



EUROPEAN UNION

OSCE Permanent Council No. 1382 Vienna, 14 July 2022

EU Statement on “Moscow Mechanism invoked by 45 OSCE participating States following consultation with Ukraine”

1. The European Union welcomes Prof. Dr. Veronika Bílková, Prof. Dr. Laura Guercio and Prof. Dr. Vasilka Sancin and thanks them for their comprehensive report. This report was prepared in accordance with the OSCE Moscow Mechanism, re-invoked – with the support of Ukraine - by 45 participating States, including all EU Member States, in light of our continued grave concerns regarding the ongoing human rights and humanitarian impacts of Russia’s brutal and illegal war of aggression against Ukraine, supported by Belarus, which we condemn in the strongest terms.
2. We thank the experts for their impartial assessment and their efforts in gathering the relevant information on violations of international humanitarian and human rights law, possible war crimes and crimes against humanity, committed in Ukraine, and we thank Ukraine for its invitation and for facilitating this immense task for the second time. We also express our appreciation to the ODIHR for its technical assistance to the Mission. As the Kremlin continues its shameful disinformation and propaganda campaign to hide or cynically deny the plain facts of Russia’s brutal attacks on civilians in Ukraine, collection of reliable information on the ground remains crucial.
3. Regrettably, the second Mission confirmed and complemented the conclusions reached by the first Mission on the clear patterns of serious violations of international humanitarian law attributable mostly to the Russian Armed Forces., The magnitude and frequency of the indiscriminate attacks carried out against civilians and civilian objects, including in sites where no military facility was identified, is credible evidence that these hostilities were conducted by the Russian Armed Forces disregarding their fundamental obligation to comply with the basic principles of distinction, proportionality and precaution that constitute the fundamental basis of international humanitarian law (IHL). We note positively that,

as the Mission reports, the Armed Forces of Ukraine comply with the IHL program, which includes specific trainings.

4. Moreover, the report concludes that the signs of torture and ill-treatment on the corpses of killed civilians also show disregard of the principle of humanity that should guide the application of IHL in military operations. The events concerning the towns of Bucha and Irpin - visited by the Mission - as well as many other Ukrainian towns and villages under Russian military control, including Mariupol, are considered as emblematic examples of these grave breaches of IHL under the Geneva Conventions and their Additional Protocols, which are under investigation by the ICC as war crimes.
5. The report also confirmed that international human rights law (IHRL) has been extensively violated. Some of the most serious violations include targeted killing of civilians, including journalists, human rights defenders, or local mayors; unlawful detentions, abductions and enforced disappearances of such persons; large-scale forced deportations of Ukrainian civilians to Russia; various forms of mistreatment, including torture, inflicted on detained civilians and prisoners of war; the failure to respect fair trial guarantees; and the imposition of the death penalty. Concerns have also been raised about children who have gone missing. Most, albeit not all, violations have been committed in the territories temporarily under Russian military control, including in the non-government controlled Donetsk and Luhansk regions of Ukraine, and are largely attributable to Russia.
6. The Mission has reported on two new alarming phenomena: (i) the establishment and use of so-called "filtration" centres by Russia and (ii) the attempts by Russia to bypass its international obligations by handing detained persons over to the non-government controlled areas of the Donetsk and Luhansk regions of Ukraine, letting their proxies engage in inhuman, degrading and irreversible practices, including the imposition of the death penalty. The report upheld some patterns of Russian violent acts violating IHRL, such as targeted killing, enforced disappearance or abductions of civilians. Any of these reported acts committed against any civilian population, as part of a widespread or systematic attack and with knowledge of it, constitutes a crime against humanity. Moreover, such patterns have become more evident in the period under scrutiny.

7. The report also confirmed the very negative impact of Russia's war on the enjoyment of economic, social, and cultural rights, such as the right to education, health, social security, food and water and to a healthy environment. In particular, we note with grave concern that, according to the evidence gathered by the Mission, Russia's intentional attacks on schools and other civilian facilities can be proved on a large scale, which refutes its claims that the destruction of civilian facilities was collateral damage.
8. The perpetrators of war crimes or crimes against humanity, as well as any responsible State officials and military leaders, must be and will be held accountable according to international law. The EU supports all measures to ensure accountability for human rights and IHL violations and we call on all participating States to do likewise. We commend the tireless efforts and contributions of civil society and human rights defenders to this end. The OSCE Moscow Mechanism reports are an essential contribution to an initial collection and analysis of facts with a view to present it to accountability mechanisms that have, or may have in the future, jurisdiction. We welcome that the reports' findings already feed into the work of the UN Commission of Inquiry. It rests upon OSCE participating States and the wider international community to ensure that necessary follow-up actions are undertaken, including through the further use of OSCE tools and mechanisms.
9. We repeat our call on Russia to fully respect Ukraine's independence, sovereignty and territorial integrity within its internationally recognised borders and territorial waters. We demand that Russia immediately and unconditionally cease its military actions and withdraw all its troops from the entire territory of Ukraine, including the illegally annexed Crimean peninsula. We also reiterate our call on Belarus, to stop enabling the Russian aggression and to abide by its international obligations.

The Candidate countries REPUBLIC of NORTH MACEDONIA*, MONTENEGRO*, ALBANIA*, UKRAINE and REPUBLIC OF MOLDOVA, the Potential Candidate countries BOSNIA and HERZEGOVINA* and GEORGIA, the EFTA country ICELAND, member of the European Economic Area, as well ANDORRA, MONACO and SAN MARINO align themselves with this statement.

* Republic of North Macedonia, Montenegro, Albania and Bosnia and Herzegovina continue to be part of the Stabilisation and Association Process.