



EUROPEAN UNION

OSCE Permanent Council No. 1369 Vienna, 13 April 2022

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

1. The European Union welcomes Professor Wolfgang Benedek, Prof. Dr. Veronika Bílková and Prof. Marco Sassoli to the Permanent Council and thanks them for their report. The report was prepared in accordance with the OSCE Moscow Mechanism, invoked – with the support of Ukraine - by 45 participating States, including all EU Member States, in light of our grave concerns regarding the human rights and humanitarian impacts of Russia’s brutal and illegal war of aggression against Ukraine, which we condemn in the strongest terms.
2. We thank the experts for their impartial assessment and their efforts in gathering the relevant information, and we thank Ukraine for its invitation and for facilitating this immense task. We note that Ukraine has expressed its gratitude to the experts for the “tremendous work accomplished”. We also express our appreciation to ODIHR for its technical assistance to the Mission. This war is not only fought on the ground. It is clear that the Kremlin is also waging a shameful disinformation campaign in order to hide the facts of Russia’s brutal attacks on civilians in Ukraine. Reliable information and collection of facts have therefore never been as important as today.
3. The report identifies violations on both sides but its conclusion is clear: “The violations committed by the Russian Federation are by far larger in scale and nature”. The report, regrettably, depicts the appalling and devastating reality of clear patterns of violations of international humanitarian law by the Russian Armed Forces in their conduct of hostilities. The report also confirms that much

of the conduct of Russian Armed Forces displayed in the parts of Ukraine it temporarily occupied before and after 24 February 2022, including through its proxies in the Donetsk and Luhansk oblasts, violates international humanitarian law of military occupation. The Mission has found credible evidence suggesting that such violations, concerning even the most fundamental human rights: the right to life, prohibition of torture and other cruel, inhuman and degrading treatment and punishment, have been committed mostly in the areas under the effective control of Russia or entities under overall control of Russia. Furthermore, the Mission has found that while the conflict has affected all inhabitants of Ukraine, it has had and continues to have a disproportionately negative impact on persons belonging to vulnerable groups, including women and children, the elderly or persons with disabilities. The report also identifies patterns of violent acts violating international human rights law, such as targeted killings, enforced disappearances or abductions of civilians, including journalists and local officials, stating that any single violent act of this type, committed as part of such an attack and with the knowledge of it, would constitute a crime against humanity.

4. The European Union notes the call of the experts for further investigation, in particular to establish individual criminal responsibilities for war crimes. As we have already stated, there will be no impunity for war crimes and crimes against humanity. In particular, we are shocked and appalled by the reported massive atrocities committed by the Russian Armed Forces in Bucha and Borodianka, as well as in Irpen, Hostomel, Ivankiv and other places that have now been liberated by Ukraine. We strongly condemn the ongoing ghastly siege of Mariupol and the constant shelling of other places, including Chernihiv and Kharkiv. The brutal, indiscriminate bombing of defenceless civilians, including children, will be another blood stain on the conscience of those who decided to wage this senseless war. This will be the case for the bombing of the Mariupol Children's hospital, which, as the Mission concludes, was destroyed by a Russian attack. It will also be the case for the attack in Kramatorsk last week and the reported use of cluster munitions and other UN-prohibited weapons in residential areas. 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. The EU supports all measures to ensure accountability for human rights and international humanitarian law 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 report is an essential contribution to a first collection and analysis of facts with a view to present it to accountability mechanisms that have, or may have in the future, jurisdiction. It is now up to 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.

5. 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. Russia must also urgently and unconditionally provide safe pathways, both for civilians to evacuate to other parts of Ukraine, as well as for those delivering humanitarian assistance. We also reiterate our call on the co-aggressor, Belarus, to stop enabling the Russian aggression by allowing Russian Armed Forces to use its territory and to abide by its international obligations. We stand by Ukraine in these dark hours.

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

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

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