Liberties, "Tribunal for Putin" initiative and the campaign #PrisonersVoice

The Right to a Fair Trial in War Crimes Cases: Standards, Challenges and Good Practices

Convened by: OSCE Office for Democratic Institutions and Human Rights

From the Volhynian Crime and Eastern Lesser Poland to Bucza and other crime scenes against civilians in Ukraine. Historical and international legal aspects of committing crimes against civilians

Convened by: Pantarey Foundation

Presenting Trauma Informed Interviewing: the key to effective human rights monitoring

Convened by: OSCE Office for Democratic Institutions and Human Rights

ANNEX III: BIOGRAPHICAL INFORMATION: Speakers, Introducers and Moderators

Opening remarks:

H.E. Ambassador Igor Djundev

Mr. Matteo Mecacci is Director of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), since December 2020. Prior to that he spent 7 years as President of the International Campaign for Tibet. He headed the OSCE/ODIHR Election Observation Mission to Georgia in 2013 and was a Member of the Italian Parliament, Foreign Affairs Committee and of the OSCE Parliamentary Assembly from 2008– 2013. From 2000 to 2008 he was Representative to the United Nations in New York of “No Peace Without Justice” and the “Transnational Radical Party”. He holds a JD in International Law at the University of Florence.

Keynote speakers:

Ms. Oleksandra Matviichuk is a human rights defender and an author of a number of reports to various UN bodies, the Council of Europe, the European Union, the OSCE and the International Criminal Court.

Awarded with the Democracy Defender Award for her "Exclusive Contribution to Promoting Democracy and Human Rights" and the Right Livelihood Award, she presently heads the human rights organization Center for Civil Liberties, and also coordinates the work of the Euromaidan SOS initiative group.

For their activities aimed at protecting human rights and establishing democracy in Ukraine and OSCE region, the Center for Civil Liberties was awarded the Nobel Peace Prize in 2022, together with Ales Bialiatski and the Memorial Association.

Mr. Xavier Philippe is a Professor of Law at the University of Paris I Panthéon-Sorbonne, as well as Extraordinary Professor at the University of the Western Cape in Cape Town, South Africa. He holds a State Doctorate in Law and two Master’s degree in Public Law and Public Health.

Previously, Mr. Philippe has been seconded to the International Committee of the Red Cross as Regional Legal Advisor for the CIS countries (Moscow delegation), appointed as a Professor at the University of Aix-Marseille where he headed the Louis Favoreu Institute and created a new Master Programme on the Law of State Rebuilding in Post-conflicts situations.

His main fields of expertise are Constitutional comparative Law, Human Rights, International Humanitarian Law, International Criminal Law and Transitional justice.

He is also deeply involved in constitutions rebuilding processes in post conflict or post crises situations, especially in Tunisia and Myanmar, where he participated in national dialogue and constitution rebuilding processes.

He is the co-founder and co-chair of the Francophone Association for Transitional Justice and heads the “Sorbonne Constitutions & Liberties” Centre.

Session I:

Dr. Kasey McCall-Smith is a Senior Lecturer in Public International Law at the University of Edinburgh Law School where she is also the director of the Global Justice Academy and the LLM in Human Rights program. She is a US qualified lawyer and holds an LLM and PhD in International Law from the University of Edinburgh. Her research focuses primarily on treaty law and how treaties are interpreted and implemented at the domestic and supranational levels, including through incorporation. She has published extensively on the subjects of reservations to treaties, the prohibition against torture, fair trial rights and human rights incorporation. Since 2017, Dr McCall-Smith has chaired the Association of Human Rights Institutes.

Ljupcho Stojkovski is an Assistant Professor in International Law and International Relations at the Faculty of Law “Justinianus Primus Skopje”, Ss. Cyril and Methodius University. His main research interests so far include the use of force in international law, international humanitarian law, the Responsibility to Protect, and the UN Security Council.

Dr. Volodymyr Yermolenko, Analytics director at Internews Ukraine, is a Ukrainian philosopher, journalist and writer, a doctor of political studies with a PhD in philosophy. He is also a President of PEN Ukraine and Chief editor of UkraineWorld.org, a multimedia project in English about Ukraine.

Author of numerous articles in international and Ukrainian media, and a book –writer, he was awarded in recent years the Myroslav Popovych Prize, Petro Mohyla Prize, Yurii Sheveliov Prize and twice the Book of the Year prize in Ukraine, among other.

