



Permanent Mission of Ukraine
to the International Organizations in Vienna

**Statement by the Delegation of Ukraine
on the OSCE Moscow Mechanism invoked by 45 participating States,
following consultations with Ukraine, to address the arbitrary deprivation of liberty
of Ukrainian civilians by the russian federation as part of russia's war of aggression
against Ukraine**

As delivered by Viktoriya Kuvshynnykova, Chargée d'Affaires a.i,
Permanent Mission of Ukraine to the International Organizations in Vienna,
to the 1470th meeting of the Permanent Council,
25 April 2024

Madam Chairperson,

The Delegation of Ukraine expresses its gratitude to the distinguished experts Prof. Veronika Bílková, Dr. Cecilie Hellestveit and Dr. Elīna Šteinerte for the preparation of the independent international report under the OSCE Human Dimension Moscow Mechanism, in line with the mandate established by 45 OSCE participating States and Ukraine, to address the arbitrary deprivation of liberty of Ukrainian civilians by the russian federation as part of russia's war of aggression against Ukraine.

We highly value that Mission was able to visit Ukraine in March 2024 to meet with the representatives of Ukrainian authorities, NGOs, civil society, as well as victims and witnesses.

We view the refusal of the russian federation to cooperate with the Mission of the consensual OSCE mechanism as a clear indication of russia's full responsibility for the investigated crimes.

russia's behavior is a sound demonstration yet again that, at present time, it doesn't make part of the civilized nations.

Distinguished colleagues,

The "Report on violations and abuses of international humanitarian and human rights law, war crimes and crimes against humanity, related to the arbitrary deprivation of liberty of Ukrainian civilians by the russian federation" is a result of a significant work accomplished by the independent Mission of experts, and is a first comprehensive international report dedicated to this critically important issue.

We find it extremely important that the Mission established that the practice of arbitrary deprivation of liberty of Ukrainian civilians by the russian federation has occurred on a massive scale and has signs of a systematic, consistent, deliberate pattern of conduct targeting specifically Ukrainian civilians.

It started in the occupied Crimea in 2014, and has been further applied by the aggressor-state since the full-scale invasion of Ukraine on 24 February 2022. The Mission concluded that “there are reasonable grounds to believe that both the war crime of “unlawful confinement” and the crime against humanity consisting of “imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law” have been committed” against the arbitrary detained Ukrainians.

In addition, the experts found that “extrajudicial killings of Ukrainian civilian detainees by the Russian authorities, as well as the failure to investigate properly allegations of such killings, constitute a serious violation of IHRL and IHL and may amount to a war crime and a crime against humanity.”

Moreover, “the information gathered as well as testimonies received by the Mission clearly indicate widespread and systematic use of torture by the Russian authorities against detained Ukrainian civilians”, and that Ukrainian civilians arbitrary detained by the Russian Federation have been subjected to other cruel, inhuman or degrading treatment or punishment, sexual violence and other forms of serious mistreatment.

The Report concluded that Ukrainian civilians arbitrary detained by Russia “have died due to the injuries suffered as a result of torture and other cruel, inhuman degrading treatment or punishment. ... there are also reports of detainees dying due to ignoring health problems in the penitentiary facilities as well as Crimean political prisoners being sent for forced psychiatric examinations”.

It was also clearly identified by the Mission that the Russian Federation “has disrespected and continues to disrespect the special status of three staff members of the OSCE Special Monitoring Mission (SMM), arbitrarily detaining for almost two years now and subjecting them to trial for activities carried out while working for the SMM.”, and that “The continued detention of staff members of the OSCE SMM is incompatible with OSCE commitments arising in respect to Russia.”.

We call on the Russian Federation to immediately cease the criminal practices of the arbitrary deprivation of liberty of Ukrainian civilians and to ensure their immediate and unconditional release, as well as swiftly implement all other Mission’s recommendations.

Distinguished experts,

We are confident that your Mission’s sound conclusions regarding considerable amount of violations and abuses of international humanitarian and human rights law, war crimes and crimes against humanity, related to the arbitrary deprivation of liberty of Ukrainian civilians by the Russian Federation, will significantly contribute to the international efforts and accountability mechanisms to ensure justice and hold to account the masterminds and perpetrators these heinous crimes.

We call on the OSCE and its autonomous institutions, in particular ODIHR, to remain seized of the matter and undertake further steps to address the devastating consequences of the ongoing Russia’s war of aggression against Ukraine.

I kindly ask that this Statement be attached to the Journal of the Day.

Thank you, Madam Chairperson.