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Delegation of the Russian Federation

**STATEMENT BY
MR. MAXIM BUYAKEVICH, DEPUTY PERMANENT REPRESENTATIVE OF
THE RUSSIAN FEDERATION, AT THE 1470th MEETING OF THE
OSCE PERMANENT COUNCIL**

25 April 2024

**In response to the address by the Secretary General of the Council of Europe,
Ms. Marija Pejčinović Burić**

Madam Chairperson,
Madam Secretary General,

Last year, in this room, we presented arguments for your consideration regarding the fallacy of pursuing involvement by the Council of Europe in the hybrid aggression against Russia. We spoke in detail about how pernicious it was for a once respected pan-European organization to align itself with the policy now in vogue in the West of denying Russia's right to have any national interests, including the protection of its security and the lives and dignity of its citizens. Judging by the obstinacy with which the Council of Europe continues to promote pseudo-legal Russophobic initiatives, it would seem that we were never heard. We shall try to structure our exchange of opinions today so that it takes place on a more substantive, juridical plane.

Let me begin with what is known to us: at a forthcoming meeting of the Committee of Ministers of the Council of Europe, the Council's Strasbourg-based Secretariat may be given authorization to submit its preliminary work on setting up some sort of "special tribunal on the crime of aggression" for consideration by the so-called Core Group. For the benefit of those not in the know, I should explain that this refers to the conclusion of a specific agreement with the authorities in Kyiv on the creation of a "special tribunal".

In this connection, I should like to address my words today to diplomats and experts who retain their good sense and political vision and also to those who have perhaps not lost these qualities altogether.

From a juridical point of view, the Council of Europe as an international organization is entitled to exercise only those powers with which it has been invested by its member States. As is known, the administration of criminal justice does not belong to the powers of the Council of Europe. Moreover, criminal justice is a sensitive area of State sovereignty. To presume that the corresponding functions can be transferred or to speak of their being tacitly delegated by States to an international entity is quite impossible. This Strasbourg-based entity has no right to establish a "special tribunal" insofar as it is not a regional organization tasked with the maintenance of peace and security. If even the United Nations General

Assembly cannot, by virtue of one of its decisions, create a criminal tribunal, is there really anyone out there who envisages the Committee of Ministers of the Council of Europe as having such powers?

It follows from the sovereign equality of States that officials enjoy immunity from foreign criminal jurisdiction. The acts of officials are acts by States, and a State has no right to try another State in its courts. Put simply, States cannot transfer to an international organization powers that they do not themselves have. That is an axiom of law, as is the principle that criminal law does not have retroactive effect. For that reason, the Council of Europe cannot set aside the immunity of Russian officials and the kangaroo court-like projects that it is fostering will be legally null and void and will not give rise to any obligations for Russia.

The implementation of that “tribunal” initiative is fraught with deleterious consequences. Sooner or later the situation regarding Ukraine will move to a stage involving an international diplomatic settlement process on the basis of mutual consideration of security interests. The presence of loathsome anti-Russian mechanisms will not bring peace closer in Europe. On the contrary, it will seriously complicate the building of inter-State relations in the future. If one is not willing to facilitate a real solution to the crisis, the responsible thing to do is to at least not obstruct the stabilization process that lies ahead.

Not to mention the fact that such antics will definitively put paid to what is left of the credibility of the Council of Europe and turn it exclusively into a tool of the anti-Russian policy of States that are hostile to our country.

In closing, we wish to warn the apologists for pseudo-legal constructs that infringements of the immunities of Russian officials and encroachments on State assets of the Russian Federation – should anyone have the audacity to go down that path – will give us free rein to take measures in response. And such response measures, I stress, may not necessarily be symmetric. Those who stir up legal anarchy must be prepared for the consequences of that. Before proceeding to destroy the existing international system, just think about how these populist Russophobic initiatives will subsequently boomerang back on their originators. Or do the present crop of politicians continue to stick to the logic of *après nous le déluge*?

Incidentally, the creative endeavours of the Council of Europe as regards “tribunals” are being watched with interest by many countries in the global East and South, which are keeping their own tally of the numerous real crimes of Western colonialism in the hope that justice will be restored.

Thank you for your attention.