



## United States Mission to the OSCE

# **On the Moscow Mechanism Report on the Arbitrary Deprivation of Liberty of Ukrainian Civilians by the Russian Federation**

As delivered by Chargé d’Affaires, a.i. Timothy Hanway  
to the Permanent Council, Vienna  
April 25, 2024

Professor Bílková, Dr. Hellestveit, and Dr. Šteinerte, welcome back to the Permanent Council. We appreciate your willingness to take on another Moscow Mechanism expert mission, this time to research and report on the Russian Federation’s illegal practice of arbitrarily depriving Ukrainian civilians of their liberty. As you have so carefully documented, Russian authorities have engaged in this abhorrent practice since the 2014 purported annexation of Crimea. Worse, Russia has used arbitrary detention as a distinct tool of its 2022 full-scale invasion of Ukraine. Russia has detained thousands of Ukrainian civilians, cutting them off from access to, or communication with, their loved ones. As outlined in your report, civilian detainees have often been tortured and subjected to other ill treatment, including sexual violence. Russian authorities restrict access to lawyers and deny fair trials. Your report also concludes that Russian authorities have committed extrajudicial killing of civilian detainees, which, you note, “constitutes a serious violation of international human rights law and international humanitarian law and may amount to a war crime and crime against humanity.”

Your report finds that Russia’s systematic practice of detaining Ukrainian civilians violates both international human rights law and international humanitarian law. Russia’s detention of Ukrainian civilians – ordinary people trying to survive a brutal occupation of their country – is, you conclude, both arbitrary and illegal. Your report further finds that the inhuman and degrading treatment to which Russia subjects civilians in captivity clearly demonstrates that its actions violate international law.

Of particular interest to this body is your finding that Russia has “disrespected and continues to disrespect the special status” of OSCE Special Monitoring Mission staff members Vadym Golda, Maxim Petrov, and Dmytro Shabanov. Russia unjustly detained these OSCE employees two years ago while they were performing their official duties. As you note, “The continued detention of staff members of the OSCE SMM is incompatible with OSCE commitments arising in respect to Russia.” We continue to call for their release and do so again today in light of your report. Russia’s unlawful detention of OSCE’s SMM staff members must end now.

Your conclusion that the Russian Federation’s “practice of arbitrary deprivation of liberty of Ukrainian civilians has occurred on a massive scale and has revealed signs of a systematic, consistent, deliberate pattern of conduct targeting specifically Ukrainian civilians,” is

particularly chilling, and, as you point out, may constitute war crimes or crimes against humanity. These detentions are not isolated incidents limited to a few civilians or attributable to a few rogue Russian soldiers. Rather, Russia's detention, transfer, deportation, mistreatment, even torture and extrajudicial killing of Ukrainian civilians, is an integral part of the Kremlin's war strategy. It's no accident that according to your report Russian authorities have singled out local officials, journalists, teachers, and human rights defenders as targets, attempting to destroy a community's leaders, instill fear in its population, eliminate its civic activists and truth-tellers, and intimidate those who remain in silence.

Take, for example, the case of Dmytro Khyliuk, a journalist from the village of Kozarovychi near Kyiv. As the Media Initiative for Human Rights reported, Russian soldiers attacked and abducted Dmytro and his father Vasyl near their home on March 3, 2022. Although they soon released Vasyl, they transferred Dmytro to Russia, as the organization Reporters Without Borders found out when it interviewed a former prisoner held in the same detention center. This person detailed how special forces regularly interrogated and beat Dmytro. In February 2023, Reporters Without Borders learned that Russian authorities no longer held Dmytro in that facility but have been unable to learn his new whereabouts.

Professor Bílková, Dr. Hellestveit, and Dr. Šteinerte, we fully agree with you that Russia should "immediately cease the practice of arbitrary deprivation of liberty of Ukrainian civilians and unconditionally release all those thus detained." This includes the OSCE's three SMM staff members Russia has unjustly held for two years. We also appreciate your comprehensive recommendations to international organizations. We will do everything we can to assist Ukraine to collect and verify data on civilian detainees and to press for their release. We applaud the work of the civil society organizations that have also taken on this important task and which served as useful resources for your work.

Madam Chair, as this well documented report demonstrates, the Moscow Mechanism is as relevant a tool today as when it was first created in 1991. As long as participating States like Russia ignore their OSCE commitments and blatantly violate international law, we will need the Moscow Mechanism to spotlight these failures and offer solutions consistent with OSCE principles.

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