



**Permanent Mission of Ukraine**  
to the International  
Organizations in Vienna

**STATEMENT BY THE DELEGATION OF UKRAINE  
AT THE 86<sup>TH</sup> JOINT FSC-PC MEETING**  
(23 November 2022)

**Agenda item 1, Security Dialogue «International Humanitarian Law  
in the OSCE region»**

Dear Ambassador Deuxchaisnes, dear Ambassador Halacinski,  
Distinguished colleagues,

Ukraine has aligned itself with the EU Statement. Let me also make some remarks in my national capacity.

Let me warmly welcome our today's keynote speakers and thank them for their valuable contributions to our today's discussions. Ukraine firmly believes that all norms and principles of International Humanitarian Law must be fully respected and faithfully implemented by all states.

As stated in the concept note to this FSC-PC meeting, our goal today is to remind States of the all-encompassing aspects of International Humanitarian Law, in the politico-military domain and beyond. Fully sharing this approach of the FSC Chairpersonship and OSCE Chairpersonship-in-Office we cannot but express our hope that this reminder will be properly addressed to one participating state that initiated and continues to wage the biggest war in Europe since the end of the Second World War.

From the very beginning of the armed aggression against Ukraine in 2014, the Russian Federation has systematically violated the norms of international humanitarian law, in particular the Geneva Conventions, to which it is a party, and their protocols, as well as a number of other international treaties of the system of the Hague and Geneva Conventions.

One of the most flagrant is the continued violation by the aggressor state of the most important norms and principles of international humanitarian law applicable to civilians in time of war.

The Russian armed forces cynically disregard the norms of IHL, deliberately shelling the civilian infrastructure of Ukrainian cities and humanitarian corridors, carrying out mass executions in the occupied territories, or forcing Ukrainian citizens to serve in the Russian army.

Russian invaders arbitrarily kill and torture civilians, rape women and children, and shoot doctors, clerics and journalists. Cities surrounded or captured by Russia lack water, food, medicine, and electricity; the invaders also shell food bases, schools, hospitals, do not

allow humanitarian convoys to pass, deprive entire regions of communication with the rest of the world and bring them to a humanitarian catastrophe.

Such actions constitute a wilful violation of the Geneva Convention for the Protection of Civilian Persons in Time of War and the relevant requirements of customary international humanitarian law.

According to the Office of the UN High Commissioner for Human Rights (OHCHR), as of 21 November 2022, at least 6,595 civilians were killed and 10,189 were wounded as a result of the large-scale Russian invasion of Ukraine.

In its recent report entitled «Like a Prison Convoy»: Russia's Unlawful Transfer of Civilians in Ukraine and Abuses During «Filtration», Amnesty International has documented details of how the Russian forces forcibly transferred civilians to the territories of Ukraine temporarily occupied by the Russian Federation or to the Russian territory preventing people from the evacuation to the Government-controlled territories of Ukraine. It is particularly disturbing that children are among those subjected to the so-called «filtration measures».

Moreover, despite the clear ban set out in the IV Geneva Convention, which unequivocally prohibits any kind of engagement of the local population in the armed service of an occupying power, the Russian occupation authorities continue to mobilise Ukrainian citizens in the temporarily occupied territories and draft them for mandatory service in the Russian armed forces.

The fate of the Ukrainian prisoners of war continues to cause great concern. I would like to draw your attention to the recent report by the UN Human Rights Monitoring Mission in Ukraine on the prisoners of war published on 15 November 2022. In this document, the OHCHR has documented serious violations of International Humanitarian Law and gross violations of human rights law committed by the Russian forces including facts of ill-treatment and torture.

Most of the Ukrainian former prisoners of war interviewed by the Mission said that they were tortured and treated cruelly during captivity. According to those interviewed, they were intimidated and humiliated every day. They were beaten, including with batons and wooden hammers, kicked and tortured with Tasers and a military phone known as TAPik.

We call on all participating States to condemn regular Russia's denial of access to humanitarian organisations to the Ukrainian prisoners of war. As was mentioned in the said report of the UN Human Rights Monitoring Mission, while the Government of Ukraine provided OHCHR confidential access to prisoners of war, the Russian side continued to ignore respective requests.

In June 2019, Russia withdrew from the First Additional Protocol to the Geneva Conventions Relating to the Protection of Victims of International Armed Conflicts, already then deliberately trying to avoid responsibility for its future crimes. However, the partial withdrawal of the Russian Federation from the mechanism of the Geneva Conventions does not mean the removal of responsibility from the aggressor state for violating the norms of international humanitarian law and war crimes during the armed aggression against Ukraine.

As we all know, under international law, war crimes have no statute of limitations and all people responsible for the atrocities committed in the Russian war of aggression against Ukraine should be punished.

In this regard, I would like to recall the decision of the District Court of The Hague on 17 November 2022 that found guilty and sentenced to life imprisonment of three persons responsible for the shooting down of the MH17 flight resulting in the deaths of 298 people

on board. Russia lied a lot about this catastrophe then, as it is lying now about the so called "special military operation in Ukraine".

We consider the verdict of the Hague Court to be the first stage of the big trial against Kremlin's criminal regime.

Dear Colleagues,

Currently, the Government of Ukraine is negotiating the conclusion of a Cooperation Agreement between Ukraine and the Commission on Missing Persons, as well as Cooperation Agreements with the International Criminal Court and the establishment of a Regional Office of the ICC in Ukraine.

These international treaties will allow the Ukrainian side to better document the violation of the principles and norms of IHL by Russia and, accordingly, in the future will help ensure the prosecution of war criminals. Future cooperation between the Government of Ukraine and the Commission on Missing Persons will also make it possible to identify the fallen defenders of Ukraine in the absence of their relatives who, fleeing the war, went abroad.

The aggressive war of Russia against Ukraine, unfortunately, showed the failure of the system of international governmental and non-governmental humanitarian organizations to effectively influence the aggressor state in order to ensure its compliance with the norms of international humanitarian law.

As the International Committee of the Red Cross is called upon to provide protection and assistance to victims of armed conflicts, the issue of the failure of the ICRC to fulfil its mandate under the condition when the aggressor state does not provide access to the territories controlled by it has become especially acute.

At the same time, the Russian aggression against Ukraine clearly demonstrated the fact that in a totalitarian society, which is the terrorist state of the Russian Federation, the National Red Cross Society a priori cannot act impartially. We are witnessing how the Russian National Society in its activities openly disregards the fundamental principles of the Red Cross Movement, and, above all, the principle of impartiality, neutrality and independence.

Therefore, the need for a revision of the entire system of guaranteeing the implementation of international humanitarian law is obvious, primarily in terms of ensuring accountability for violations of its norms, as well as strengthening legal instruments for punishing all those responsible for such violations.

We firmly believe that the joint actions of the international community are the only way to stop Russian aggressive war against Ukraine, prevent further gross violations of International Humanitarian Law and hold all perpetrators accountable.

Thank you.