



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

## **Statement on russia's war of aggression against Ukraine, including illegal attempts to legalize the occupation of the Eastern and Southern Ukraine**

As for delivery by Ambassador Yevhenii Tsymbaliuk, Permanent Representative of Ukraine to the International Organizations in Vienna,  
to the 1392<sup>nd</sup> meeting of the OSCE Permanent Council

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### **Mr. Chairperson,**

First of all, I would like to thank to the Chairpersonship for inviting Olena Zhuk, the Head of Zaporizhzhia Region Council, as a special guest.

As well I am grateful to Olena Zhuk for being with us today and for sharing first-hand information about the situation in the region, as Zaporizhzhia is suffering from russia's missile terror.

As we were just informed by Olena, even this early morning russia's missiles hit residential buildings at the centre of Zaporizhzhia. It is pure state terrorism, isn't it?

Especially her testimony is important at a time when in the course of the last week the aggressor state organized a spectacle and farce trying to fool the world around with yet another attempt to annex Ukrainian territories, including a part of the Zaporizhzhia region.

As it was a case in the past, what we hear from representatives of the local self-government clearly shows that people never wanted russia there.

And I want also to thank OSCE Chairman-in-Office Rau, Parliamentary Assembly President Cederfelt, OSCE Secretary General Schmid and OSCE PA Secretary General Montella for their joint statement condemning russia's another attempt to annex Ukrainian territories.

The fact that the russian president at his speech was using so many times the words – 'never' and 'forever' – is yet another evidence that he is very bad in history. And the real life has just proved that.

It took only a few days for the Ukrainian defenders to liberate dozens of settlements from the russian annexation.

In Kherson region, Kharkiv region, Luhansk region and Donetsk region.

At the same time, russia's unlawful attempt to annex the territories has clearly demonstrated that all kremlin's signals of readiness for negotiations were only a cover operation for the armed aggression.

However, an attempt of the aggressor to declare annexation of territories from which his troops are fleeing is also a sign of weakness.

No doubts, it would be an interesting case for historians and lawyers in the future to coin a term to describe it. However, today we can clearly characterize it as a despair.

It appears that putin sincerely believes that writing Donetsk, Zaporizhzhia, Kherson and Luhansk into russia's constitution can help him to keep what he is trying to steal by force from Ukraine.

It only devalues russia's basic law. But has it ever had a value? By signing worthless decrees, putin disintegrates his own government and further isolates his regime in the world.

And it is also interesting that vladimir putin recalls the russian constitution only when he wants to consolidate his power and prolong his tenure in the office, to restrict human rights and freedoms in russia as well as to redraw borders in Europe by force.

And I strongly believe that russian people would be really happy if this constitution is respected in russia itself by russian authorities. Not to abuse power but to respect human rights, to ensure rule of law, to release all political prisoners, to provide basic freedoms for national minorities and indigenous people instead of using them for kremlin's militaristic purposes.

It is also illustrative how russians vote with their feet in search of a better life after the announcement of the so-called partial mobilization. At least this demonstrates that they do not want to be cannon fodder in putin's imperialistic war.

At the same time, recent developments also shows that Mr. putin was also not good in studying law when he was a student of the law faculty at then Leningrad State University.

Otherwise, he would be aware of the Saint Petersburg school of law and its contribution to international humanitarian law.

Especially of the Hague Conventions, which were among the first formal statements of the laws of war and war crimes.

He would be also aware about the Martens Clause, suggested by well-known representative of the Saint Petersburg school of law, providing that "the population and the belligerents remain under the protection and the rule of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity, and the dictates of the public conscience".

However, a new periodic report prepared by the UN Human Rights Monitoring Mission in Ukraine additionally highlights that ongoing armed attack by putin's regime against Ukraine has had a devastating impact on the enjoyment of human rights across the country.

This includes willful killings and numerous cases of arbitrary detention and enforced disappearance, torture and ill-treatment, and conflict-related sexual violence.

According to very conservative estimation, HRMMU has recorded 5,996 civilian deaths and 8,848 injuries, including 382 children killed.

In this regard let me recall only one recent missile attack on Zaporizhzhia on September 30, when three russian missiles hit the checkpoint on the road. Only this one attack wounded 122 people and claimed lives of 30. This was one of thousands of strikes that have occurred since 2014.

HRMMU also confirmed that Ukrainian prisoners of war were subjected to torture or cruel and degrading treatment by the detaining power. The death of two Ukrainian servicemen as a result of torture was also documented.

So far, the UN has not been granted access to the facilities in Olenivka where russia committed a mass murder of Ukrainian POWs.

**Esteemed colleagues,**

As a former student of the law faculty, the head of the Russian regime must be well aware that committing war crimes and crimes against humanity and the crime of aggression entail the responsibility, including criminal.

Following Putin's annexation attempts, Ukraine has officially informed the International Court of Justice that this step blatantly violates its legally binding Order on Provisional measures issued on March 16<sup>th</sup>.

Ukraine has also urged the Court to hear the case on merits as soon as possible.

But we have to complete these international efforts with the establishment of a Special Tribunal for the crime of aggression.

This crime of aggression is too serious to allow Putin to get with it away. At the same time this crime is accompanied with a wide range of other wrongdoings.

A long list of these crimes was extended yesterday with yet another atrocity – by signing null and void decree Putin attempted to take the ZNPP under Russia's operational control.

It is now clear what was the goal of the illegal detention of Ihor Murashov, Director General of the ZNPP, which took place a few days before.

This crime has no precedents and further undermines our nuclear security.

That's why, the terrorist-state must face political, economic and legal consequences for that, including by imposing sanctions against Rosatom.

We emphasize, once again, the urgent need to mobilize international efforts with a view to demilitarize and de-occupy the ZNPP and return the facility under control of Ukraine as the only way to eliminate the threats to nuclear security.

The attempted annexation of new territories will also lead to forced mobilization of population which is supposed to be under the protection of international law.

Labeling this as a war crime would be not enough. People are seeking for the protection and monitoring from the international organizations as they are trying to flee from the occupied territories.

According to the Crimean Human Rights Group, as of September 11<sup>th</sup>, 397 criminal cases were documented in Crimea because of the draft evasion.

The mobilization of residents of the occupied territories, especially of Crimea, will help the Russian regime to implement its long-term strategy of demographic changes and replacing the local population of the peninsula with its own citizens.

All this deserves our proper response.

In this regard, we are grateful to partners who have already announced new sanction and military packages for Ukraine. This is the very right response to Russia's blackmailing, especially in the light of attempts to heat up its nuclear threats with even more information attacks to follow.

At the same time, we strongly believe that restrictive measures on Russia must be significantly increased and meet the scale of Russia's threat. Russia's fossil fuels remain its main source of financing the war of aggression against Ukraine. The reliance on them must be ended.

As well, the OSCE badly needs to develop a short-term and a long-term strategy how to deal with the unfolding Russia's crisis. We need a holistic approach to address it, including by monitoring the developments there.

**Dear colleagues,**

It is very inspiring to see that despite Russia's attempts to escalate the situation, our unity has become even stronger.

During this week more Ukrainian flags appeared in the liberated areas and there will be even more.

Let me reassure you, we continue liberating our land and our people until our territorial integrity is restored.

**I thank you, Mr. Chairperson.**