Session II:

Ms. Therese Rytter is a human rights lawyer with 25 years of experience in the fields of international human rights and torture prevention. She is the Legal Director of DIGNITY – the Danish Institute against Torture and Vice-President of the European Committee for the Prevention of Torture (CPT).

In parallel, she is a national expert to the United Nations Sub-Committee on Prevention of Torture (SPT) and the OSCE Moscow Mechanism.

Mr. James Lin is a Senior Legal Advisor and the Istanbul Protocol Programme Coordinator at the International Rehabilitation Council for Torture Victims, where he has supported the investigations and documentation of torture in over 60 countries.

He is on the Editorial Committee that led the 6-year process to revise the Istanbul Protocol – the key international legal and scientific standard on how to investigate torture effectively, which was launched last summer in June 2022. He is currently leading the development of a parallel protocol on how to conduct remote forensic evaluations.

James is also the Coordinator of the Independent Forensic Expert Group. He is Adjunct Professor of Law at National Yang Ming Chiao Tung University Taiwan and Lecturer in Law at the University of Hawaii, specialising in human rights and transitional justice. Among other roles, he previously worked at the OSCE's Mission to Bosnia-Herzegovina.

Session III:

Amb. Roeland Böcker was the permanent representative of the Kingdom of the Netherlands to the Council of Europe from 2017 to 2022. Before, he had a career of 30 years in the Ministry of Foreign Affairs, particularly in the field of human rights and international law. For many years, Mr Bocker was Government Agent to the European Court of Human Rights and the Dutch representative in other international human rights proceedings, including before the United Nations treaty bodies. Alongside his work for the Ministry of Foreign Affairs, Mr Böcker acted as a substitute judge in the District Court of The Hague and as a substitute member of the Equal Treatment Commission. He published numerous articles on human rights issues.

Ms. Ekaterina Vanslova, is the Head of the North Caucasian Office of the Russian NGO Crew against torture. Ms. Vanslova has been protecting victims of torture and enforced disappearances for more than 12 years. Ms Vanslova works in a particularly dangerous region, the North Caucasus. Ms Vanslova focuses her work on undertaking public investigations, representing the applicant's interests in the investigative bodies and in the court; rendering assistance in obtaining compensation, as well as conducting medical rehabilitation activities.

Dr. Arman Tatoyan is a Professor at the American University of Armenia and a member of the European Committee for the Prevention of Torture (CPT). During 2016 – 2022, Dr Tatoyan worked as the Human Rights Defender of Armenia and the Head of the National Preventive Mechanism. Dr Tatoyan served as an Ad hoc Judge of the European Court of Human Rights (2016-2019) and an International Adviser for the Council of Europe (2013-2018). Dr. Tatoyan served as a Deputy Minister of Justice of Armenia (2013-2016) and a Deputy Agent of Armenia before the European Court of Human Rights (2013 –2016). He also was the member of the International review team under UN Convention against Corruption.

Mr. Pavel Sapelko Graduated from the Belarusian State University with a degree in Law (1993). During 1995 and 2011, Mr Sapelko worked as a lawyer and defender in criminal cases of well-known politicians and activists from Belarus (Pavel Sevyarynets, Andrei Sannikov, Pavel Vinogradov, Nikolai Autukhovich, etc.). Since 2021, Mr Sapelko is a member of the governing body of the Human Rights Center "Viasna" from Belarus. Mr Sapelko is the author of a number of reports and studies on the state of affairs in places of detention in Belarus, on respect for the right to free and fair elections, on observance of fair trial standards and the right not to be subjected to torture and other prohibited types of treatment, as well as on the possibilities of exercising the right to freedom of opinion and association. In 2012, Mr Sapelko was offered the Human Rights Award of the Council of Bars and Law Societies of Europe (CCBE).

Closing Session:

Ms. Kateryna Ryabiko is First Deputy Director, OSCE Office for Democratic Institutions and Human Rights (ODIHR). Previously, she served with the US Agency for International Development, Freedom House, the National Democratic Institute for International Affairs and other public and private entities, leading projects and teams, as well as providing technical assistance and policy advice. On top of her strong project management skills in international settings, she possesses expertise in the fields of democracy, human rights and elections. Kateryna's work has been recognized by multiple awards, including for outstanding achievements in promoting democratic development and her leadership in guiding democracy assistance efforts. She holds an MPA from the State University of New York at Binghamton, is a Stanford University Draper Hills Fellow for Democracy, Development and the Rule of Law, and graduated from the Stanford's University Leadership Academy for Development.

Ms. Adelina Marku